

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Date of decision: 13-8-1993

Original Application No.496 of 1993

MK John - Applicant
Mr MR Rajendran Nair &
Mr Harikrishnan - Counsel for the
applicant

v.

1. The Collector of Central Excise
and Customs, Central Revenue
Buildings, IS Press Road,
Cochin-18.

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

- Respondents

Mr George CP Tharakan, SCGSC - Counsel for the
respondents

CORAM

HON'BLE MR N DHARMADAN, JUDICIAL MEMBER

&

HON'BLE MR R RANGARAJAN, ADMINISTRATIVE MEMBER

JUDGEMENT

N DHARMADAN, JUDICIAL MEMBER

The applicant is working as Inspector of Central
Excise and Customs. He has filed this application under
Section 19 of the Administrative Tribunals Act for a decla-
ration that he is entitled to be deputed for a period of
six months working at the Air Cargo Complex(UB), Trivandrum
in preference to his juniors, who have served at Air Customs
Pool, Trivandrum for a period of two years after 1985 and
consequent direction to the first respondent. He filed
M.P-812/93 for a direction to empanel him for deputation
to the unaccompanied baggage section of Trivandrum Air Port

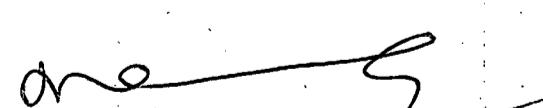
and reserve one vacancy for him.

2. On 6.8.1993, when the applicant moved M.P-1121/93, we directed the learned counsel for respondents to file a statement indicating the correct position. Accordingly, a statement was filed by the respondents. They have stated that the applicant's claim will be considered immediately after the expiry of the cooling off period and the selection to the panel for unaccompanied baggage posting is based on seniority and fitness.

3. In the light of the aforesaid statement, we have heard the learned counsel on both sides. The learned counsel for applicant submitted that original application itself can be closed after recording the assurance. The cooling off period in respect of the applicant will be over by November 1993 and the applicant be posted on the basis of the seniority and suitability in November itself in preference to his juniors.

4. Accordingly, we close the O.A. with the observation that the applicant's claim for posting at Air Cargo Complex (U8), Trivandrum should be considered immediately after the expiry of the cooling off period in preference to any of his juniors.

5. The O.A. is accordingly closed as above. There will be no order as to costs.


(R. RANGARAJAN)
ADMINISTRATIVE MEMBER


(3.8.93)
(N. DHARMA DAN)
JUDICIAL MEMBER

13-8-1993

trs