

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O.A. No. 598 of 1991
~~T.A. No.~~

DATE OF DECISION 22-4-1991

AI Zachariah Applicant (s)

Mr MR Rajendran Nair Advocate for the Applicant (s)

Versus

Collector of Central Excise, Respondent (s)
Kochi and another

Mr Mathew J Nedumpara, 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? *M*
3. Whether their Lordships wish to see the fair copy of the Judgement? *M*
4. To be circulated to all Benches of the Tribunal? *M*

JUDGEMENT

AV Haridasan, Judicial Member

The applicant is an Operator in the Telecommunication Wing of Central Excise Department presently working in Kottayam Division. Operators of Telecommunication also just as other supervisory staff working in the Air Customs Pool get a reward of 20% of the catch if smuggling is detected. The applicant had an opportunity to serve with the Air Customs Pool, Trivandrum and to participate in the receipt on reward during 1987 for a period of six months. This was by an order made by the Assistant Collector. Subsequently, the Department evolved a system of making rotational posting for Air Customs Pool of Telecommunication staff for a period of one year. On the basis of this policy, persons who were similarly deputed for a period

of six months like the applicant were either given an extension or were given a reposting if they had already been reverted to the other Divisions. Finding that his colleagues got an extension for further period, the applicant made a representation at Annexure-III dated 5.10.1989 to the Collector of Central Excise, i.e. the first respondent. Though two of his juniors were there- after posted to the Air Customs Pool, Trivandrum as Operators as his representation remained unresponded to, the applicant has filed this application under Section 19 of the Administrative Tribunals Act for a declaration that he is entitled to be considered for a posting at Air Customs Pool in the next arising vacancy of Operator, Telecommunications and for the consequential reliefs.

2. Shri Mathew J Nedumpara, the learned Additional Central Government Standing Counsel took notice of the application. Without conceding any of the rights claimed in the application, the learned ACGSC submitted that the respondents have no objection in considering the representation at Annexure-III taking a proper decision and communicating the ^{same} ~~same~~ to the applicant, within a reasonable time.

3. Having heard the learned counsel on either side and considering the submission made by the learned ACGSC at the bar and also the fact that the applicant would be retiring in November, 1991 and that the next vacancy would arise only in August, we admit the application and dispose of the same with ^a direction to

the first respondent to consider the Annexure-III representation in accordance with law, within a period of one month from the date of communication of this order and to give him a speaking order in reply.


(AV HARIDASAN)
JUDICIAL MEMBER


22.4.91
(SP MUKERJI)
VICE CHAIRMAN

22-4-1991

trs