

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.187/2002

Thursday - this the - 15th day of July, 2004.

C O R A M

HON'BLE MR K.V.SACHIDANANDAN, JUDICIAL MEMBER
HON'BLE MR H.P.DAS, ADMINISTRATIVE MEMBER

P.V.Sujatha
Inspector of Central Excise,
Alathur Range,
Alathur, Palghat District
Residing at :
Vadakkumpuram Puthen Veedu,
Erimayur P.O., Alathur
Palghat District.

: Applicant

[By Advocate Mr.T.C.Govindaswamy]

Vs.

1. The Union of India represented by the
Secretary to Government of India,
Ministry of Finance,
Department of Revenue,
New Delhi.
 2. The Commissioner of Central Excise & Customs,
Cochin Commissionerate,
Central Revenue Building,
I.S.Press Road,
Kochi - 18.
 3. The Additional Commissioner (P&V),
Office of the Commissioner of
Central Excise & Customs,
Cochin Commissionerate,
Central Revenue Building,
I.S.Press Road,
Kochi - 18
- : Respondents

[By Advocate Mr.C.Rajendran, SCGSC]

The application having been heard on 07.07.2004, the
Tribunal on 15.07.2004 delivered the following :

O R D E R

HON'BLE MR K.V.SACHIDANANDAN, JUDICIAL MEMBER

The applicant working as Tax Assistant under the
respondents is aggrieved by the in - action on the part of the
respondents in not including the applicant's name at the

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appropriate place in Annexure A-1 list for the appointment of Inspector, Central Excise for the year 1991-92. Her main grievance is that she was not considered for the said post. She has filed this Original Application seeking the following reliefs:-

- (a) Quash Annexures A-3 and A-6 to the extent it refuses to include the name of the applicant in Annexure A-1 herein and to grant the consequential benefits arising therefrom.
- (b) Direct the respondents to include the name of the applicant in Annexure A-1 and to grant the consequential benefits as if she had been appointed as Inspector Central Excise against the vacancies of the years 1991-92, within a time limit, as may be deemed just and proper by this Hon'ble Tribunal.
- (c) Award costs and incidental to this Application.
- (d) Pass such other orders or directions as deemed just, fit and necessary in the facts and circumstances of the case.

2. Respondents have filed a detailed reply statement contending that Annexure A-2 is the promotion order issued as per the finding of the DPC held on 12.10.92 for the vacancies for the year 1991-92. As per the DPC minutes, even the applicant was considered for promotion to the grade of Inspector, Central Excise as per the interim order of this Tribunal, she was not selected for posting against the vacancies of 1991-92 since the applicant has not secured the requisite mark for getting selected. She was considered provisionally for the vacancies for the year 1992-93 as per directions of this Tribunal dated 01.07.1994 in O.A.540/93 and the applicant was promoted as Inspector with effect from 13.04.1993 following the final decision as per the proceedings

before the Hon'ble Supreme Court. This promotion was with effect from the date of promotion of her immediate juniors with consequential benefits, which is Annexure A-3. The applicant's grievance has been centered round to a point, for non consideration for the year 1991-92.

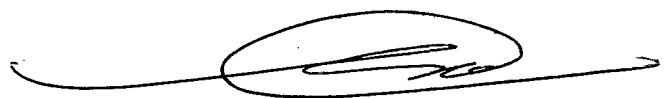
3.. We have heard Shri T.C.Govindaswamy, learned counsel for the applicant and Shri C.Rajendran, SCGSC for the respondents. Since the dispute now revolves round whether she has been considered for the year 1991-92. We have directed the respondents to produce the DPC proceedings and its minutes for the said year and accordingly they have submitted the same. On perusal of the proceedings of the DPC held on 20/21-11-1995, it is found that the applicant alongwith others have been considered for the period from 01.04.1991 to 31.03.1992, ^{for} promotion to the cadre of Inspector, Central Excise and P.V.Sujatha, the applicant has secured a low mark comparing to other candidates, she was not found fit to be promoted for the year 1991-92. Therefore, her claim for the said period for promotion cannot be sustained.

4. In the circumstances, we are of the view that the Original Application is not merited and to be dismissed. We accordingly dismiss the Original Application with no order as to costs.

Dated, the 15th July, 2004.

H. P. Das

H.P.DAS
ADMINISTRATIVE MEMBER



K.V.SACHIDANANDAN
JUDICIAL MEMBER

vs