

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.NO. 180/2007

Monday, this the 23rd day of April, 2007.

CORAM:

**HON'BLE Mrs. SATHI NAIR, VICE CHAIRMAN
HON'BLE Dr K.B.S RAJAN, JUDICIAL MEMBER**

1. All India Association Customs, Central Excise & Narcotics
Electronic Maintenance Engineers
represented by its Secretary General,
Baby Padmanabhan, Customs Qr.No.91,
Wellington Island PO
Cochin - 682 018
2. Baby Padmanabhan
Radio Technician,
Office of the Commissioner of Central Excise,
Central Revenue Building
IS Press Road, Cochin - 682 018 - Applicants

(By Advocate Mr CSG Nair)

Versus

1. Union of India represented by Secretary,
Department of Revenue
North Block,
New Delhi - 110 001
2. Chairman
Central Board of Excise & Customs,
North Block,
New Delhi - 110 001
3. Chief Commissioner of Central Excise & Customs
CR Buildings, IS Press Road,
Cochin- 682 018
4. Commissioner of Central Excise & Customs
CR Buildings, IS Press Road,
Cochin-682 018
5. Commissioner (Logistics)
Customs & Central Excise,
7th Street, Shopping Street,
Shantinikethan,
New Delhi

Respondents

(By Advocate Mr. George Joseph, ACGSC)

The application having been heard on 23.04.2007, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MRS SATHI NAIR, VICE CHAIRMAN

The first applicant is the All India Association of the Customs, Central Excise & Narcotics, Electronic Maintenance Engineers and the second applicant is the member of the first applicant's Association. They have prayed for the following reliefs:

- "(i) *To call for the records leading upto Annexure A5 and quash the same.*
- (ii) *To direct the respondents to merge the entire Telecommunication Staff with suitable mainstream cadres of the Customs & Central Excise Department after taking into account their present status and service weight age, after obtaining their willingness within a stipulated period.*
- iii) *To direct the respondents to declare the unwilling / unsuitable Telecommunication Staff surplus by applying the CCS (redeployment surplus staff) Rules 1990.*
- (iv) *Grant such other relief or reliefs that may be urged at the time of hearing or that this Hon'ble Tribunal may deem fit to be just and proper in the nature and circumstances of the case.*
- (v) *Grant cost of this O.A."*

2. The applicants' main contention is that there are three streams in the Telecommunication Wing, viz, Operation, Maintenance and Cipher and all the three have separate cadre hierarchy. All the three streams are different from each other in their nature of work and recruitment qualifications. The applicants belong to the lowest cadre in the maintenance stream and they are required to repair and maintain the wireless sets and equipments. Now the department is weeding out most of the wireless sets and started purchasing imported wireless

sets. Applicants are not being given any training to operate the new system and by A-2 order, respondents themselves have directed that in no circumstances the technicians be allowed to open the sets for repairs. As a result of these orders, the applicants are without any work and they had been approaching the respondents for merging them with other streams and to take a decision to declare them as surplus if they are no longer wanted by the department.

3. Respondents have filed a reply stating that the maintenance staff are required to maintain anti-smuggling equipment and the essential function is to provide support to Customs Officers in the assignment which could not be performed by customs staff due to their inadequate technical skills. The department had also decided on 31.3.2003 to redeploy some of the communication staff who are engaged for operating wireless equipment. They have contended that the maintenance staff are to ensure proper maintenance and repair of wireless sets. The All India Federation of Customs & Central Excise Telecommunication Staff Association had approached this Tribunal in O.A.571/2006 praying that redeployment of the operating staff for ministerial work and the Board have directed a Committee at the level of Commissioners to examine the issue of merger of such Telecommunication staff with the main stream cadre for redeployment.

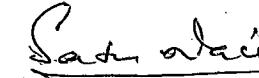
4. We have heard the counsel on both sides. It is essentially a policy matter which requires consideration at the level of the Department. We find that the All India Association of the Customs, Central Excise & Narcotics, Electronic Maintenance Engineers have submitted a representation to the first respondent on 31.1.2006 (A-3)

furnishing all the details and substantiating their demands. It appears that they have also met the concerned officers putting forth their views. On the lines of our directions earlier given in O.A.571/2006 dated 11.8.2006, wherein the All India Federation of Telecommunication Staff had made a similar request, we direct that the respondents shall consider A-3 representation taking into consideration the averments made in this O.A. and take a decision in this regard, before finalization of the representation with regard to the operating staff as it appears to have been referred to a Committee of Officers by A-5 order. This representation shall therefore be considered alongwith the representation as directed in OA 571/06 and decision taken within a period of three months from the date of receipt of copy of this order.

5. O.A. is disposed of as above. No costs.

Dated, the 23rd April, 2007.


K.B.S.RAJAN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN

trs