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सी.सं.C.No.II/34/06/2014-सं/स्था-प्रा.नि.CCA.Estt.

दिनांक/Date 15/03/2018

To
The Commissioner of GST & Central Excise
Chennai Audit II Commissionerate

Sir,

Sub: Refixation of seniority in the grade of Inspector- Writ petition No.15352 of 2017 filed by the Department before the Hon'ble High Court Madras against the Hon'ble CAT order dated 17.02.2107 in OA No. 310/1580/2014 filed by Shri V. Gunasekaran-Interim order -Reg.

Ref: Audit II Commissioner's letter in C.No: II/03/14/2017-Estt, dated 13.11.2017 and this office reply in even number dated 18.12.2017

This Office is now in receipt of an interim order of the Hon'ble High Court Madras dated 10.01.2018 in WMP Nos. 16649, 26753 and 26754 in WP Nos. 15352/2017 filed by the Department before the Hon'ble High Court, Madras.

2. The Hon'ble High Court vide the above order dated 10.01.2018 { corrected vide order dated 09.02.2018 (Copy enclosed)} has held that:-

" In view of the admitted position, the interim order passed by this court is modified to the limited extent that taking seniority as that of 28.01.2005, if the respondent is found to be eligible for promotion, he shall be considered for promotion subject to the result of the writ petition. Accordingly, all the above three miscellaneous petitions are disposed of "

3. This **interim order** is in lines with Para (Vii) of Board's letter in F.No: A.22015/23/2011-Ad.III.A dated 27th October, 2011 wherein it states that:

" The officers who have been continuously on deputation and have been absorbed on ICT during the interim period from 19.02.2004 (ie. The date from which the ban became effective) till date, their seniority will be fixed from the date of their joining on deputation in the transferee zone/Commissionerate.

4. Since Shri. V. Gunasekaran joined this zone on deputation from Pune Commissionerate on 28.01.2005 and had been on continuous deputation in this Cadre Control zone till his absorption on ICT w.e.f. 05.08.2010, the Principal Chief Commissioner in his capacity as the cadre control authority is of the opinion that the interim order of the Hon'ble High Court is implementable.

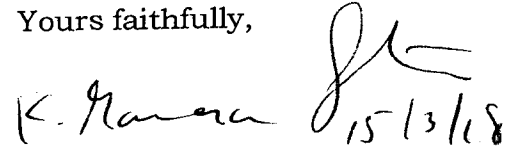
5. Accordingly the seniority of Shri. V. Gunasekaran is re-fixed w.e.f. 28.01.2005, now amended in the Revised Final seniority in the grade of Inspector of Central Excise as on 01.01.2013 issued by this office in C.No:II/34/08/2013-CCA.Estt, dated 29.03.2017. His new seniority number in accordance to the interim order is given hereunder:

Old Sen.No.	New sen. No.	Remarks
1496	869 A	Below Ms. Selvi A at SeniorityNo. 869 (PR)
		Above Shri. Selvaraj K at seniority No.870 (DR)

6. This re-fixation of seniority is subject to outcome of final order of the Hon'ble High Court of Madras.

7. The individual may be informed accordingly.

Yours faithfully,


15/13/18

(MANASA GANGOTRI KATA)
JOINT COMMISSIONER

Copy to:

1. The Assistant Commissioner (CF-CCA section) Pr. CCO. (The officer may be considered for promotion, w.e.f. the above given date if otherwise found eligible)
2. The Assistant Commissioner (CAT Cell) Pr. CCO, for information.
3. The Superintendent (Computers) for display in the official website.
4. Copy to seniority file II/34/08/2013-CCA.Estt.