

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
A H M E D A B A D B E N C H
~~NEW DELHI~~

O.A. No. 36
~~XXXXXX~~

~~198~~ 1990

DATE OF DECISION 26/4/1990

Central Excise & Customs, Petitioner
Ahmedabad.

Mr. S. V. Raju Advocate for the Petitioner(s)

Versus

Union of India and Others Respondent

Mr. J. D. Ajmera Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N. Dharmadan

.. Judicial Member

The Hon'ble Mr. M. M. Singh

.. Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

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O.A. No. 36 of 1990

Central Excise & Customs
Ahmedabad Collectorate
Telecommunication Staff
Association & Others. .. Applicants
(Advocate - Mr. S.V. Raju)

Versus

Union of India & Ors. .. Respondents
(Advocate - Mr. J.D. Ajmera)

CORAM : Hon'ble Mr. N. Dharmadan .. Judicial Member
Hon'ble Mr. M.M. Singh .. Administrative Member

O R D E R

Date : 26.4.1990

Per : Hon'ble Mr. N. Dharmadan .. Judicial Member

The first applicant is an Association by named Association of Customs and Central Excise Ahmedabad Collectorate Telecommunication Staff.

The applicants No. 2 to 23 are members of the said association. They are working in the telecommunication wing of the Central Excise and Customs department and they are holding various posts of class - III. Their case is that prior to 31.3.1986, telecommunication staff was of All India Cadre and they were liable to be transferred to and from various customs and central excise collectorates in India.

2. There ^{were} ~~was~~ some changes in this matter and ^{which ~~by~~ the Govt. issued} ultimately with Annexure 'A-7' ^{which} proceedings of Government of India dt. 3rd August, 1989) ^{was} passed on the basis of policy decision, the applicants approached this Tribunal with the following prayer:

- "a) To quash and set aside the letter dt. 3.8.89 at Annexure A-7 seeking to vest the Cadre Control of Telecommunication staff in the Deputy Collector (P&E) Ahmedabad for all the

3 Collectorates of the Gujarat i.e. Ahmedabad Rajkot and Baroda and to declare that the Cadre Control of the Telecommunication staff should be vested in the concerned jurisdictional Collectorates."

3. According to the applicants, the respondents are consistently changing the policies ^{causing} ~~which causes~~ undue disadvantage and difficulty for the employee. The applicant also submitted that this change of policy and consequent difficulties are not applied uniformly to all wings. However, this being a policy matter of the Government, we find ourselves ^{unable} to interfere in this matter at this stage.

4. But there is ^{considerable force and merit} ~~something~~ involved in what the applicants say ^{especially when} and this Tribunal has already ^{dismissed} ~~decided~~ this matter ^{and disposed of the representation} directing the respondents to consider the same and pass appropriate orders in accordance with the law. ^{to the applicants} Accordingly, ^{yet} the representations were filed but they have not been duly considered and disposed of in terms of the direction of the Tribunal.

5. Under the above circumstances, we feel that justice in the case will be better served if we dispose of the application directing the respondents to consider the grievance of the applicants in the light of the ^{allegedly} ~~grievances~~ stated in this application. The first applicant is also at liberty to file a detailed ⁱⁿ representation supplementing the points raised in the application within a period of two weeks from today. If such a representation is filed, the respondents shall consider and dispose of the same taking into consideration the relevant circulars and orders and the above observation. The respondents shall do this within a period of four months from

the date of receipt of such a representation. The application is disposed of in above terms. The status quo ordered by this Tribunal at the time of admission of this application will be maintained till the disposal of the representation referred to above. There will be no order as to costs.

M. M. S.

(M M Singh)
Administrative Member

N. Dharmadan

(N Dharmadan)
Judicial Member

*Mogera