

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**O.A No. 191 OF 2013**

Monday, this the 21<sup>st</sup> day of September, 2015

**CORAM:**

**HON'BLE Mr. JUSTICE N.K. BALAKRISHNAN, JUDICIAL MEMBER  
HON'BLE Mrs. P. GOPINATH, ADMINISTRATIVE MEMBER**

K.C. Narayanan, S/o. K.V. Othenan,  
Tax Assistant, Central Excise and Customs,  
Kannur Division, Kannur.

- Applicant

(By Advocate Mr. E.S.M. Kabeer)

**Versus**

1. The Commissioner of Central Excise,  
Customs and Service Tax,  
Cochin – 682 018.
2. P. Sachithran, Tax Assistant,  
Office of the Central Excise and Customs,  
U.B. Centre, Shankumugham,  
Thiruvananthapuram.
3. Valsala, Tax Assistant,  
U.B (Unaccompanied Baggage) Centre,  
Karipur, Calicut Airport (P.O), Calicut.

- Respondents

(By Advocate Mr. N. Anil Kumar, Senior PCGC)

The application having been heard on 21.09.2015, the Tribunal on the same day delivered the following:

**ORDER**

**N.K. BALAKRISHNAN, JUDICIAL MEMBER**

Applicant joined service on 02.07.1982 as Sepoy. It is stated that 2<sup>nd</sup> respondent who joined in service in the year 1987 was promoted to the post of LD Clerk on 14.02.2005 but the applicant was denied promotion though he is senior to Respondent 2 and 3. Promotion to the post of Tax Assistant was given to the applicant only on 05.09.2011.

2. Hence the applicant filed this O.A for a direction to be given to the 1<sup>st</sup> respondent to promote the applicant to the post of inspector and also for a direction to be given to the 1<sup>st</sup> respondent to give the applicant all service

benefits. The applicant retired from service on 31.08.2013. It is stated that though the applicant was offered promotion to the cadre of LDC against seniority quota as per order dated 11.11.1996, the applicant declined the said offer. His promotion to the post of Havildar in the year 2002 was his normal course of promotion. Since the applicant retired from service on 31.08.2013, the learned counsel for the applicant submitted that the relief pertaining to his promotion has become infructuous. It is so recorded. The learned counsel further submitted that the second relief sought for may be directed to be considered by the 1<sup>st</sup> respondent. Considering all the aspects, the applicant is permitted to make a representation to the 1<sup>st</sup> respondent within one month from this date and the 1<sup>st</sup> respondent shall dispose of the same within two months from the date of receipt of the representation.

3. The Original Application is disposed of accordingly. No order as to costs.

(Dated, the 21<sup>st</sup> September, 2015.)



**(P.GOPINATH)**  
**ADMINISTRATIVE MEMBER**



**(N.K. BALAKRISHNAN)**  
**JUDICIAL MEMBER**

ax