

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
O.A.No.208/2005

Monday this the 30th day of May, 2005.

CORAM:

**HON'BLE MR. K.V.SACHIDANANDAN, JUDICIAL MEMBER
HON'BLE MR. N. RAMAKRISHNAN, ADMINISTRATIVE MEMBER**

1. S.Sivakumar, working as Senior Tax Assistant, Office of the Deputy Commissioner of Central Excise & Customs, I.C.E.Bhavan, Press Club Road, Trivandrum – 1.
2. Salil, working as Senior Tax Assistant, Central Excise Division, Kozhikunnu, Kannur – 670 001.
3. Johnson T.A., working as Senior Tax Assistant, Office of the Deputy Commissioner of Central Excise & Customs, Metupalayam Street, Palakkad -1.
4. T.Sasikumar, working as Senior Tax Assistant, Office of the Commissioner of the Central Excise & Customs, Trivandrum.
5. K.G.Prakash, working as Senior Tax Assistant, Office of the Deputy Commissioner of Central Excise, Khaise Complex, Beach Road, Kollam-691 001.

Applicants

(By Advocate Shri K.P.Dandapani)

Vs.

1. Union of India, represented by Secretary, Ministry of Finance and Company Affairs, 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 (Kerala Zone),
Central Revenue Building, I.S.Press Road,
Cochin 682 018.

4. Commissioner of Central Excise & Customs,
Cochin Commissionerate,
C.R. Building, I.S.Press Road,
Cochin-682 018. Respondents

(By Advocate Shri TPM Ibrahim Khan, SCGSC)

The application having been heard on 30.5.2005
the Tribunal on the same day delivered the following:

ORDER(oral)

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

The applicants, five in number, are working as Senior Tax Assistants in the Office of the Deputy Commissioner of Central Excise and Customs under the respondents. They are now deputed to undergo Confirmation Test at this distance of time by impugned orders A-12 and A-13 which are challenged in this O.A. Aggrieved by the said action the applicant have filed the application seeking the following reliefs:

- a. Pending disposal of the Original application, reversion of the applicants as contemplated by the respondents vide their letter No.C11/12/1/2005/Estt.IV dated 9.2.2005 and any action in pursuance of Annexure A13 clarification may be stayed.
 - b. Direct the respondents to permit the applicants to draw increments without being influenced by the Annexure A-15, pending disposal of the original application.

2. When the matter came up before the Bench, Shri K.P.Dandapani, learned counsel appeared for the applicant and Shri TPM Ibrahim Khan, learned SCGSC appeared for the respondents. Learned counsel for the applicant submitted that similarly situated persons

are exempted from appearing the confirmation test and therefore, the prayer to that extent has already been granted and not subsisting. However, with regard to the other prayers counsel submitted that they have already filed a representation before the 4th respondent on 14.2.2005, which is pending and the applicants would be satisfied if a limited direction is given to the 4th respondent to consider and dispose of the same.

3. Counsel for respondents submitted that he has no objection in adopting such a course of action.

4. In the interests of justice, we direct the 4th respondent or any authority competent to consider and dispose of the said representation and pass appropriate orders within a period of two months from the date of receipt of a copy of this order.

5. O.A. is disposed of as above. In the circumstance, no order as to costs.

Dated the 30th May, 2005.


N.RAMAKRISHNAN
ADMINISTRATIVE MEMBER


K.V.SACHIDANANDAN
JUDICIAL MEMBER