

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 125 of 1990

DATE OF DECISION 21-12-1990

VI Samuel Applicant (s)

Mr M Rajagopalan Advocate for the Applicant (s)

Versus

Union of India & 2 others Respondent (s)

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

CORAM:

The Hon'ble Mr. SP Mukerji, Vice Chairman

&

The Hon'ble Mr. AV Haridasan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

(Mr SP Mukerji, Vice Chairman)

The grievance of the applicant who had been working and as Customs Appraiser moved this application dated 12.2.1990 under Section 19 of the Administrative Tribunals Act is, that his name is not included in the panel of Customs Appraisers for promotion to the grade of Assistant Collector, which was issued with the office order dated 17.1.1990 at Annexure-A9. The applicant is a member of the Scheduled Tribe. Inspite of several opportunities given, the respondents have not filed any counter affidavit in reply to the original application.

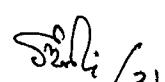
Accordingly, we had to hear ^{only} the oral arguments of the learned counsel for both the parties. The learned counsel for the

respondents on the basis of his brief stated that the applicant's name was omitted from the panel attached with the impugned office order dated 17.1.1990 by mistake and the respondents are taking due action to correct the same and include the name of the applicant in the panel at an appropriate place. The learned counsel for the applicant stated that during the pendency of this application, the applicant had already been promoted as Assistant Collector, but his seniority in the grade of Assistant Collector has to be correctly fixed on the basis of the appropriate position to be assigned ~~by~~ ^{to} him in the aforesaid panel. On the question of his position in the panel, the learned counsel for the applicant stated that being member of the Scheduled Tribe, ^{applicant} he should get a position in the panel on the basis of the roster point of the ^{reserved} ~~the~~ vacancy to which he was entitled.

2. In the facts and circumstances as indicated above, we close this application with the direction to the respondents to include the name of the applicant in the panel at Annexure-A~~4~~ to Annexure-A9 at appropriate place considering applicant's seniority and his being a member of the Scheduled Tribe. The applicant should be afforded notional promotion from the date the person immediately below him in the panel was promoted as Assistant Collector(Customs) and be given all consequential benefits including that of seniority. The action on the above lines should be completed within a period of three months from the date of communication of this order. We make it clear

that the applicant will be at liberty to move appropriate forum, if so advised, and in accordance with law in case he feels aggrieved by his placement in the panel of Assistant Collector and the consequential benefits of seniority etc. given to him. There is no order as to costs.


(AV HARIDASAN)
JUDICIAL MEMBER


SP MUKERJI / 21.XII.90
(SP MUKERJI)
VICE CHAIRMAN

21-12-1990

trs