

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.595/07

Monday this the 1st day of September 2008

C O R A M :

**HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Dr.K.S.SUGATHAN, ADMINISTRATIVE MEMBER**

T.Aboobacker Koya,
Sukhani,
Customs Sea Patrolling Unit,
Beypore, Kozhikode.

...Applicant

(By Advocate Mr.C.S.G.Nair)

Versus

1. Union of India represented by the Secretary,
Department of Revenue, Ministry of Finance,
North Block, New Delhi – 110 001.
2. The Chairman,
Central Board of Excise & Customs,
North Block, New Delhi – 110 001.
3. The Chief Commissioner of Central Excise & Customs,
Central Revenue Buildings, I.S.Press Road,
Cochin – 18.
4. The Commissioner of Central Excise & Customs,
Central Revenue Buildings, I.S.Press Road,
Cochin – 18.
5. The Commissioner of Customs (Preventive),
Central Revenue Buildings, I.S.Press Road,
Cochin – 18.
6. Director General of Revenue Intelligence,
Indraprastha Estate, New Delhi – 110 001.
7. The Director of Logistics,
Customs & Central Excise,
7th Street, Shopping Centre,
Shanti Niketan, New Delhi – 110 021.

...Respondents

(By Advocate Mr.T.P.M.Ibrahim Khan,SCGSC)

This application having been heard on 1st September 2008 the
Tribunal on the same day delivered the following :-

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ORDER**HON'BLE Mr. GEORGE PARACKEN, JUDICIAL MEMBER**

The applicant is a Sukhani working in the vessel CAC-AL-AIYAZ in the Customs Sea Patrolling Unit at Calicut under the 5th respondent and his next promotional post is Skipper Mate/Tindle. He has filed the present O.A aggrieved by Annexure A-9 letter dated 21.8.2007 issued by the 7th respondent, namely, the Director of Logistics Customs & Central Excise, New Delhi, according to which a Selection Committee constituted by Director General (Revenue Intelligence) under the Chairmanship of Commissioner of Customs (Preventive), Mumbai conducted interviews for selection of candidates to the post of Skipper Mates, Engineer Mates and Artisans on 18, 19 and 20 June 2007 and among others, they have selected three candidates for the post of Skipper Mate, two at Cochin and one at Calicut. He challenged the said letter on the ground that when the Annexure A-2 "Marine Organisation of Customs and Central Excise Department (Group 'C' and 'D' posts) Recruitment Rules, 1994" prescribes that the method of recruitment to the post of Skipper Mate is by way of promotion failing which by re-employment/direct recruitment and the grade from which promotion is to be made is from the grade of Tindle with minimum 5 years service in the grade, the respondents should have adhered to the said Recruitment Rules instead of appointing anyone by direct recruitment basis. He has also submitted that he has 11 years of service as Sukhani and he was in fact considered for promotion as Skipper Mate along with other similarly placed persons in terms of the aforesaid Recruitment Rules in the previous year of selection held on June, 2006 (Annexure A-7) but senior most among them, namely, Shri.C.K.Devadasan, was appointed. He is next in the line of promotion as Skipper Mate in terms of the seniority list.



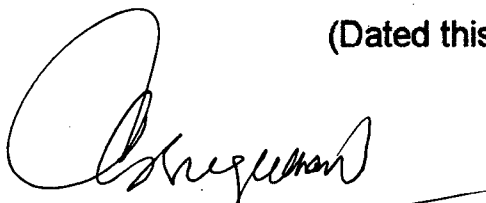
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2. The respondents have filed quiet an evasive reply statement without touching the real issue. However, in paragraph 4 of the reply statement, they have stated as under :-

"4. It is submitted that there is no vacancy of Skipper Mate at Calicut for appointment by direct selection as mentioned in Annexure A-9. It is further submitted that as and when any vacancy arises in the post of Skipper Mate in Calicut the same will be filled up as per extant Recruitment Rules."

3. In view of the aforesaid submissions made by the respondents, we allow this O.A and direct the respondents to fill up the post of Skipper Mate in Calicut strictly in accordance with Annexure A-2 "Marine Organisation of Customs and Central Excise Department (Group 'C' and 'D' posts) Recruitment Rules, 1994". Consequently, we quash the Annexure A-9 letter dated 21.8.2007 in so far as it relates to the posting of selected candidate to Calicut is concerned. There shall be no order as to costs.

(Dated this the 1st day of September 2008)



K.S.SUGATHAN
ADMINISTRATIVE MEMBER

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GEORGE PARACKEN
JUDICIAL MEMBER