

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O.A. No. 495/90
~~XXXXXX~~

199

DATE OF DECISION 25.6.90

AB Jeevan Das Applicant (s)

M/s K Balakrishnan and
PK Ravikrishnan Advocate for the Applicant (s)
Versus

The Collector of Customs
Customs House, Cochin-9 and Respondent (s)
2 others.

____ Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. MY Priolkar, Administrative Member

The Hon'ble Mr. AV Haridasan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *✓*
2. To be referred to the Reporter or not? *h*
3. Whether their Lordships wish to see the fair copy of the Judgement? *h*
4. To be circulated to all Benches of the Tribunal? *no*

JUDGEMENT

Mr AV Haridasan, Judicial Member

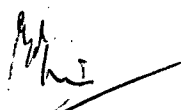
Heard the learned counsel for the applicant.

The grievance of the applicant is that he has been superseded in the matter of deputation to Air Customs Pool, Trivandrum and Madras. It is alleged in the application that a criminal investigation is pending against him on the ground that he was found to be in possession of ^{assets} ~~XXXX~~ dis-proportionate to his legitimate income. The applicant presumes that he was not considered for deputation to Air Customs Pool, Trivandrum and Madras solely on the ground that a criminal investigation is pending against him, and it is his case that the mere pendency of a criminal investigation which has no ^{factual} ~~XXXX~~ foundation should not stand in the way of his posting in the Air Customs Pool. Therefore, the applicant prays that Respondents

1 & 2 may be directed to consider him for deputation to the Air Customs Pool. The posting to Air Customs Pool is done by Respondents 1 & 2 selecting persons amongst the optees taking into account their past services, integrity and suitability for such posting. If the Respondents 1 & 2 have not chosen to select the applicant for posting in the Air Customs Pool which is a very sensitive posting for the reason that a criminal case touching the integrity of the applicant is pending, we are afraid that we cannot justifiably interfere in their discretion in making the selection. Therefore, we reject the application without being admitted.

The learned counsel for the applicant submitted that the applicant has made a representation 31.8.89 at Annexure-2 and that the Collector of Customs (Respondent-1) may be directed to dispose of the same. We make it clear that the fact that we have not admitted the application will not stand in the way of Respondent-1 considering the above said representation of the applicant at Annexure-2 and passing appropriate orders in accordance with law within a reasonable time.


(AV Haridasan)
Judicial Member


(MY Priolkar)
Administrative Member

25-6-1990