

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM

O. A. No.  
T. A. No.

5

199 0

DATE OF DECISION 29.8.90

T. C. Rajakumaran \_\_\_\_\_ Applicant (s)

Mr. M R Rajendran Nair \_\_\_\_\_ Advocate for the Applicant (s)

Versus

UOI rep. by Secretary, Finance Respondent (s)  
New Delhi and others

Mr. C. Kochunni Nair, ASC \_\_\_\_\_ Advocate for the Respondent (s)  
for 1 & 2

CORAM:

The Hon'ble Mr. N. V. Krishnan, Administrative Member

The Hon'ble Mr. N. Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

HON'BLE SHRI N. V. KRISHNAN, ADMINISTRATIVE MEMBER

We have heard this case. The applicant has impugned Annexure-I order by which the third respondent has been promoted as Inspector of Central Excise. He seeks a direction that he should be appointed as Inspector in preference to the third respondent.

2. We have today considered another case, O.A. 763/89, wherein the question involved was as to how Tax Assistants should be given promotion as Inspector of Central Excise. An order has been passed in that case directing the respondents to prepare a seniority list of Tax Assistants and to consider the applicants therein on the basis of this list.

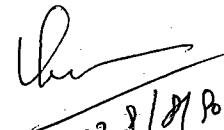
3. In the present case, the Respondents 1 & 2 have contended that the third respondent has been promoted because he is senior to the applicant as a UDC in accordance with a seniority list issued as on 1.1.1989, the validity of which has been XXXXXXXXXX upheld by the Tribunal <sup>in another case.</sup> In this view of the matter, it is contended that the applicant cannot impugn the Annexure-I order as the promotion has been given on the basis of the then existing seniority of the third respondent in the cadre of UDCs.

4. We have perused the records and heard the counsel. We are of the view that the stand taken by the respondents has to be upheld and the appointment of the third respondent by the Annexure-I order is not liable to be challenged at the <sup>Q</sup> <sub>l</sub> stand of the applicant.

5. Hence, we find no merit in this application. It is therefore dismissed. There will be no order as to costs.

  
(N. Dharmadan)  
Judicial Member

29.8.90

  
(N.V. Krishnan)  
Administrative Member

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