

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 80/90
~~XXXXXX~~

199

DATE OF DECISION 27-6-90

K Daniel & 14 others Applicant (s)

M/s MR Rajendran Nair &
PV Asha Advocate for the Applicant (s)

Versus

The Collector of Customs & Respondent (s)
Central Excise, Central Revenue
Building, IS Press Road, Cochin-18
and another

Mr AA Abul Hassan, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. M.Y.Priolkar, Administrative Member

The Hon'ble Mr. N Dharmadan, 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 N Dharmadan, Judicial Member

The applicants are at present working as Sepoys at various units of Customs and Central Excise Collectorate except Applicant No.11, who is a Havildar. They are all seniors in the service and this is clear from Annexure-1. They have been posted some time ago in the International Airport, Trivandrum for very short terms. At that time these postings were not attractive and hence they did not show any inclination to continue there. Subsequently, when the incentive rewards became attractive, in the light of the orders passed by this Tribunal in OA 722/89 and 731/89, persons similarly situated like the applicants requested for posting in the International Airport in accordance with their seniority and the respondents granted *the request*

and posted them in the vacancies according to their seniority.


2 The applicants now approached this Tribunal and filed this application claiming the same relief. On 10.5.90 we have passed an interim order directing the respondents to consider the posting of the applicants provisionally in the International Airport, Trivandrum in the light of the decisions of this Tribunal rendered in OA 722/89 and OA 731/89 considering their seniority and suitability to the post.


3 To-day when the case is taken up for final hearing, it is submitted at the bar by the learned counsel of the applicant that some of the applicants have already been posted in pursuance of the interim directions of this Tribunal passed on 10.5.90 ^{and by} [^] this application can be closed with a direction to the respondents that the remaining applicants' claim for posting in the International Airport should also be considered in the ^{light of} ~~line~~ of the decision of the Tribunal referred to above. We have heard the counsel of the respondents who has no objection to the same.

4 Accordingly, we dispose of this application with the direction to the respondents that the claim of the remaining applicants' who have not been posted so far in terms of the interim direction already passed on 10.5.90, should also be considered in accordance with their

seniority-cum-fitness as stated in Annexure-III
judgment.

5 This application is disposed of accordingly
and there will be no order as to costs.


(N Dharmadan) 27.6.90
Judicial Member


(MY Priolkar)
Administrative Member

27-6-90