

F.No.A 23018/1/2004 Ad-II B
Government of India
Ministry of Finance
Department of Revenue

New Delhi Dated 30.05.2013

To

All the Customs Commissionerates
All the Central Excise Commissionerates
All the Directorates under Central Board of Excise & Customs

Subject: OA No.688/2004 by Smt Meera Sen, Senior Hindi Translator- Revising the Seniority list of Senior Hindi translator and Junior Hindi Translator-reg.

Sir,

I am directed to say that in the OA No 688/2004 filed by Smt Meera Sen, Senior Hindi Translator before the Hon'ble CAT Ernakulam, the Hon'ble Tribunal had given directions, in their orders dated 09.02.2012, for action to be taken by the Board as respondent, on the following lines:

"The respondents are, thus, to undertake a fresh drill as under:-

- (a) Preparation of seniority list of Junior Hindi Translator on the basis of their initial date of appointment in the said post (The earliest appointee being the senior most)
- (b) Thereafter, they have to frame the seniority of Senior Hindi Translator corresponding to the date of appointment as Junior Hindi Translator. The earliest date of promotion as Senior Hindi Translator is to be assigned to the first in the Seniority list of Junior Hindi Translator.
- (c) The above Seniority shall form the basis of consideration for promotion to the post of Asst. Director of Official Languages, under the 40% promotion quota.
- (d) While preparing the seniority list, at each stage, notice shall be issued to all concerned and objections invited.
- (e) There need not be any reversion or recovery up to the level of Senior Hindi Translator as such a situation had not been courted by any of the individuals but due to the wrong procedure followed by the respondents in preparation of seniority on Regional Basis right from the beginning instead of common seniority list.
- (f) If the applicant is found to be eligible for consideration for the post of Asst. Director on the basis of her seniority in the feeder grade, she should be considered accordingly by the review DPC, once seniority list of SHT is finalized. Till then no further regular promotion to AD (OL) under 40%

promotion quota is to be effected. Since the total number of SHTs is only Twenty five, the revision of seniority need not be a time consuming process."

2. The Board is separately contemplating filing a Special Leave Petition in the matter. Taking cognizance of that position, the Hon'ble Tribunal had further given directions, in their orders dated 27.03.2013, as follows:

"Order dated 09.02.2012 is sought to be implemented through this CP(C). Understandably up to August 2012, the case could not be progressed by the department on account of pendency of the writ petition before the Hon'ble High Court which came to be dismissed on 16.08.2012. Even if the time limit of 6 month time is reckoned from the date of dismissal of writ petition the time granted is already over. No action seems to have been taken so far, except that the department has sought legal advice and as late as on March 2013, the department has been advised to file an SLP. If there is no stay from the higher court against the order of the tribunal, the order shall be complied with, in spirit and terms.

We direct the respondents to take simultaneous action for compliance of the order, making the same subject to the outcome of the SLP. The order shall be complied with within 10 weeks from the date of communication of this order. An affidavit, committing to comply with the order, shall be filed on the next date of hearing."

3. In compliance with the directions of the Hon'ble Tribunal as aforesaid and subject to the out come of the SLP, the details of incumbents in the grades of Junior Hindi Translator and Senior Hindi Translator in various formations of the Board have been compiled in accordance with the criteria laid down by the Hon'ble Tribunal, as mentioned in Para 1 above. A copy of the compilation is enclosed.

4. All Cadre Controlling Authorities are requested to bring the enclosed details to the notice of the incumbents in the grades of Junior Hindi Translator and Senior Hindi translator under their jurisdiction. Discrepancies, if any, pointed out by the incumbents, may be forwarded to the Board, duly supported by documents, latest by 05.06.2013.

Yours faithfully,

A.K. Qasim

(A.K.Qasim)
Deputy Secretary