To,
All Chief Commissioners/Director Generals,
All Cadre Controlling Authorities, under CBIC.

Subject: Implementation of Judgment of Hon’ble Supreme Court in UOI Vs NR Parmar for fixing the inter-se seniority of direct recruits and promote officers-reg

Sir,

I am directed to refer to Board’s letter of even no. dated 05.05.2020 (copy enclosed) on the above mentioned subject issued to all CCAs, whereby the following were conveyed:

i. the SLP filed by the department in the case of UOI & Ors Vs P.Bharathan & Ors has been dismissed and on consultation, DOLA & ASG have advised against filling of Review Petition in the matter. Therefore, the benefits should be given to the respective respondents (i.e respondent in SLP filed by the department).

ii. withdrawal of letter dated 26.10.2018 whereby all CCAs were directed to maintain the status quo.

2. In this regard it is reiterated that, as already clarified, (para 1(i) above), the benefits of the order dated 10.01.2017 in O.A No.310/1237/2016 filed by Shri P.Bharathan & Ors of CAT Chennai Bench has been restricted to the respondents (i.e respondent in this SLP filed by the department). In respect of all other officers (i.e other than applicants in the P.Bharathan & Ors case), DOPT OM dated 04.03.2014 including para 5(h) is applicable until DoPT modifies Para 5(h) of their OM dated 04.03.2014. DoP&T is being approached for clarity on the issue of Para 5(h) of their OM dated 04.03.2014.

3. In the view of the above position, as on date, all CCAs are requested to keep seniority issues in the grade of Inspector in abeyance till clarification is received from DoP&T or until further directions in this regard.

4. A few instances have come to the notice of the Board where CCAs have implemented orders of the Courts related to quashing of para 5(h) of DoP&T OM dated 04.03.2014 at their own level and without consulting Board, DOP&T or DOLA. In this regard, DOP&T’s OM dated 16.03.2016 is reiterated whereby when a scheme/Guideline/OM outlining Government policy has been quashed by any court, the Administrative Department may take a decision to file WP/SLP (as the case may be) in consultation with DOPT and DOLA. Board’s letter dated 03.09.2013 in this regard may also be complied with.

Encl.: As above

Yours faithfully,

Nirbhai Singh.
Under Secretary to the Government of India
Ph. 011-26161187
F.No.A.32022/57/2016-Ad.IIIA (Pt.IV)
Government of India
Ministry of Finance
Department of Revenue
Central Board of Indirect Taxes & Customs

By e-mail/Fax

5th Floor, Hudco Vishala Building,
Bhikaji Cama Place, R.K. Puram,
New Delhi, dated 5th May, 2020

To
All The Chief Commissioners/Director Generals,
All Cadre Controlling Authorities, under CBIC

Subject: Implementation of Judgement of Hon’ble Supreme Court in UOI VS NR Parmar for fixing the interse seniority of direct recruits and promotee officers-Reg

Sir/Ma’am,

I am directed to refer to this office letter of even no dated 26.10.2018 on the above subject wherein all Zones were directed to maintain status quo as the matter was sub-judice in view of SLP pending in Hon’ble Supreme Court in UOI & Ors Vs P Bharthan & Ors.

2. The SLP filed by the department in the case of UOI & Ors Vs P Bharthan & Ors has since been dismissed and on consultation, DOLA & Ld ASG have advised against filling of Review Petition in the matter. Therefore, the benefits should be given to respective respondents.

3. In view of the above, the directions of maintaining status-quo issued vide Board’s letter of even no. dated 26.10.2018 stands withdrawn.

Enclo:- As above

Yours faithfully,

Deputy Secretary to the Govt. of India

Copy to: Web master/CBIC, to upload this letter on the official website of CBIC.