

CENTRAL ADMINISTRATIVE TRIBUNAL  
Principal Bench

O.A. No. 705 of 1996

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New Delhi, dated this the 10th October, 1996

HON'BLE MR. S.R. ADIGE, MEMBER (A)  
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

1. Shri Amarchand,  
Inspector, Customs Law Sec.,  
New Customs House,  
Gurgaon Road,  
New Delhi-110037.
2. Shri S.K. Chauhan,  
Inspector, Customs Bond Sec.,  
G-31, Sector-56,  
NOIDA, U.P.
3. Shri A.K. Banerjee,  
Inspector, C.E. Vigilance Sec.,  
C.R. Building, I.P. Estate,  
New Delhi.  
R/o D-100, Sector 55, NOIDA,  
U.P.
4. Shri Raminder Singh,  
Inspector, Customs F.P.O.  
Foreign Post Office,  
I.P. Estate,  
New Delhi.
5. Smt. Shashi Verma,  
Inspector, Customs Judicial Branch,  
Gurgaon Road,  
New Delhi-110037. .... APPLICANTS

(By Advocate: Shri Vishwajit Singh)

VERSUS

1. Union of India  
through the Cabinet Secretary,  
Cabinet Secretariat,  
Rashtrapathi Bhawan,  
New Delhi.
  2. The Secretary (Finance),  
Ministry of Finance,  
North Block,  
New Delhi.
  3. The Chairman,  
Central Board of Excise & Customs,  
Ministry of Finance,  
North Block, New Delhi.
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4. Member,  
Customs,  
Ministry of Finance,  
North Block,  
New Delhi.
  5. Commissioner of Customs,  
New Customs House,  
Gurgaon Road,  
New Delhi-110037.
  6. Dy. Commissioner of Customs,  
Administration,  
New Customs House,  
Near Cargo Terminal-II,  
Gurgaon Road,  
New Delhi.
  7. Addl. Commissioner (F&V),  
Customs, C.Excise Commissionerate,  
I.P.Estate,  
C.R.Building,  
New Delhi.
  8. Dy. Commissioner, Customs,  
I.G.I. Airport, Terminal-II,  
New Delhi-110037.
  9. Revenue Secretary,  
Ministry of Finance,  
Dept. of Revenue,  
North Block,  
New Delhi.
- ..... RESPONDENTS

(By Advocate: Shri R.R.Bharti)

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

We have heard Shri Vishwajit Singh for the applicants and Shri R.R.Bharti for the respondents.

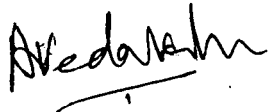
2. We note that the five applicants along with 44 others were posted from their controlling Commissionerates to the I.G.I. Airport, New Delhi as Air Customs Officers and joined as such on 1.4.94 when the tenure of such posting was one year vide Ministry of Finance Memo. dated 21.10.93. Upon completion of their tenure these 49 persons

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were repatriated from I.G.I.A. vide order dated 22.6.95, but only 20 (including the five applicants) were actually relieved on 22.8.95 while 29 were retained in administrative exigencies. Meanwhile on 17.7.95 the respondents announced a change in policy extending the terms of ACOs from one year to 2 years but stating that this extended tenure would not apply to those who had been selected and posted <sup>at Airports</sup> ~~in~~ accordance with existing procedure. Later, on 31.8.95 it was clarified that the two years tenure would be uniformly applicable to all officers posted under earlier orders and serving at present, but if officers already stood reverted they need be recalled to give them the benefit of the extended tenure.

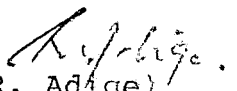
3. The complaint of the applicants is that consequent to the extension of tenure from one year to two years as a result of the Respondents revising their policy some of their colleagues who were not actually relieved although repatriated were allowed to complete the two years tenure in the Indira Gandhi International Airport, while the applicants themselves were not allowed to do so, merely because they were relieved, and thus have been discriminated against. We understand<sup>m</sup> ~~ing~~ that the officers who are sent on a tenure of posting to Indira Gandhi Airport on a rotational basis, following a selection procedure, and the next selections are ~~to~~ take place some time in December, 1996.

4. We accordingly dispose of this O.A. by directing the Respondents that when the next selections for a tenure of posting at Indira Gandhi International Airport take place, they should consider the cases of the applicants also, alongwith those being considered, in accordance with extant rules and instructions on the subject, for the unexpired portion of <sup>their</sup> ~~each~~ tenure in terms of respondents' <sup>guidelines</sup> ~~rules~~ dated 17.7.95. No costs.



(Dr. A. Vedavalli)  
Member (J)

/GK/

  
(S.R. Adige)  
Member (A)