

(2020) 10 CAT CK 0111

In the Central Administrative Tribunal

Case No : Original Application No. 1367 Of 2020, Miscellaneous Application No. 1709, 1710 Of 2020

Yogesh Kumar & Others

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 19-10-2020

Acts Referred:

Citation : (2020) 10 CAT CK 0111

Hon'ble Judges : L. Narasimha Reddy, J; Aradhana Johri, Member (A)

Bench : Division Bench

Advocate : Puspender Yadav, Ashok Sharma

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J

MA No.1710/2020

1. Application for joining together in a single petition is allowed.

OA No.1367/2020

2. The applicants took part in the Common Graduate Level Examination (CGLE)-2004, conducted by the Staff Selection Commission. They were

selected as Inspectors and were allocated for the Bangalore Commissionerate. Initially 62 candidates were allocated to Bangalore Commissionerate.

However, on the ground that only 32 vacancies are available, the dossiers of remaining candidates including those of the applicants were returned.

Thereafter, the applicants were allocated Mumbai Commissionerate Zone. In the process, the date of joining of the applicants was delayed by about of

about seven months and there was also delay in promotion to the next higher post. The applicants were promoted w.e.f 01.04.2016 whereas those

who joined in Bangalore Collectorate were promoted w.e.f. 01.04.2016.

3. This OA is filed with a prayer to direct the respondents to fix notional the seniority at par with their batch mates, that too, by antedating their promotion w.e.f. 01.04.2016. Certain other ancillary prayers were also made.

4. We heard Shri Pushpinder Yadav, learned counsel for the applicants and Shri Ashok Sharma, learned counsel for the respondents at the stage of admission in detail.

5. It is no doubt true that the applicants and several others appeared in the CGLE, and initially they were selected to the post of Inspector in the

Customs and Central Excise. The fact, however, remains that while those who were allocated to Bangalore Commissionerate joined earlier, the

applicants had to join 7 months later in the Mumbai Commissionerate. Naturally, the seniority needs to be reckoned in the respective units of

appointment and based upon the date of joining. The question that the applicants comparing themselves with those who were appointed in the

Bangalore Commissionerate does not arise. Similarly, the promotion to the net higher post would take place, depending upon the availability of the

vacancies in that unit, and the incumbents in the feeder category have to take chance depending upon their seniority. Once the applicants are from

different unit of appointment, they cannot compare themselves with the Inspectors from other Commissionerate.

6. We do not find any merit in the OA. It is accordingly dismissed. There shall be no order as to costs.