

ITEM NO.102 (PH)

COURT NO.5

SECTION IX/X

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS
CIVIL APPEAL NO. 1198 OF 2005

S.P. DUDEJA & ORS.

Appellant (s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for appropriate order/direction and directions
and impleadment)

WITH

W.P(C) NO. 385 of 2010

(With appln(s) for stay and impleadment and directions and
intervention and with office report)

Date: 03/08/2011 These matters were called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Appellant(s)

C.A. No. 1198/05

Mr. A.K. Ganguli, Sr. Adv.

Mr. J.K. Das, Sr. Adv.

Mr. S.K. Das, Adv.

Mr. Swetaketu Mishra, Adv.

Mr. Avijeet Bhujabal, Adv.

Mr. P.P. Nayak, Adv.

Mr. Parmanand Gaur, Adv.

W.P. (C) 385/10 &

impleading party/applicant

in C.A. No.1198/05

Mr. Vikash Singh, Sr. Adv.

Mr. Sibho Sankar Mishra, Adv.

For Respondent(s)

rr 4 & 5 in

C.A.1198/05

Mr. Lakshmi Raman Singh, Adv.

Ms. Udita Singh, Adv.

r-6 in

CA 1198/05

Mr. Jitendra Mohan Sharma ,Adv

Mr. Vibhor Verdhan, Adv.

r-1 in

C.A.1198/05

Mr. R.P. Bhatt, Sr. Adv.

Mr. Ashok Bhan, Sr. Adv.

Mr. Shailender Saini, Adv.

Mr. B.K. Prasad, Adv.

Mr. Arvind Kumar Sharma ,Adv

Intervener/applicant in

W.P.325/10

Mr. Sajith P. Warriar, Adv.

Mr. P.D. Baby John, Adv.

...2/-

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UPON hearing counsel the Court made the following

O R D E R

I.A. No.7 in Civil Appeal No. 1198 of 2005
is allowed and the amended memo of parties filed
along with the said application is taken on record.

The civil appeal and the writ petition are
disposed of in terms of the signed order. All
other applications are disposed of as having been
rendered infructuous.

(VINOD LAKHINA)
Court Master

(KUSUM GULATI)
Court Master

(SIGNED ORDER IS PLACED ON THE FILE)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE/ORIGINAL JURISDICTION

CIVIL APPEAL NO. 1198 OF 2005

S.P. DUDEJA & ORS.

...APPELLANTS

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

WITH

WRIT PETITION (CIVIL) NO. 385 OF 2010

VIMAL KUMAR & ANR.

...PETITIONERS

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

ORDER

I.A. No.7 in Civil Appeal No. 1198 of 2005 is allowed and the amended memo of parties filed along with the said application is taken on record.

We have heard learned counsel for the parties in Civil Appeal No. 1198 of 2005 and Writ Petition (Civil) No. 385 of 2010.

It has been brought to our notice that the Union of India in terms of our previous order/directions dated 22nd November, 2010 and 06th December, 2010, has filed an affidavit in Civil Appeal No. 1198 of 2005, inter alia, stating, that it has initiated the process of reviewing the Recruitment Rules, 1987 for promotion from Group 'B' posts to Group 'A' posts. The entire scheme is being re-looked and worked out at the departmental level in consultation with an expert body including the Department of Personnel and the entire process is likely to be completed by 31st December, 2011.

In the aforesaid background, we deem it proper and in the interest of all parties concerned to dispose of both the Civil Appeal as also the Writ Petition without expressing any opinion on the merits of the impugned judgment or the writ petition but with the following directions:

1. All the 3 groups of officers in the feeder categories i.e. (i) Superintendents of Central Excise; (ii) Superintendents of Customs (Preventive); and (iii) Customs Appraisers, may make representations to the Union of India suggesting the changes which according to them should be made in the Recruitment Rules for their promotion to Group-A post of Assistant Commissioner (Central Excise & Customs).

2. The Union of India shall duly consider all such representations including those made before it in light of the subsequent development in the cadre strength of the 3 feeder categories of group-B services and amend/revise the Recruitment Rules including altering the existing ratio to secure just and fair representation of all the 3 feeder categories.

3. Union of India shall try to complete the entire process by 31st December, 2011, uninfluenced by any observations made in the previous judgment of this Court in All India Federation of Central Excise vs. Union of India & Ors. [(1997) 1 SCC 520], in which the existing ratio was approved as also the observations in the impugned judgment dated 19th December, 2003 of the High Court in Writ Petition (Civil) No. 1324 of 2002 with regard to the jurisdiction of the Central Administrative Tribunal.

4. Having perused one of the Office Orders (No. 51/2011 dated 18th March, 2011), whereby some officers were promoted from Group 'B' to the grade of Assistant Commissioner of Customs & Central Excise in the Pay Band 3 with Grade Pay of Rs.5400/- on purely ad hoc basis, we direct that all such ad hoc promotions shall abide by the final decision to be taken by the Department in terms of this order.

The civil appeal and the writ petition are disposed of in the above terms. All other applications are disposed of as having been rendered infructuous.

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(D.K. JAIN, J.)

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(ASOK KUMAR GANGULY, J.)

NEW DELHI
AUGUST 03, 2011