

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 598/92
~~XXXXXX~~

199x

DATE OF DECISION 23.6.1992

Mr MA Somasekharan Applicant (x)

Miss Nagendran & Nagendran Advocate for the Applicant (x)

Versus
Deputy Collector (P&V), Office
of the Collector of Central Respondent (s)
Excise & Customs, Cochin & ors.

Mr NN Sugunapalan, SCGSC Advocate for the Respondent (s) (1 to 4)

CORAM :

The Hon'ble Mr. PS Habeeb Mohamed - Administrative Member

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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

Shri AV Haridasan, JM

The applicant who is a Deputy Office Superintendent Level II, Audit Section, in the Office of the Collector of Central Excise (Headquarters), Kochi is aggrieved by supersession in the matter of promotion by his juniors in the cadre of Inspector of Central Excise. By order dated 10.6.1991 at Annexure A7, 20 persons including respondents 5 to 8 who according to the applicant are juniors to him were promoted to the grade of Inspector of Central Excise while he was not promoted. Being aggrieved by this supersession,

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the applicant made a representation dated 4.9.1991 at Annexure A8 to the respondent No.2 requesting that in view of the judgement of this Tribunal in OAK 571/88 disposed of on 23.6.1990, he may be considered and promoted on a date anterior to the date of promotion of his juniors. In response to this representation, the applicant was served with the impugned order dated 11.11.1991 at Annexure A9 issued by the respondent No.1 who is an authority subordinate to respondent No.2. The grievance of the applicant is that the respondent No.1 was not the competent authority to dispose of his representation which was made to the respondent No.2 and the action on the part of respondent No.1 to take a decision at his level without even forwarding the same to the respondent No.2 is arbitrary and irrational. The applicant has, therefore, filed this application for various reliefs including one for a direction to respondent No.1 to promote him to the post of Inspector of Central Excise with effect from the date of promotion of his juniors, i.e. respondents 5 to 8 and to adjust his seniority accordingly.

2. When the matter came up for admission, the counsel on either side agreed that it would be appropriate if the application is disposed of with a direction to the respondent No.2 to consider the representation of the applicant dated 4.9.1991 at Annexure A8 and dispose of the same expeditiously.

3. In view of the above submission, we admit the

application and dispose of the same directing respondent No.1 to forward the representation of the applicant dated 4.9.1991 to the respondent No.2 forthwith, if not already forwarded earlier and the second respondent to dispose of the representation after due consideration in accordance with law within a period of two months from the date of receipt of this order.

4. There is no order as to costs.


(AV HARIDASAN)
JUDICIAL MEMBER


(PS HABEEB MOHAMED)
ADMINISTRATIVE MEMBER

23.6.1992