

3

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

Original Application No.260/00927 of 2015  
Cuttack, this the 8<sup>th</sup> day of January, 2015

**CORAM**  
**HON'BLE SHRI A.K. PATNAIK, MEMBER (Judl.)**

B. Dinabandhu,  
aged about 47 years,  
Son of B. Gobindhu,  
At- Madhuban, Old Custom Colony, Qr. A/1,  
PO/PS- Paradeep, Dist- Jagatsinghpur,  
At present working as Customs Division, Paradeep.

.....Applicant

(Advocates: M/s. S. Pattnaik, J.M.Rout, K.C.Swain)

**VERSUS**

Union of India Represented through

1. Secretary, Ministry of Finance,  
Department of Revenue,  
Central Board of Excise and Customs,  
At – 5<sup>th</sup> Floor, HUDCO, Vishala Building,  
Bhikajikama Place, New Delhi.

2. Additional Commissioner,  
Customs (Preventive),  
Central Customs & Service Tax,  
Bhubaneswar- 1.

3. Assistant Commissioner,  
Customs House Paradeep, Orissa.

4. Administrative Officer (ET),  
Central Customs & Service Tax,  
Bhubaneswar- 1.

5. Sri Ranjan Ku. Biswal  
Tindle, Customs House  
Paradeep.

..... Respondents

(Advocate: Mr. S.Behera )

.....  
Vd

## O R D E R (Oral)

### A.K. PATNAIK, MEMBER (J):

Heard Mr. S. Patnaik, Ld. Counsel for the Applicant, and Mr. S. Behera, Ld. Sr. Central Govt. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served and perused the materials placed on record.

2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 praying for the following reliefs:

- "i) to quash the order dated 27.04.2015 passed by Respondent No.1.
- ii) direct the respondents for giving promotion to the applicant to the post of "Tindle" and thereafter to the post of "Skippermate" as per his eligibility as stated in the above paragraphs.
- iii) direct the respondents to grant arrear differential salary and other consequential benefits for which he is entitled under law.
- iv) to issue any other .....

3. The applicant has challenged the discriminatory and fallible acts of the Respondent-authorities while determining the matter of promotion of the applicant inspite of the fact that the applicant emerges all the qualities norms and conditions akin to the "Marine Organization f Customs and Central Excise Department (Group C & D posts) Recruitment Rules, 1994". It has been submitted that the said Rule is having the statutory flavour under Article 309 of the Constitution of India but bereft of all the facts the authorities have not resorted to the reservation policy in the matter of promotion which is the mandate contained in Article 16(4) and 4(A) of Constitution of India. Ld. Counsel for the applicant submitted that ventilating his grievance the applicant has preferred representation on 30.04.2015 (Annexure-A/8) to Respondent No. 2 but till date no response has been received by the applicant. Accordingly, he



has moved this Tribunal with the aforesaid prayers.

4. Since the representation of the applicant is stated to be pending with the authorities, I do not think it proper to keep this matter pending. Accordingly, without going into the merit of this case, I dispose of this O.A. at this admission stage with direction to Respondent No. 2 to consider the representation, if at all preferred and is pending with him, and communicate the result thereof to the applicant in a well reasoned order within a period of six weeks from the date of receipt of a copy of this order. However, the points raised by the applicant in his representation are kept open for the authorities to consider the same as per rules governing the field. Though I have not gone into the merit of the matter, however, I make it clear that if after such consideration the applicant is found to be entitled to the benefits claimed by him then expeditious steps be taken preferably within a further period six weeks from the date of such consideration to extend those benefits to the applicant. If in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within a period of four weeks.

5. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

6. On the prayer made by Mr. Swain Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 2 by Speed Post for which he undertakes to file the postal requisites by 13.01.2016.

  
(A.K.PATNAIK)  
MEMBER(Judl.)