

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA NO.453/2002

Thursday this the 27th day of June 2002.

CORAM

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

1. M.Subramanian
2. D.Muraleedharan
3. M.S.Sasi

Applicants

(All are Lab Attenders, Customs House, Cochin)

(By advocate Mr.Vellayani Sundara Raju)

Versus

1. Union of India rep. by
Secretary, Ministry of Finance
Department of Revenue
New Delhi.
2. The Commissioner of Customs
Customs House, Cochin.

Respondents

(By advocate Mr.C.B.Sreekumar)

The application having been heard on 27th June, 2002, the Tribunal on the same day delivered the following:

O R D E R

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

Applicants, three in number, are Lab Attenders in the office of the second respondent. They were aspiring to be considered for promotion to the post of Lower Division Clerk falling under the 10% quota of promotion to be filled up from amongst the Group-D staff. Inspite of the fact that some 61 persons were given promotions, no Lab Attender received the benefit of promotion under the earmarked quota. Accordingly the applicants herein who had duly expressed their willingness for consideration for promotion to the grade of LDC made representations to the second respondent in that behalf. A-6 is one such representation filed by the first applicant. Meanwhile,

in reply thereto, vide A-7 communication dated 1.3.2000, the applicants were informed that their case for promotion in the grade of LDC would be considered as and when vacancy arose in the cadre. However, the applicants were not lucky to receive the promised promotion. According to them, vacancies did exist. This led to filing of further representations namely, A-8, A-9 & A-10. In A-9, the first applicant highlighted the fact that there were 15 posts available in the category of LDC. These representations appear to have been unresponded to.

2. When the matter came up for hearing today, Shri Vellayani Sundara Raju, learned counsel for the applicants has stated that as on today, as a result of the restructuring that has taken place in the Customs Department, 12 vacancies of LDCs have been specifically sanctioned and that these vacancies remain unfilled although they are earmarked for the specific purpose of meeting the requirement of satisfying the 10% quota for Group-D/Lab Attenders and other related categories. Shri C.B.Sreekumar, learned ACGSC on his part would state that since the department's stand was that as and when vacancies would arise, the claim of the applicants would be considered, there would be no problem to consider the applicants' case if vacancies as stated by learned counsel for the applicant really existed. In that case, the department would consider the applicants' case expeditiously, the learned ACGSC has pointed out.

3. In the light of the above submissions made by the learned counsel on either side, we are of the opinion that it is just and

fair to dispose of the present application at this stage itself by directing the second respondent to consider the applicants' representations A8, A9 & A10 and any other specific material which they would like to rely on and which may be furnished to the second respondent within 10 days from today and pass a speaking order disposing of their representations at an early date. In any case, the above exercise shall be completed within a period of three months from today. No order as to costs.

Dated 27th June, 2002.



K.V.SACHIDANANDAN
JUDICIAL MEMBER



T.N.T.NAYAR
ADMINISTRATIVE MEMBER

aa.

APPENDIX

Applicant's Annexures:

1. A-1 : True copy of office order No.121/2000 dated 4.9.2000 of Joint Commissioner of Customs.
2. A-2 : True copy of the Notification of 1st respondent dated 19.10.91 Amending Recruitment Rules of Group 'C' published in the Gazette of India.
3. A-3 : True copy of the roster maintained at the customs House-Cochin showing the particulars of appointments made in the category of LDC from 14.7.92 onwards.
4. A-4 : True copy of establishment Circular No.15/98 dated 3.4.98 of Asst. Commissioner of Customs (ESTT.).
5. A-5 : True copy of letter of willingness preferred by 1st applicant dated 6.4.98 to the Assistant Commissioner of Customs.
6. A-6 : True copy of representation of 1st applicant dated 17.2.2000 to 2nd respondent.
7. A-7 : True copy of Memo dated 1.3.2000 of Joint Commissioner to 1st applicant.
8. A-8 : True copy of representation of 1st applicant dated 30.4.2001 to 2nd respondent.
9. A-9 : True copy of representation of 1st applicant to 2nd respondent dated 14.7.2001.
10. A-10: True copy of representation of 2nd applicant dated 12.7.2001 to 2nd respondent.

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