

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O.A. No. 545 of 1991
T.A. No.

DATE OF DECISION 12-4-1991

PK Mathew Panicker Applicant (s)

Mr MR Rajendran Nair Advocate for the Applicant (s)

Versus

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

Mr V Ajith Narayanan, 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

AV Haridasan, Judicial Member

The applicant who is working as Inspector, Central Excise presently in the Air Customs Pool, Trivandrum has filed this application praying that it may be declared that he is entitled to be considered for a posting at the Air Customs Pool, Trivandrum for a full turn of 2 years on the basis of his seniority-cum-fitness, notwithstanding that he has worked at the Airport for sometime in 1979-80 and also for a direction to the respondents to consider the representations at Annexure I and II submitted by him in this behalf to the first respondent. At our direction Shri Ajit Narayanan, Addl. Central Government Standing Counsel took notice of the application.

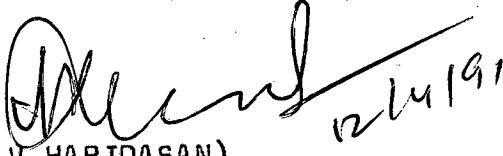
The learned ACGSC opposed the admission of the application on the ground that no right of the applicant has been infringed and that the applicant has no valid cause of action to move this Tribunal for an order as prayed for.

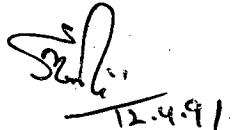
The applicant had served in the Air Customs Pool, Trivandrum for about 1 year 8 months during 1978-1980. In some cases where Inspectors and such other supervisory staff who had served at the Air Customs Pool for a period less than two years, we had in applications filed by them directed the authorities to consider them for a posting there for another term of 6 months because there has been a change in the percentage of reward after 1985. In this case, even without any such direction the applicant had been given a posting back to the Air Customs Pool for a limited period of 6 months.

The applicant accepted that posting and has now come up with this application prior to the expiry of the six months praying that a direction may be given to the respondents to consider him for a posting for a complete tenure of two years. We are not convinced that the applicant has got any such right to claim a posting for two years. It is for the administration to decide on materials available with them on an assessment of the activities of the officials and the requirement of administrative exigencies to decide which officer is to be posted where. Only in cases where malafides or colourable exercise of power is writ large judicial intervention is required. That being the case, we are

of the view that we have no reason to entertain this application. The learned counsel for the applicant submitted that the representations at Annexure-I and IV made by the applicant remain to be disposed of by the first respondent and that the disposal of this application may not stand in the way of the first respondent considering the above representations on merits. We make it clear that though we do not admit this application for the reasons above stated, our order does not preclude the first respondent from taking any decision on the representation submitted by the applicant in accordance with law.

2. In view of what is stated above, we find that the application does not deserve to be admitted and hence we reject the same under Section 19(3) of the Administrative Tribunals Act. There is no order as to costs.


(A.V.HARIDASAN)
JUDICIAL MEMBER


(S.P.MUKERJI)
VICE CHAIRMAN

12.4.1991