

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD (TELANGANA)
NO. 5-10-193, 1ST FLOOR, HACA BHAVAN, HYDERABAD - 500004

Order Sheet

Item no.: 11
O.A./699/2022 (TELANGANA)
[SENIORITY]
With
M.A./593/2022
IMPLEAD PETITION
Court No.: 1

No of Adjournment: 1

Order Dated: 26/10/2022

K VIJAYA BHASKAR REDDY
Vs
CENTRAL BOARD OF EXCISE

For Applicant(s) Advocate : KRKV PRASAD

For Respondent(s) Advocate : K RAJITHA, SR PC FOR CG

Order of The Tribunal

Heard Mr. KRKV Prasad, learned counsel for the applicant.

2. Mrs. K. Rajitha, learned Senior Panel Counsel accepted notice on behalf of the respondents and advanced her arguments.

3. Mr. J. Sudheer, learned counsel submitted that he has filed MASR 1484/2022 to implead his clients as party respondents to this O.A. and requested to take up this matter along with the Implead Petition.

4. Learned counsel for the applicant submitted that the applicant, who is a Direct Recruit, joined as Inspector of Central Excise in 1992. The seniority list of Inspector cadre dated 7.8.2002 was challenged by the Promotee Inspectors before this Tribunal and the said O.A. was allowed. The respondent Direct Recruits of the said

O.A. along with the respondent department assailed the said order before the Hon'ble High Court and got succeeded. The Hon'ble Supreme Court restored the order of the Tribunal with certain directions among which, the direction at Para 62(vi) is very crucial to determine the seniority of the Inspectors who were initially promoted on ad hoc basis and subsequently regularized. Learned counsel for the applicant argued that the said promotees' seniority has to be given from the date of availability of sanctioned post of Inspectors within 25% quota meant for promotees. Without following the above said parameter laid down by the Hon'ble Supreme Court, a draft seniority list was issued. Despite the objection raised by the applicant, final seniority list is also published vide letter dated 13.10.2022. Learned counsel for the applicant prayed for an interim direction to the respondents not to act upon the Final Seniority List in the grade of Inspectors in common cadre of Hyderabad/ Vizag Zone circulated vide letter dated 13.10.2022 to the extent of the Inspectors who were initially promoted on ad hoc basis and placed between S.No.341 and 681.

5. Learned counsel for the respondents vehemently opposed the interim prayer and submitted that in compliance of the order dated 15.3.2022 of the Hon'ble Supreme Court, they have passed the final seniority list of Inspectors as on 1.1.2002 vide letter dated 13.10.2022. If the applicant has any grievance over non-compliance of one of the directions of the Hon'ble Supreme Court, he has to approach the Hon'ble Supreme Court but not this Tribunal. It was further submitted by her that vide interim order dated 17.10.2022 in OA No.692/2022, this Tribunal stayed the conduct of DPC to the cadre of Assistant Commissioner till the Hon'ble Supreme Court's order dated 15.3.2022 is implemented in its entirety. In that scenario, if the present process is also stayed,

everything will be stagnated and nothing will move forward. She requested for three weeks' time for filing reply.

6. After hearing the learned counsel for the parties, this Tribunal is of the opinion that prima facie the applicant has not made out any case for grant of interim relief. Therefore, the prayer for grant of interim relief is rejected. Respondents are granted three weeks' time for filing reply.

7. List the matter along with MASR 1484/2022 on 22.11.2022 before Division Bench.

Sudhi Ranjan Mishra
Member (J)

/pv/