



सीमा शुल्क के आयुक्त का कार्यालय
OFFICE OF THE COMMISSIONER OF CUSTOMS
आईस हाऊस, 41/ए, ससून रोड, पुणे-411001
ICE HOUSE, 41/A, SASSOON ROAD, PUNE-411001

**ESTT. ORDER NO. 49/CUS/2014
DATED 30th SEPTEMBER 2014**

Shri. N.S. Mayekar, Lascar had filed a Writ Petition No. 2334/2001 before Hon'ble High Court Bombay against Hon'ble CAT, Mumbai Bench's judgment dated 31-01-2001 in O.A. No. 529/2001. Hon'ble High Court, Bombay bench vide its judgment dated 18-06-2009 allowed the Writ Petition and ordered to give benefits to Shri. N.S. Mayekar which was given to the three similarly placed persons in O.A. No. 528/1999, 530/1999 and 548/1999 before Hon'ble CAT, Mumbai Bench, and also ordered to extend the benefit to Shri Mayekar with effect from the date on which the said benefits were given to the three similarly placed applicants. The department filed an SLP bearing No. CC 18884/2009 against the said order of the Bombay High Court which was dismissed by the Hon'ble Supreme Court vide its order dated 04-12-2009.

2. The applicants in O.A. Nos. 528/1999, 530/1999 and 548/1999 i.e. S/Shri. R.G. Tavasalkar, H.H. Bhagat and R.D. Palekar who were also daily waged workers were regularized in the grade of Lascar Gr. D w.e.f. 03-05-1999 on regular basis in the pay scale of Rs. 2550-55-2660-3200 plus usual allowance. (Vth pay commission)

3. Board, vide its letter No. C.18013/30/2009-Ad.III B dated 10-02-2010 directed to implement the Hon'ble High Court order dated 18-06-2009. The same was implemented vide this office Estt. Order No. 31/2010 dated 08-09-2010 and Shri. N. S. Mayekar, Daily wager Marine worker was regularised in the grade of Lascar Gr. 'D' w.e.f. 03-05-1999. However, the said regularisation was ordered to be purely on adhoc basis with a rider that the said regularisation would not count for seniority and qualifying service for further promotion. The same is not in consonance with the judgment dated 04-12-2009 given by Hon'ble High Court Bombay Bench.

4. Shri. N. S. Mayekar has represented vide letter dated 15-09-2014 which is examined. The case of Shri. N. S. Mayekar is identical to that of S/Shri. R. G. Tavsalkar, H.H. Bhagat and R.D. Palekar. Accordingly, in amendment to Estt. Order No. 31/2010 dated 08-09-2010, Shri. N. S. Mayekar, Daily Wager Marine Worker is hereby regularised in the grade of Lascar Group 'D' w.e.f. 03-05-1999 on regular basis in the pay scale of Rs. 2550-55-2660-3200 plus usual allowance. (Vth pay commission), and Shri. Mayekar is eligible for grant of seniority w.e.f. 03-05-1999 and the said regularisation w.e.f. 03-05-1999 will be counted as qualifying service for further promotion.

5. As regards payment of arrears of pay for the period from 03-05-1999 to 08-09-2010, will be subject to outcome of directions / clarification pending before Board / Ministry.

This issues with the approval of the Commissioner

Pandey
20/9/14

(SUNITA MAYUR PANDEY)
JOINT COMMISSIONER (P&V)
CUSTOMS, PUNE

F.No. II/3-6/Cus/2010

Pune, the 30th September 2014

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- Copy to :
1. The Assistant Commissioner, Customs Dn. Dapoli for information and necessary action.
 2. The CAO / PAO, Customs, Pune
 3. Individual concerned