

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.461/03

Tuesday this the 2nd day of December 2003

C O R A M :

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. H.P.DAS, ADMINISTRATIVE MEMBER

- 1: K.M.Samuel  
Deputy Commissioner of Customs,  
Custom House, Wellington Island,  
Cochin - 9.
2. C.D.Damodaran Elayath  
Deputy Commissioner of Customs,  
Custom House, Wellington Island,  
Cochin - 9.

Applicants

(By Advocate Mr.C.S.G.Nair)

Versus

1. The Pay & Accounts Officer,  
Customs, Customs House,  
Wellington Island,  
Cochin - 9.
2. The Commissioner of Customs,  
Customs House,  
Wellington Island,  
Cochin - 9.
3. Union of India, represented by  
the Secretary,  
Department of Revenue,  
Ministry of Finance,  
North Block,  
New Delhi - 110 001.

Respondents

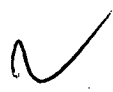
(By Advocate Mr.C.Rajendran, SCGSC)

This application having been heard on 2nd December 2003  
the Tribunal on the same day delivered the following :

O R D E R

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN

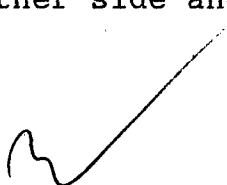
The applicants two in number while working as Assistant Commissioner, Customs and Central Excise on adhoc basis were promoted as Deputy Commissioner, Customs and Central Excise again on adhoc basis. Their grievance is that they were not granted the benefit of fixation of pay of such promotion invoking FR 22 I



(a) (i) on the ground that they were promoted on adhoc basis as Deputy Commissioners while officiating on adhoc basis as Assistant Commissioners. Their requests were turned down by Annexures A-5, A-10 & A-12 orders. Therefore the applicants have jointly filed this application seeking to set aside Annexures A-5, A-10 and A-12 and for a declaration that the applicants are eligible for fixation of pay under FR 22 I (a)(i) on their promotion to Assistant Commissioners (JTS) as well as to Deputy Commissioners on adhoc basis and for a direction to the 1st respondent to pass the bills prepared and sent by the 2nd respondent and order payment without delay.

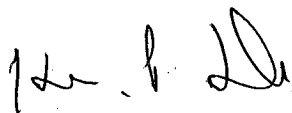
2. The respondents have not filed any reply statement so far. Shri.C.Rajendran,SCGSC appears for the respondents. When the application came up for hearing today the learned counsel for the respondents states that the respondents have decided to give the benefit of fixation of pay under FR 22 I (a) (i) to the applicants on their promotion on adhoc basis as Deputy Commissioners, that the order in that regard would be issued and financial benefits made available to the applicants without further delay and that the application may be closed noting this undertaking. Learned counsel for the applicants states that the application may be disposed of giving a direction to the respondents to issue resultant orders giving them the benefit of fixation and also directing the respondents to make available to the applicants financial benefits flowing therefrom within a short time.

3. In the light of the submissions made by the counsel on either side and the respondents do not wish to contest the



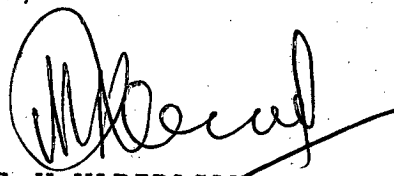
application, the application is disposed of by setting aside Annexures A-5, A-10 and A-12 directing the respondents to issue orders regarding fixation of pay under FR 22 I (a) (i) on adhoc promotion of the applicants to Deputy Commissioner of Customs and Central Excise and to make available to them the monetary benefits flowing therefrom within a period of two months from the date of receipt of a copy of this order. No costs.

(Dated the 2nd day of December 2003)



H.P.DAS  
ADMINISTRATIVE MEMBER

asp



A.V.HARIDASAN  
VICE CHAIRMAN