

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.8/93

Wednesday, this the 19th day of January, 1994.

SHRI N DHARMADAN, MEMBER(J)
SHRI S KASIPANDIAN, MEMBER(A)

1. P Viswanatha Kurup,
S/o late Ramanunni Nair,
Aged 44 years, Tradesman,
Customs Marine Workshop,
Chaliyam, Calicut.
2. P Jayasanan,
S/o Madhavan,
Aged 42 years,
Tradesman, Customs Marine
Workshop, Chaliyam, Calicut.
3. A Jayaprakash,
S/o Krishnan, Tradesman,
Customs Marine Workshop,
Chaliyam, Calicut.
4. PM Raveendran,
S/o Ramankutty,
Aged 41 years, Tradesman,
Customs Marine Workshop,
Chaliyam, Calicut.

- Applicants

By Advocate Mr Babu Karukapadath

Vs.

1. Union of India represented by
Secretary to Ministry of Finance,
New Delhi.
2. Director of Preventive Operations
Customs & Central Excise,
4th Floor, Lok Nayak Bhavan,
Khan Market, New Delhi.
3. The Collector of Central Excise,
Central Revenue Buildings,
Cochin-18.
4. The Secretary, Central Board of Excise
and Customs, New Delhi.

- Respondents

By Advocate K Karthikayya Panicker, ACGSC

O_R_D_E_R

N DHARMADAN, MEMBER(J)

Four applicants, who are at present working as Tradesmen under the second respondent, have jointly filed this application for a direction to the respondents to promote them as Artisan in the workshop with effect from the dates of vacancies of Artisans, which arose after they become qualified, with all consequential benefits.

2. Applicants 1 to 3 have passed ITI Trade Certificate Examination and also undergone National Certificate Course. Fourth applicant is an Ex-serviceman who has put in five years service in the Indian Army as EME(Electrical). All the applicants have joined the Customs Marine Workshop, Chaliyam with effect from 31.12.1976, 5.1.1977, 9.9.1977 and 10.10.1977 respectively as Tradesman. According to them, all the applicants have continuous and uninterrupted service. They are discharging duties to the complete satisfaction of the higher authorities. They further submitted that there are eight posts of Artisan in the Customs Marine Workshop at Chaliyam and they have been created when a proposal to establish a Customs Marine Organisation was made on policy basis. Since the applicants are fully qualified for the promotion as Artisan, they made a request for promotion and postings in the vacant post of Artisans. ***** The respondents have not considered their request

4

therefore favourably, / they have filed this application.

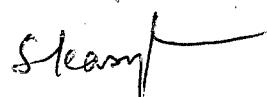
3. Respondents in the reply admitted that there was originally a proposal to establish a Customs Marine Organisation creating various posts including the post of Artisan in the scale Rs.455-700. But according to the respondents, the proposal could not be proceeded further in implementation of their policy. The Government later decided to abandon that idea of establishing a Custom Marine Organisation on account of some technical and administrative problems. The respondents have also issued subsequent orders Annexures-R2 and R3 dated 28.2.1989 and 30.6.1989. Hence at present there are no vacancies of Artisan so as to enable them to make promotions and appointments as claimed by the applicants.

4. In the light of the clear statement in the reply, we are of the view that the applicants have no case for appointment to the post of Artisan at present. The prayers of the applicants cannot be considered at this stage under the above circumstances unless they establish that there are existing vacancies of Artisan.

5. It is true that the applicants are qualified to be appointed as Artisan, but they could not point out any vacancy for considering them for promotions. According to us, they can be promoted and appointed only if there are sufficient number of vacancies existing at present as contended by them. Since the proposal of the Government to establish a Customs Marine Organisation

was admittedly dropped there is no case for the applicants. Even in Annexure-R1, the proposal for creation of various posts, there is a statement that the posts indicated therein would be abolished as soon as the existing incumbent of the posts either absorbed in the regular manner in the Customs Marine Organisation or they retire from service. As stated above, since the proposal itself did not fructify as per the original policy of the Government, we see no substance in the contention of the applicants.

6. In the result, we are satisfied that the applicants have not made out any case for grant of reliefs. Hence the application is only to be dismissed. We do so. No costs.



(S KASIPANDIAN)
MEMBER(A)


19.1.94

(N DHARMA DHAN)
MEMBER(J)

TRS