

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.612/96

Tuesday, this the 4th day of June, 1996.

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Elsy Thomas,
Assistant Commissioner of Customs,
Customs House, Kochi-9.

- Applicant

By Advocate Mr NN Sugunapalan

Vs

1. Central Board of Excise & Customs,
North Block, New Delhi-110 001
represented by its Chairman.
2. Member(Personnel),
Central Board of Excise & Customs,
North Block, New Delhi.
3. Commissioner of Customs,
Customs House, Kochi-9.
4. Union of India represented
by its Secretary,
Ministry of Finance,
Department of Revenue,
New Delhi.
5. KN Ravindran, Assistant
Commissioner of Customs,
Customs House, Kochi-9.
6. V Brahmanandan,
Assistant Commissioner of Customs,
Customs House, Kochi-9.

- Respondents

By Advocate Mr S Radhakrishnan, Additional Central Government
Standing Counsel(for R.1 to 4)

The application having been heard on 4.6.96 the Tribunal
on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

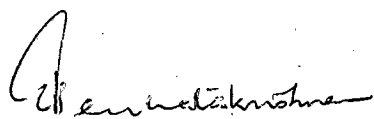
Applicant challenges A7 order by which the Deputy
Commissioner of Customs, Cochin informed her that her

representation for senior time scale could not be considered, as the question of inter se seniority was pending verdict of the Apex Court.

2. When a party makes a representation raising specific points, the authority competent to deal with the representation is bound to deal with the contentions and pass a speaking order. The impugned order of the Government of India (conveyed by the Deputy Commissioner of Customs) bears the face of a sphinx, and is as vague as it could be when it speaks of "pending final verdict". At least the number of the case and other basic details could have been mentioned. Such orders cannot be justified or sustained and they cast a poor reflection on the author of the order and the casual manner of dealing with issues.

3. Be that as it may, learned additional standing counsel who appeared and argued the matter on behalf of the respondents, submitted that A7 order is no longer valid, as the case pending before the Supreme Court C.A.257/88 was finally disposed of. In view of these developments, A7 order cannot be sustained and we quash the same. We direct the respondents to pass a speaking order on A5 representation within two months from today and communicate the same to applicant. Application is allowed as aforesaid. No costs.

Dated, the 4th June, 1996.



PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

List of Annexures

Annexure A5: True copy of the representation submitted by the applicant to the 1st respondent dated 12.2.1996.

Annexure A7: True copy of the Memo No.S45/21/95.Estt. Cus. dated 1.5.1996 issued by the 3rd respondent to the applicant.