

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No.
F. A. No.

114

199 3

DATE OF DECISION 25.1.1993

K.P.Vijayakumaran Nair Applicant (s)

Mr. M.R.Rajendran Nair Advocate for the Applicant (s)

Versus

The Collector of Customs, Respondent (s)
Customs House, Cochin-9 & another

____ Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. **R. Rangarajan, Administrative Member**

~~The Hon'ble Mr.~~

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

Applicant who is presently working as Preventive Officer, Customs House, Cochin-9 came to know of his third grade rating in the CCR of 1989-90 when he enquired for about the non-inclusion of his name in the panel ~~of~~ postings to Air Customs Pool, Trivandrum. Aggrieved by this rating given to him, he has submitted a representation (Annexure-VI) dated 27.11.1992 addressed to the Collector of Customs, Customs House, Cochin praying for deletion of the third grade rating recorded in his CCR for the year 1989-90. As nothing has been heard in this connection, he has moved this Tribunal ~~with~~ with this O.A. under section 19 of the Administrative Tribunals Act, 1985 to direct the respondents to consider the Annexure-VI representation and pass orders on merits on this representation in accordance with law.

2. Learned counsel for the applicant submitted that the third grade rating given to the applicant was never communicated to him. The applicant has to get a better rating in view of the number of appreciation letters received by him in the past. He has annexed the following appreciation letters:

- (i) Appreciation letter from the Collector of Customs Cochin dated 4.4.90 in appreciation of the initiative, diligence and efficiency shown by him, in addition to other officers, in the seizure of 197.479 Kgs. of silver ingots while working in the Wellington Island. (Annexure-I)
- (ii) Appreciation letter from the Assistant Collector, Trivandrum Air Customs, dated 8th March 1990 for achieving record performance in seizure at this Airport (Annexure-II).
- (iii) Collector of Customs in his appreciation letter has appreciated his work in gathering intelligence and detecting the case involving seizure of 43 gold ~~bars~~ biscuits valued at Rs 15.5 lakhs on 12.10.88 at Trivandrum Airport (Annexure-III).
- (iv) Chairman, Central Board of Excise & Customs has commended his work in the drive undertaken against smuggling tax evasion and illicit traffic in foreign exchange, narcotic drugs and psychotropic substances (Annexure-IV & IV-A dated 7th October 1988 and 26th October 1991).

3. The applicant further states that he received a total sum of Rs 8,72,475 as reward during 1987-1991 for having detected 84 cases (Annexure-V).

4. Summing up, the applicant submits that it is clear that he deserves higher grade rating in the Confidential Report. There was no circumstance which warranted

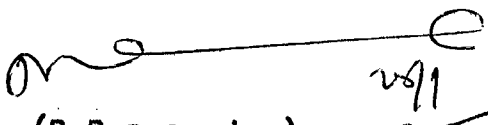
a third grade rating. However, for no fault on the part of the applicant, a third grade rating was given in the CCR during 1989-90 due to some personal grudge of the Reporting Officer. He further submits that he came to know of his third grade rating only when he enquired about ~~his~~ the non-inclusion of his name in the panel for posting to Air Customs, Airport, Trivandrum. He has submitted a detailed representation to the Collector on 27.11.1992 (Annexure-VI) praying that the third grade rating recorded in his CCR may be deleted, but, so far his representation is not disposed of.

5. The learned counsel for the respondents has not filed a reply statement. However, he submitted that he has no objection if the case is disposed of with the direction to consider and pass orders on the Annexure-VI representation submitted by the applicant without any time limit. The learned counsel further submitted that any time restriction to dispose of the representation will create difficulty to the respondents.

6. Having heard the learned counsels for both the parties, I am of the view that this application can be disposed of at the admission stage itself with the directions to the respondents. If no time limit is given for the disposal of the representation, it may be possible that the remarks in the CCR may stand in the way of the career prospects of the applicant if he is considered for any promotion shortly. The learned counsel for the applicant also stated that he is moving another O.A. in connection with his promotion. Hence, it will be fair and proper to direct the respondents to dispose of the representation within a period of 6 weeks.

7 . Considering the facts and circumstances of this case, I dispose of this application with a direction to Respondent-1 to consider the Annexure-VI representation, duly taking note of the appreciation letters, awards given to him from time to time and the good work done by him as given in the various Annexures and dispose of the same within a period of 6 weeks from the date of receipt of a copy of this judgement.

8. The application is disposed of as above at the admission stage itself ^{with the relief as indicated.} There will be no order as to costs.


(R. Rangarajan)
Member (Administrative)
25.1.1993