

CENTRAL ADMINISTRATIVE TRIBUNAL, E R N A K U L A M B E N C H

O.A. No. 511 of 1996.

Monday this the 7th day of July 1997.

CORAM:

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

1. K. Thamarakshan, Sepoy of Central Excise, Divisional Office, Trivandrum.
2. S. Rajan, Sepoy of Central Excise, Cargo Complex (Unaccompanied Baggage), Trivandrum.
3. M.S. Jamaludeen, Sepoy of Central Excise, Cargo Complex (Unaccompanied Baggage), Trivandrum.
4. M. Vavakunju, Sepoy of Central Excise, Cargo Complex (Unaccompanied Baggage), Trivandrum.
5. C. Pushparajan, Sepoy of Central Excise, Trivandrum I Range.
6. N. Raghavan, Sepoy of Central Excise, Customs Preventive & Intelligence Unit, Trivandrum.
7. M. Muhammed Haneefa, Sepoy of Central Excise, Trivandrum II Range.
8. K. Suseelan, Sepoy of Central Excise, Trivandrum VI Range.
9. B. Somasekharan Nair, Sepoy of Central Excise, Customs Preventive & Intelligence Unit, Trivandrum.
10. V. Thankappan, Sepoy of Central Excise, Divisional Office, Trivandrum.
11. S. Syed Saheer, Sepoy of Central Excise, Trivandrum II Range.
12. K. Sisupalan, Sepoy of Central Excise, Neyyattinkara Range, Trivandrum.
13. P. Sivankutty Nair, Sepoy of Central Excise, Divisional Office, Quilon.
14. E. Salahudeen, Sepoy of Central Excise, Divisional Office, Quilon Division. .. Applicants

(By Advocate Smt. Sumathi Dandapani)

Vs.

1. Union of India represented by Secretary to Government, Ministry of Finance, New Delhi.
2. The Commissioner of Customs & Central Excise, Trivandrum.
3. The Assistant Commissioner, Office of the Commissioner of Customs & Central Excise, Trivandrum.
4. K.G. Chandran, Sepoy, Central Excise Office, Ernakulam.
5. K.G. Biju Bose, Sepoy, Central Excise Range Office, Kalamassery II, Subhas Building Cochin-18. .. Respondents

(By Advocate Shri TPM Ibrahim Khan, SCGSC (for R.1-3)

By Advocate Shri MR Rajendran Nair (for R.4 & 5)

The application having been heard on 7th July 1997-  
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicants are Sepoys of Central Excise. Their grievance is that they are not being sent for tenure posting of six months in the Air Customs Pool, Trivandrum on the basis of seniority. They allege that certain persons (juniors to them) whose names have been furnished have been allowed to work more than a year in the Air Customs Pool, whereas in the case of applicants they have been denied the benefit of one year term in the Air Customs Pool. They submitted a representation Annexure A-1 in this regard to the Commissioner of Central Excise, Cochin (2nd respondent perhaps by mistake is shown in the Application as Commissioner of Central Excise and Customs, Trivandrum and it is stated that there is no such post at Trivandrum) and by A-2 impugned order their request was rejected by the Assistant Commissioner who is the 3rd respondent. Applicants pray that A-2 be quashed

and that they be declared entitled for a posting to the Air Customs Pool, Trivandrum in accordance with their seniority and in preference to their juniors.

2. Respondents 1 to 3 submit that till 1985 the posting to the Air Customs Pool was done on a rotational basis from Trivandrum Division. From 1985 willing officers are being posted on the basis of seniority-cum-fitness and who have never worked at the airport (excluding six months posting on rotational basis). The Sepoys who worked at the Airport prior to 1985 on rotational basis from Trivandrum Division were reposted for a further period of six months in compliance with the Tribunal's order in O.A. 722/89 and O.A. 731/89. As regards the juniors mentioned by the applicants, respondents 1-3 submit that the persons named by the applicants have been posted to the Trivandrum Airport on rotational basis prior to 1985 but by an over-sight they were again posted for one year instead of six months.

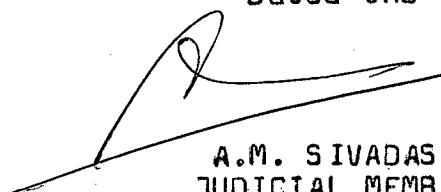
3. Though the respondents 1-3 stated that no other such wrong postings have occurred, applicants have filed M.A. 510/97 and produced A-3 according to which C.C. Alexander and D. Thomas have been posted for a period of one year on 23.8.96 even though they have already worked in the Airport earlier.

4. Respondents 4 and 5 submit that they have not worked in the Air Customs Pool so far and that they are due to be posted to work in the Air Customs Pool and that if the applicants who are seniors to them are again sent to Air Customs Pool their legitimate chances for posting in the Airport would get blocked.

5. In the light of the pleadings it appears that the postings made to the Air Customs Pool require to be examined by the Commissioner at his level since even respondents 1 to 3 agree that some mistakes have been committed by over-sight and applicants have mentioned one S.Thomas and C.C. Alexander (whose postings have not been clarified by the respondents) as instances where the rules have again been violated and postings have been given to them in the Air Customs Pool even though they had earlier served in the Air Customs Pool. We consider that these allegations have to be looked into and mistakes if any should be set right by the appropriate authority and direct the Commissioner of Customs and Central Excise, Cochin to look into these aspects at his level and decide whether the postings to the Air Customs Pool, Trivandrum have been made in accordance with the rules. If not, he shall take steps to rectify the mistakes. After examining the matter the applicants shall be given a suitable reply in this regard taking into account the various points raised by them in this O.A. This may be done within two months of today. We have mentioned the authority as Commissioner of Customs and Central Excise, Cochin since we find that the second respondent who has been impleaded in the O.A. is Commissioner of Customs and Central Excise Trivandrum and it is submitted by the counsel at the Bar that there is no such post in Trivandrum.

6. Application is disposed of as aforesaid. No costs.

Dated the 7th July 1997.



A.M. SIVADAS  
JUDICIAL MEMBER



P.V. VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

LIST OF ANNEXURES

1. Annexure A1: True copy of representation filed by the 1st applicant before the Commissioner of Central Excise & Customs, Cochin-18, in the month of July, 1995.
2. Annexure A2: True copy of order, C.No.II/39/17/95/1654 dated 23.2.1996 of the 3rd respondent issued to the 1st applicant.
3. Annexure A3: True copy of Order No.187/96 vide C.No.II/3/8/96-Estt.IV dated 23.8.1996 issued from the office of the Commissioner of Central Excise & Customs, Cochin.

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