

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH  
and  
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.Nos. 22312, 23727, 21847 & 21858 of 2019  
and

W.M.P.Nos. 21612 to 21614, 21616, 23590, 23591, 23593, 23594,  
21064, 21065, 21067, 21069, 21076,  
21079, 21081 & 21082 of 2019

W.P.No. 22312 of 2019

- 1.Manoj Kumar Yadav
- 2.M.P.Chandrasekar
- 3.Pankaj Kumar
- 4.Shashi Kumar Mishra
- 5.Anuj Kumar
- 6.Amit Kumar Lal
- 7.Sudhanshu Kumar
- 8.Avinash Kumar Keshari
- 9.Ashish Kumar
- 10.Samir Deb Roy
- 11.Mahesh Kumar Singh
- 12.R.Murali Krishnan
- 13.R.Aravindan
- 14.R.Muthumani
- 15.Aseem Koraliyadan
- 16.M.V.Ravish
- 17.Anup Kumar Gupta
- 18.Pravin Kumar
- 19.R.Sathya Rajan
- 20.V.Hani
- 21.K.Chitra (Withdrawn vide order dt. 17.12.19)
- 22.C.Swaminathan
- 23.Jitendra Kumar Dhiman
- 24.K.A.Benny
- 25.M. Senthil Kumar
- 26.N.Deepika
- 27.A.G.M. Selvanayagam
- 28.S.Neethisolan
- 29.J.Dilip Kumar
- 30.S.Rajesh Kanna
- 31.P.Gobi

32.K.Harikumar  
33.C.Navanetha Krishnan  
34.M.Dharmaraj  
35.K.Karthikeyan

..Petitioners

Vs

- 1.The Chairman (CBIC)  
Ministry of Finance, Department of Revenue,  
Central Board of Indirect Taxes and Customs,  
North Block, New Delhi - 110001
- 2.The Under Secretary to the Government of India  
Ministry of Finance, Department of Revenue,  
Central Board of Indirect Taxes and Customs,  
4th Floor, HUDCO Vishala Building Bhikarji Camaplace,  
R.K.Puram, New Delhi.
- 3.The Principal Chief Commissioner of  
GST and Central Excise,  
Tamil Nadu and Puducherry Zone,  
26/ 1, Mahatma Gandhi Road,  
Nungambakkam, Chennai - 600034.
- 4.The Registrar  
Central Administrative Tribunal,  
Chennai - 600104.

..Respondents

W.P.No.23727 of 2019

- 1.Ajay Kumar
- 2.Manikandan.K
- 3.Harikrishna Aenpothula.R.
- 4.Krishnan P.Nair
- 5.Braj Kishor Singh
- 6.Surjeet Kumar
- 7.Amit Sahu
- 8.Aashish Chandra Bhadani
- 9.Brijesh Kumar Yadav
- 10.Mrigank Chandra
- 11.Bikash Chandra Mahato
- 12.Vikash Kumar
- 13.MD. Mustaqueem Alam
- 14.Rajakumaran MD
- 15.Karthick.S
- 16.Mahendra Kumar
- 17.Amit Kumar Kushwaha
- 18.R.Harini

19.Ramesh Prasad  
20.Gaurav Vishal  
21.Mukesh K.R.Burnwal  
22.Rajiv Kumar  
23.Malligarjunan.M.  
24.Priyadharshini.A.M.  
25.Satish Kumar Suman  
26.Uday Kumar  
27.Anand Kumar Sahu  
28.Krishna Kumar

(Writ Petitioners 1,5,6,7,9,10,17,22,25 withdrawn  
vide order dated 14.2.2020)

..Petitioners

Vs

- 1.The Chairman (CBIC)  
Ministry of Finance, Department of Revenue,  
Central Board of Indirect Taxes and Customs,  
North Block, New Delhi - 110001
- 2.The Under Secretary to the Government of India  
Ministry of Finance, Department of Revenue,  
Central Board of Indirect Taxes and Customs,  
4th Floor, HUDCO Vishala Building Bhikarji Camaplace,  
R.K.Puram, New Delhi.
- 3.The Principal Chief Commissioner of  
GST and Central Excise,  
Tamil Nadu and Puducherry Zone,  
26/ 1, Mahatma Gandhi Road,  
Nungambakkam, Chennai - 600034.
- 4.The Registrar  
Central Administrative Tribunal,  
Chennai - 600104.

..Respondents

W.P.No.21847 of 2019

- 1.Santhosh Kumar Tiwari
- 2.N.C.Suresh
- 3.Pankai Kumar
- 4.Raj Kumar
- 5.Bibhuti Bhusan Subudhi
- 6.Prabhat Kumar
- 7.Mukesh Kumar
- 8.Rajesh Ranjan
- 9.M.Pirithivi Rajan
- 10.T.Lenin

WEB COPY

11.Prodip Biswas  
12.P.S.Sreekanth  
13.S.S.Anesh Kumar  
14.E.Murali  
15.A.Anbarasan  
16.V.John Christopher  
17.A.Velu  
18.S.Sandhya  
19.I.Uma  
20.N.Vengatesan  
21.A.George  
22.R.Meenakshi Sundaram  
23.N.Anthony Joseph  
24.P.S.Ekambaram  
25.S.P.Gopinath

..Petitioners

Vs

- 1.The Chairman (CBIC)  
Ministry of Finance, Department of Revenue,  
Central Board of Indirect Taxes and Customs,  
North Block, New Delhi - 110001
- 2.The Under Secretary to the Government of India  
Ministry of Finance, Department of Revenue,  
Central Board of Indirect Taxes and Customs,  
4th Floor, HUDCO Vishala Building Bhikarji Camaplace,  
R.K.Puram, New Delhi.
- 3.The Commissioner of Customs,  
Chennai Customs Zone (COMMRT) VIII,  
Custom House, No.60 Rajaji Salai, Chennai -1.
- 4.The Registrar,  
Central Administrative Tribunal,  
Chennai 600 104.

..Respondents

W.P.No.21858 of 2019

1.James Selvakumar  
2.V.Saravana Rajan  
3.V.Suresh Kumar  
4.S.John De Platto  
5.M.Vinodh Kumar  
6.T.Lingeshwaran  
7.T.P.Sivabalan  
8.A.Vikram

WEB COPY

9.I.Yuvaraj  
10.B.Krishnamurthy  
11.N.Arunkumar  
12.T.Rajesh  
13.C.Suresh Babu  
14.S.Mythili  
15.K.Kadiravan

..Petitioners

vs

- 1.The Chairman (CBIC)  
Ministry of Finance, Department of Revenue,  
Central Board of Indirect Taxes and Customs,  
North Block, New Delhi - 110001
  - 2.The Under Secretary to the Government of India  
Ministry of Finance, Department of Revenue,  
Central Board of Indirect Taxes and Customs,  
4th Floor, HUDCO Vishala Building Bhikarji Camaplace,  
R.K.Puram, New Delhi.
  - 3.The Commissioner of Customs,  
Chennai Customs Zone (COMMRTTE) VIII,  
Custom House, No.60 Rajaji Salai, Chennai -1.
  - 4.The Registrar,  
Central Administrative Tribunal,  
Chennai 600 104.
- ...Respondents

Prayer in W.P.No. 22312 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records relating to Notice dated 24.07.2019 issued by the 4th respondent Tribunal in O.A.No. 310/ 975/ 2019 and quash the same in so far as the Tribunal has declined the grant of Interim Order and Order No.F.No. A.32018/ 37/ 2017-AD.III.A dated 01.07.2019 issued by the 2nd respondent and to quash the same and forbear the respondents from reverting the petitioners from the post of Inspector of Central Excise.

Prayer in W.P.No. 23727 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records relating to notice dated 07/08/2019 issued by the 4th respondent tribunal in O.A.No.310/1061/2019 and quash the same in so far as the Tribunal has declined the grant of interim order and order No.F.No.A.32018/37/2017-Ad III.A dated 01/07/2019 issued by the 2nd respondent and to quash the same and forebear the respondents from reverting the petitioners from the post of Executive Assistants of Central Excise.

Prayer in W.P.No. 21847 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records relating to Notice dated 11/07/2019 issued by the 4th respondent Tribunal in O.A.No.310/872/2019 and quash the same in so far as the Tribunal has declined the grant of interim order and order No.F.No.A.32018/37/2017 - Ad.III.A dated 01/07/2019 issued by the 2nd respondent and to quash the same and forebear the respondents from reverting the petitioners from the post of Inspector (Examiner).

Prayer in W.P.No. 21858 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records relating to Notice dated 11/07/2019 issued by the 4th respondent Tribunal in O.A.No.310/873/2019 and quash the same in so far as the Tribunal has declined the grant of interim order and order No.F.No.A.32018/37/2017 - Ad.III.A dated 01/07/2019 issued by the 2nd respondent and to quash the same and forebear the respondents from reverting the petitioners from the post of Inspector (Preventive Officer).

For Petitioners .. Mr.R.Chandrasekaran  
in W.P.Nos.22312 and 23727 of 2019  
Mr.Giridhar  
in W.P.Nos.21847 and 21858 of 2019

For Respondents .. Mr. V.Sundareswaran  
for R1 to R3  
in W.P.Nos.21847 and 21858 of 2019  
Mr.Rajnish Pathiyil  
for R1 to R3  
in W.P.Nos.22312 and 23727 of 2019  
R4 - Tribunal in all the W.Ps

COMMON ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

In all these writ petitions, the petitioners are aggrieved with the non-granting of the interim order. Upon hearing, this Court has granted an interim order.

2.Mr.V.Sundareswaran, learned counsel appearing for the Department of Revenue submitted that all these matters along with interim orders may be directed to be posted before the Principal Bench of the Central Administrative Tribunal at New

Delhi. He also showed a copy of the order passed by the Principal Bench and the instructions from the Department in this regard.

3.In such view of the matter, the interim orders granted by this Court are made absolute, making it clear that they would continue till the disposal of the Original Applications. All the Original Applications which are otherwise pending before the Central Administrative Tribunal, Chennai Bench are directed to be transferred and posted along with the pending matters before the Principal Bench, Central Administrative Tribunal, New Delhi.

4.Learned counsel appearing for the petitioners in W.P.No.23727 of 2020 submits that the writ petition may be dismissed as withdrawn in respect of petitioner Nos.21, 26 and 28 and he has also filed W.M.P.Nos.11764 to 11767 of 2020, seeking permission to withdraw the writ petition by those petitioners.

5.In view of the above, W.P.No.23727 of 2020 stands dismissed as withdrawn insofar as petitioner Nos.21, 26 and 28 are concerned and W.M.P.Nos.11764 to 11767 of 2020 are ordered as prayed for.

6.With the above direction, the writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1.The Chairman (CBIC)

Ministry of Finance, Department of Revenue,  
Central Board of Indirect Taxes and Customs,  
North Block, New Delhi - 110001

2.The Under Secretary to the Government of India

Ministry of Finance, Department of Revenue,  
Central Board of Indirect Taxes and Customs,  
4th Floor, HUDCO Vishala Building Bhikarji Camaplace,  
R.K.Puram, New Delhi.

3.The Principal Chief Commissioner of  
GST and Central Excise,  
Tamil Nadu and Puducherry Zone,  
26/ 1, Mahatma Gandhi Road,  
Nungambakkam, Chennai - 600034.

4.The Registrar  
Central Administrative Tribunal,  
Chennai - 600104.

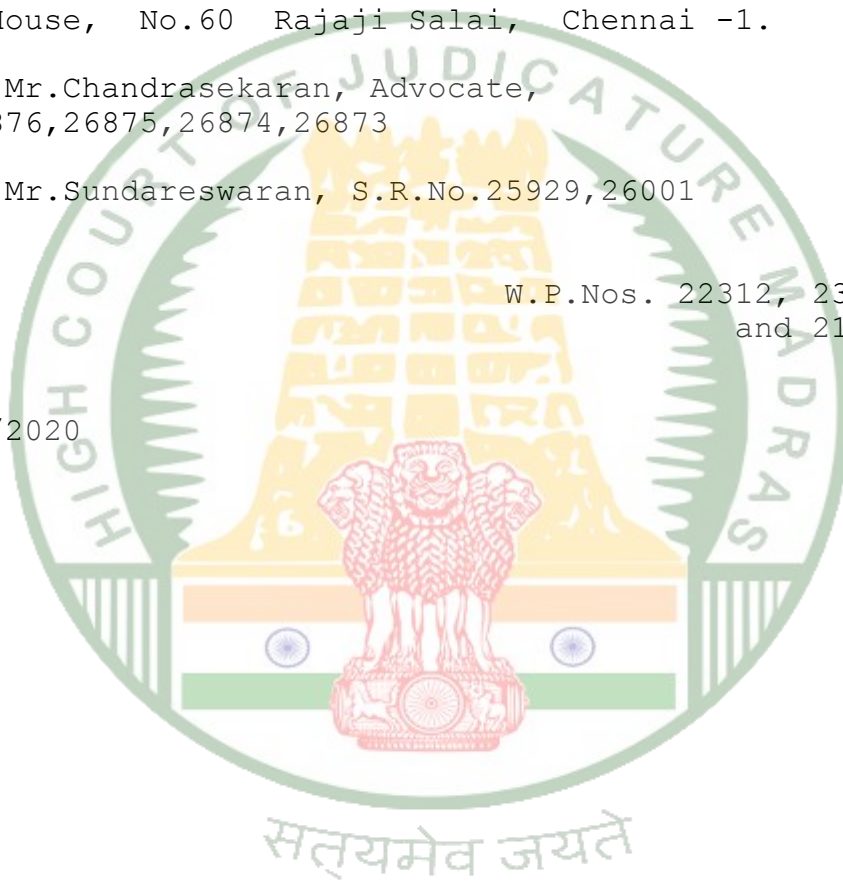
5.The Commissioner of Customs,  
Chennai Customs Zone (COMMRTE) VIII,  
Custom House, No.60 Rajaji Salai, Chennai -1.

+4cc's to Mr.Chandrasekaran, Advocate,  
S.R.No.26876,26875,26874,26873

+2cc's to Mr.Sundareswaran, S.R.No.25929,26001

W.P.Nos. 22312, 23727, 21847  
and 21858 of 2019

KKV/18/08/2020



WEB COPY