

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.80/2002

Thursday this the 14th day of March, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

1. Koshy Alex, So/ T.K.Alex,
Preventive Officer, Customs House,
Cochin.9. residing at I/615,
C.Palachuvadu, Kakkanad.
2. K.V.Rajan, S/o K.Raman,
Preventive Officer, Customs House,
Cochin.9.
residing at North End Customs Qr.No.17,
Wellington Island,
Cochin.9.
3. K.Sivaji, S/o Kunhanu Naik,
Preventive Officer, Customs House,
Cochin.9.
residing at North End Customs
Qr.No.26, Wellington Island,
Cochin.9.

...Applicants

(By Advocate Mr. Shefik MA)

V.

1. Union of India, represented by
Secretary, Department of Revenue,
Ministry of Finance, New Delhi.
2. The Chief Commissioner of Customs,
Chennai.
3. The Chief Commissioner of Customs,
Bangalore Zone, Bangalore.
4. The Commissioner of Customs,
Customs House, Cochin.9.
5. The Deputy Commissioner of Customs
(Estt) Customs House,
Cochin.9.

..Respondents

(By Advocate Mr.TC Krishna, ACGSC)

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.2.
The application having been heard on 14.3.2002 the tribunal
on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The subject matter of this Original Application is deputation to the Anna International Airport as Air Customs Officers. The applicants have filed this application alleging that they have been placed in the panel but without deputing them during the currency of the panel, steps are being taken up for drawing up a fresh panel (Annexure.A1). Therefore, the applicants have jointly filed this application challenging the Annexure.A1 Circular and for a declaration that the applicants are entitled to be deputed as Air Customs Officers in Anna International Airport,Chennai on the basis of their empanelment in the select panel prepared on 1.4.2002 and to depute them to the Anna International Airport,Chennai as Air Customs Officers on the basis of their empanelment.

2. The respondents in their reply statement have categorically denied the averment that the applicants have been empanelled for deputation to the Anna International Airport, Chennai. The panel has also been produced.

3. In the rejoinder, the applicants have stated that the preparation of the panel is not in conformity with the rules and instructions on the subject.

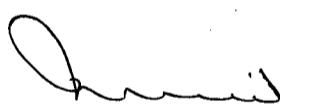
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4. When the application came up for hearing, learned counsel for the applicants states that the applicants will be satisfied if the representation submitted by the 1st applicant to the third respondent (Annexure.A11) is considered and disposed of and an appropriate reply given to him within a reasonable time.

5. Learned counsel for respondents states that the application may be disposed of without going into the merits of the rival contentions with a direction to the third respondent to consider Annexure.A11 representation made by the 1st applicant and to give him an appropriate reply.

6. In the light of what is stated above, the application is disposed of directing the third respondent to consider Annexure.A11 representation and to give the 1st applicant an appropriate reply within a period of one month from the date of receipt of a copy of this order. There is no order as to costs.

Dated the 14th day of March, 2002


T.N.T. NAYAR
ADMINISTRATIVE MEMBER
(s)


A.V. HARIDASAN
VICE CHAIRMAN

APPENDIX

Applicants' Annexures:

1. A-1: True copy of the Circular No.2/2002 dated 18.1.2002 issued by the 5th respondent.
2. A-2: True copy of the Circular No.9/2000 dated 6.3.2000 issued by the 5th respondent.
3. A-3: True copy of the order F.No.11019/28/99-Ad.IV dated 17.11.99 issued by the 1st respondent.
4. A-4: True copy of judgement dated 23.3.2001 of this Hon'ble Tribunal in Original Application 27/2001.
5. A-5: True copy of the representation dated 10.12.2001 submitted 1st applicant before the 3rd respondent.
6. A-6: True copy of the Office order No.41/2001 dated 12.4.2001 issued by the Additional Commissioner of Customs.
7. A-7: True copy of the Office order No.44/2001 dated 17.4.2001 issued by the Additional Commissioner of Customs.
8. A-8: True copy of the letter F.No.A-11019/102/91-Ad.IV dated 6.9.96 issued by the 1st respondent.
- 9.. A-9: True copy of the Office order No.20/2002 dated 4.3.2002 issued by the Additional Commissioner of Customs.
10. A-11: True copy of the representation dated 13.3.2002 submitted before the 3rd respondent.

Respondents' Annexures:

1. R-1: True copy of the minutes of the selection committee meeting held on 1.4.2000 at Customs House Cochin-9 for posting of Preventive Officers as Air Customs Officers at Anna International Airport Chennai.
2. R-2: True copy of the list of Preventive Officers who have expressed their willingness for deputation at Anna International Airport Chennai.

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