

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No.  
XXXXXX

538

1991

DATE OF DECISION 3.5.1991

K.Ravindran Pillai Applicant (s)

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

Versus

The Collector of Central Respondent (s)  
Excise, Cochin & Another

Mr.K Prabhakaran, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S.P.Mukerji - Vice Chairman

and

The Hon'ble Mr. A.V.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? ☒
3. Whether their Lordships wish to see the fair copy of the Judgement? ☒
4. To be circulated to all Benches of the Tribunal? ☒

JUDGEMENT

(Mr.S.P.Mukerji, Vice Chairman)

We have heard the learned counsel for the parties.

2. In this application dt.4.4.91 the applicant has prayed for another posting to the Air Customs Pool at Trivandrum International Airport for a period of six months as has been directed by this Tribunal in other similar cases. The applicant had earlier been posted to the aforesaid International Airport for 332 days between 1984 and 1987, of which only less than two months' service was put in when the reward had been enhanced to 20% of the seizure. In similar cases, we have been taking the view that, where the posting was given for one year <sup>or less</sup>

...2/-

during the period when the reward percentage was 20%,  
the applicants<sup>should</sup> have been allowed reposting to the  
International Airport for<sup>a</sup> period of six months ~~more~~.  
In line with the decisions so given in other cases,  
and as agreed to by the learned counsel for the res-  
pondents, we allow this application to the extent  
of directing the respondents to consider the applicant  
for a posting at the International Airport, Trivandrum  
for a period of six months on the basis of his seniority  
and suitability against<sup>any of</sup> the next arising vacancies<sup>in</sup>



(A.V. HARIDASAN)  
JUDICIAL MEMBER



(S.P. MUKERJI)  
VICE CHAIRMAN

3.5.1991

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No. 538 of 1991  
T. A. No.

DATE OF DECISION 28-5-1992

Mr K Ravindran Pillai Applicant (s)

Mr MR Rajendran Nair Advocate for the Applicant (s)

Versus

The Collector of Central Respondent (s)  
Excise, Kochi & another

Mr K Prabhakaran, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. SP MUKERJI, VICE CHAIRMAN  
&

The Hon'ble Mr. AV HARIDASAN, JUDICIAL MEMBER

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

JUDGEMENT

(Mr SP Mukerji, Vice Chairman)

We have heard the learned counsel for the parties on this application in which the applicant who has been working as a Driver of Central Excise, Divisional Office, Trivandrum has prayed that he should be declared to be entitled to be considered for a posting at the Air Customs Pool, Trivandrum on the basis of his seniority at least for a period of six months. The brief facts of the case are as follows:

2. The applicant while working as a motor Driver in the Central Excise happened to be posted at the Trivandrum Airport between 1984 and 1987. The posting at the Trivandrum Airport

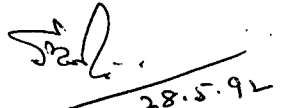
is coveted by the staff because the staff posted there, are allowed some percentage as reward of the value of contrav<sup>band</sup>en<sup>ing</sup> goods seized there. This percentage was enhanced from 10% to 20% as from 1.1.1985. This Tribunal in some cases decided that the staff who happened to be posted before 1.1.1985 when the percentage of reward was 10% should be given another opportunity of a posting <sup>for 6 months</sup> after 1.1.1985. The applicant claims ~~the~~ similar benefits. While the respondents' case is that the applicant during his entire period of 1984 to 1987 has had more than his share of six months of posting at the Trivandrum Airport after 1.1.1985, the applicant's case is that after 1.1.1985 he was being posted intermittently in the leave vacancies and his total period of actual working in the Air Customs Pool at Trivandrum never exceeded six months. During the course of ~~the~~ arguments, the learned counsel for the parties agreed that if the applicant makes a representation to the Collector of Customs and Central Excise, the applicant's case will be considered ~~sympathetically~~ for a posting at the Trivandrum Airport after verifying the total number of days of his actual service rendered at the Trivandrum Airport <sup>after</sup> 1.1.85.

2. In the conspectus of facts and circumstances, we close this application with the direction to the applicant that he should submit a detailed representation giving the various facts and figures to the Collector of Customs and Central Excise, within a period of two weeks from the date of communication of this order and the Collector of Customs

& Central Excise shall dispose of the representation within a period of one month from the date of receipt of such a representation after verifying the various facts and keeping in view our judgements in similar cases regarding six month's posting after 1.1.1985 and their own precedents.



( AV HARIDASAN )  
JUDICIAL MEMBER

  
28.5.92

( SP MUKERJI )  
VICE CHAIRMAN

28-5-1992

trs

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

Placed below is a Review Petition filed by Collector of Central Excise (Applicant/  
Respondents in OA/TA No. 538/91) seeking a review of  
the order dated 3-5-91 passed by this Tribunal in the  
above noted case.

As per Rule 17(ii) and (iii), a review petition shall  
ordinarily be heard by the same Bench which passed the Order  
and unless ordered otherwise by the Bench concerned, a review  
petition shall be disposed of by circulation where the Bench  
may either dismiss the petition or direct notice to the issued  
to the opposite party.

The Review petition is therefore, submitted for orders  
of the Bench consisting of Hon'ble Shri S.P. Menon, V.C.  
u Shri H.V. Hanudasan Member J-2

which pronounced the Order sought to be reviewed.

R  
16/6

PS to Hon'ble V.C.

Hon'ble V.C. may kindly see.

1  
16/6

Hon'ble V.C. If Hon'ble Member  
agrees we may hear  
both the parties after  
giving notice to them.

S.P.  
5/6

Hon'ble PM (I)

Yes

DRG

5/6  
30/91

Notice issued on 7/6/91

Mr. M.O.B.  
12  
5/6

May be on 19/6/91  
DRG  
5/6  
5-11

DRG  
50 (JL)

19-6-91  
(22)

SPM & AVH

Mr Sidharthan for review applicant  
Ms Bindu for respondents

At the request of the learned counsel for the respondents in the review application, list for further directions on 19.7.91. The respondents may file reply to the RA with a copy to the review applicant well before that date.

*Adjudged to 24.7.91 by on file*  
*for*  
19-6-91

24.7.91

SPM & AVH

Mr. Prabhakaran through proxy counsel.  
Mr. Rajendran Nair

The learned counsel for the Review Applicant wishes to file a reply to the R.A. and undertakes to do so within three weeks with a copy to the learned counsel for the Review Petitioner.

List for further directions on 30.8.91.

*for*  
24.7.91

2-8-91  
(21)

SPM & AVH

Mr Rajendran Nair for petitioner  
Mr K Prabhakaran for respondents

MP-909/91

Heard the learned counsel for the parties on the M.P. filed by the original applicant in reply to RA-30/91. The learned counsel for the respondents is directed to produce the documents mentioned in the M.P. on 29.8.91, on which date the RA will also be heard.

*for*  
2-8-91

SPM. & AVH

Mr Santhoshkumar for review applicant  
Mr Rajendran Nair for respondents

At the request of the learned counsel for the review applicants, list for final hearing on 13.9.91. He should produce the necessary documents on that date.

*Repl. statement by respot. filed on 31/7.91.*  
*for*  
29-8-91

13.9.91

-3-

RA 30/91

Mr.K.Prabhakaran-ACGSC  
Mr.Rajendran Nair

SPM&AVH

At the request of the learned counsel for the respondents, list for further directions on the RA on 20th september,1991.

*SM*  
13.9.91

20-9-91  
(16)

SPM & AVH

Mr K Prabhakaran for review applicant  
Mr Rajendran Nair for respondents

We have heard the learned counsel for the parties on the R.A. in OA-538/91. It has been argued by the learned counsel for the review applicant that the statement in the application that the applicant had worked at the Trivandrum Airport for less than two months after the new reward scheme was introduced is factually not correct. He has also argued that no earlier decision of this Tribunal is available wherein those who had been given the posting after the new scheme was introduced for one year or less had been allowed a re-posting.

In the circumstances, we allow the review application, recall our order dated 3.5.1991 in OA-538/91 and direct that the case should be ~~re~~ heard denovo. The learned counsel for the original respondents states that the review application and the statement filed on MP/206 Dy.No. 7665/91 dated 20.9.91 by the original respondents on the RA should be taken to be their reply to the original application in OA-538/91. The learned counsel for the applicant is directed to file rejoinder, if any, within 3 weeks with a copy to the respondents.

List the O.A. for final hearing before this Bench on 7.11.91

*SM*  
20-9-91

*F.O. in RA*

*Az 28/9*  
*Mr MCB*