

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.420/2007

Friday the 1st day of February, 2008.

CORAM :

**HON'BLE SHRI GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE DR.K.S.SUGATHAN, ADMINISTRATIVE MEMBER**

Rajendran G.
Staff Car Driver (Ordinary Grade)
Customs Department,
Customs House, Kochi
residing at New Customs Quarters,
Quarter No.33, Willington Island, K-3. ... Applicant

By Advocate Ms Saraswati for Mr.T.Rajesh
V/s.

- 1 The Commissioner of Customs
Customs House, Willington Island, Kochi
- 2 Assistant Commissioner of Customs
Customs House, Willington Island, Kochi
- 3 The Additional Commissioner of Customs
Customs House, Kochi ... Respondents

By Advocate Mr.P.J.Philip ACGSC (absent)

The application having been heard on 1.2.2008 the Tribunal on the same day delivered the following

(ORDER)

Hon'ble Shri George Paracken, Judicial Member

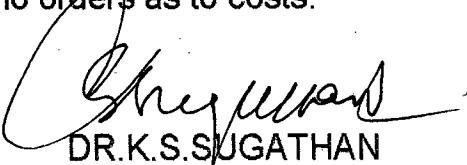
The applicant is working as a Grade II Staff Car Driver and he has filed this OA seeking promotion to the post of Grade I, Staff Car Driver. He has relied upon the Recruitment Rules issued vide OM No.22036/1/92 Estt(D) dated 27.7.1995 according to which six years of regular service in



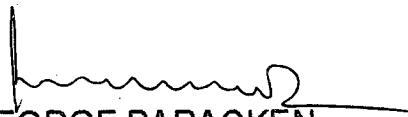
Gr.II or a combined service of 15 years in Gr.II and in ordinary grade put together, would entitle the Grade II Staff Car Driver for promotion to Gr.I Staff Car Driver.

2 In the reply statement, the respondents have submitted that the aforesaid Recruitment Rules have been amended vide notification dated 7.3.2003 according to which for promotion to the Staff Car Driver Gr.I, with six years of regular service in the grade of Staff Car Driver Gr.II is required. The applicant's counsel Ms. Saraswati fairly submitted that the applicant has not put in six years of regular service as Gr.II. However, she has referred to reply affidavit of the Respondents that they themselves had sought clarification from the Central Board of Excise and Customs, New Delhi whether the eligibility criteria of 15 years of combined service put together in grade-II and ordinary grade can be made applicable after the issuance of new Recruitment Rule dated 7.3.2003 also. According to the said affidavit, the Central Board of Excise and Customs has not so far given any reply to the clarification to the aforesaid.

3 In the above facts and circumstances of the case, this OA is disposed of with the consent of both parties with a direction to respondents to consider the case of the applicant when requisite clarifications, are received from the Central Board of Excise and Customs. There shall be no orders as to costs.



DR. K. S. SUGATHAN
ADMINISTRATIVE MEMBER



GEORGE PARACKEN
JUDICIAL MEMBER

abp