

(2020) 07 CAT CK 0037

In the Central Administrative Tribunal

Case No : Original Application No. 951 Of 2020, Miscellaneous Application 1175 Of 2020

Virender Singh Yadav & Others

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 28-07-2020

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19

Citation : (2020) 07 CAT CK 0037

Hon'ble Judges : R.N. Singh, Member (J); Aradhana Johri, Member (A)

Bench : Division Bench

Advocate : M.K. Bhardwaj, S.M. Zulfiqar Alam

Final Decision : Disposed Of

Judgement

R.N. Singh, Member (J)

MA No.1175/2020

1. The applicants, nine in numbers, have filed the present MA seeking permission for joining together. Learned counsel for the applicant submits that applicants want to file aforesaid OA jointly. Learned counsel for the applicants Shri Bhardwaj submits that the grievances of the applicants are identical and the applicants are similarly placed.

2. Issue notice.

3. Shri S. M. Zulfiqar Alam, learned counsel appearing on advance service on behalf of the respondents, accepts notice. For the reasons given therein in the MA and keeping in view no objection from the learned counsel for the respondents, MA is allowed.

OA No.951/2020

The present OA has been filed under Section 19 of the Administrative Tribunals

Act, 1985 by the applicants seeking antedating of their promotion to the post of Superintendent in Customs and Central Excise under the respondents w.e.f. 01.04.2016 in view of the fact that their juniors were also promoted with effect from such date.

2. Shri Bhardwaj, learned counsel for the applicants, submits that such claim of the applicants is squarely covered by the judgment of this Tribunal dated 12.05.2016 passed in OA No.3405/2014 (Annexure A/4) which he claims that that has been affirmed by the Hon'ble High Court of Delhi and the same has attained finality in as much as the respondents have implemented the same. Shri Bhardwaj, learned counsel for the applicants, submits that for redressal of their grievances, the applicants have preferred representations (Annexure A-10 Collectively) and in spite of lapse of more than four months, the same have not been considered and disposed of by the respondents.

3. Issue notice.

4. Shri S.M. Zulfiqar Alam, learned senior Central Government counsel appears on behalf of the respondents on advance service and accepts notice.

5. Shri Bhardwaj, learned counsel for the applicants, submits that the applicants shall be satisfied, if the present OA is disposed of at this very stage with direction to the respondents to consider the aforesaid representations of the applicants and to dispose of the same in a time bound manner. Shri M.K.Bhardwaj, learned counsel for the applicants further submits that the respondents should also consider the latest judgment of the Hon'ble High Court of Delhi on the subject particularly annexed as Annexure A-11 to the OA. To such prayer, learned counsel for respondents does not have any objection.

6. In view of the aforesaid facts and circumstances and without going into the merit of the claim of the applicants, the present OA is disposed of with a direction to the respondents to consider the aforesaid representations (Annexure A-10 (Collectively) of the applicants in accordance with the law and to dispose of the same by passing a reasoned and speaking order as expeditiously as possible in any case within 90 days of receipt of a copy of this Order.

7. The present OA is disposed of in the aforesaid terms. However no order as to costs.