

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.446/2003

Friday, this the 30th day of May, 2003.

CORAM;

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

1. P.S.Mari Ligi,
Tax Assistant,
Central Excise and Customs Service Tax Division,
Kathrikkadavu, Kochi-17.
2. V.T.Rajasree,
Tax Assistant,
O/o the Commissioner of Central Excise,
I.S.Press Road, Cochin-18.
3. S.Asha,
Tax Assistant,
O/o the Assistant Commissioner of
Central Excise,
Central Excise Bhavan,
Ernakulam II Division,
Kathrikkadavu, Ernakulam.
4. M.K.Sujatha,
Tax Assistant,
Central Excise,
Ernakulam I Division,
Central Excise Bhavan,
Kathrikkadavu, Kochi-17.
5. S.Geetha Kumari,
Tax Assistant,
Central Excise,
Ernakulam II Division,
Central Excise Bhavan,
Kathrikkadavu, Kochi-17. - Applicants

By Advocate Mr TC Govindaswamy

Vs

1. Union of India represented by
the Secretary to Government of India,
Ministry of Finance,
New Delhi.

2. The Chairman,
Central Board of Excise & Customs,
North Block,
New Delhi.
3. The Chief Commissioner of
Customs & Central Excise,
Kerala Zone,
Central Revenue Building,
I.S. Press Road,
Kochi-18.
4. The Commissioner of Central Excise,
C.R. Building,
I.S. Press Road,
Kochi-18. - Respondents

By Advocate Mr C.B.Sreekumar, ACGSC

The application having been heard on 30.5.2003, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

The grievance in this application, filed by five applicants, who were Data Entry Operators(Group 'A') under the Cochin Commissionerate before their redesignation as Tax Assistants as per A-2 order of Central Excise & Customs, is that a larger number of their juniors who belonged to the erstwhile UDCs category before such redesignation, are being considered for promotion to the next higher post of Senior Tax Assistants in preference to them, apparently for the reason that they, while in their earlier cadres had the advantage of appearing successfully at the Departmental Examination, whereas the applicants herein have not got such an opportunity even after restructuring. It is pointed out by the applicants that steps are being taken to bring the LDCs also over to the cadre of Tax Assistants and that in that case, they too would be considered for the next promotion like the erstwhile UDCs

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now restricted as Tax Assistants. According to them, therefore, if promotions to the next higher cadre are made available to their juniors who were erstwhile UDCs and LDCs ignoring the applicants' claim and seniority position, it would cause irreparable damage and prejudice to their service interest.

2. When the matter came up for admission, Shri C.B.Sreekumar, learned ACGSC who took notice on behalf of respondents, sought time for obtaining instructions. However, Shri TC Govindaswamy, learned counsel for the applicants made a preliminary submission that the purpose of this O.A. would be served if the applicants are permitted to make detailed representation(s) highlighting their genuine grievance to the 2nd respondent in order that appropriate relief might be granted at that level. Shri Sreekumar, learned ACGSC states that respondents have no objection in considering the representation(s), if made by the applicants and dispose of the matter in accordance with the rules and instructions on the subject within a specified time.

3. We notice that the apprehended promotion to the next higher post of Senior Tax Assistant is possible and therefore, we deem it fit to permit the applicants to make representation(s) to the 2nd respondent, highlighting all the facts mentioned in this O.A. and any additional facts, if they so desire, within two weeks from today and direct the 2nd respondent to consider the facts judiciously and take appropriate decision and get the final order served on the

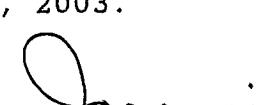
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applicants as early as possible in order that the process of promotion to the cadre of Senior Tax Assistants does not get unnecessarily delayed. It is ordered accordingly. We further direct that till such time the representation(s), if any, made by the applicant is considered and resultant orders communicated to the applicants, respondents shall not take any steps to consider the applicants' juniors for promotion to the cadre of Senior Tax Assistants.

4. The application is disposed of as above. No costs.

 Dated, the 30th May, 2003.

K.V. SACHIDANANDAN
JUDICIAL MEMBER

 T.N.T. NAYAR
ADMINISTRATIVE MEMBER

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