

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 242 OF 2011

Thursday, this the 24th day of March, 2011

CORAM:

**HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Ms.K.NOORJEHAN, ADMINISTRATIVE MEMBER**

P.Abdul Gafoor
Sepoy of Central Excise
Import Export Section, Air cargo Complex
Department of Customs, Central Excise & Service Tax
Karipur, Malappuram District
Residing at Pulprayakath House,
Poomala, Sultanbattery, Wynad District ... Applicant

(By Advocate Mr. Shafik M.A.)

versus

1. Union of India represented by the
Chief Commissioner of Central Excise
Customs and Service Tax, Cochin Commissionerate
C.R. Building, I.S.Press Road
Cochin – 18
2. The Commissioner of Central Excise and Customs
Calicut Commissionerate
Calicut
3. The Commissioner of Central Excise
Customs and Service Tax, CR Building
I.S.Press Road, Cochin - 18 ... Respondents

(By Advocate Mr.Mr.S.Jamal, ACGSC)

The application having been heard on 24.03.2011, the Tribunal
on the same day delivered the following:

ORDER

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

According to the applicant, being a Sepoy, he is entitled to be
posted at U.B.Centre, Calicut or Trivandrum. In this regard he has
submitted the Annexure A-7 representation dated 26.10.2009 to the



respondents. As there was no response from the respondents, he submitted another representation (Annexure A-8) dated 12.03.2010 followed by yet another representation dated 01.10.2010 (Annexure A-9). Counsel for applicant has submitted that the respondents are planning to promote him as Havildar so as to dis enable him for a posting in the U.B Centre. He has also submitted that he had already declined promotions to the post of Havildar made by the respondents earlier.

2. Mr. S.Jamal, ACGSC on receipt of advance copy of the OA, took notice on behalf of the respondents.

3. In our considered opinion, before adjudicating this case, respondents shall consider and dispose of the aforesaid representations. We, therefore, direct Respondent No. 1, viz., Chief Commissioner of Central Excise, Customs and Service Tax, Cochin Commissionerate, Cochin to consider the aforesaid representations of the applicant and dispose of the same as early as possible, but in any case, within a period of one month from the date of receipt of a copy of this order. We also direct the respondents not to promote the applicant as Havildar against his wishes till the aforesaid representations are disposed of.

4. OA is accordingly disposed of No order as to costs.

Dated, the 24th March, 2011.


K.NOORJEHAN
ADMINISTRATIVE MEMBER


GEORGE PARACKEN
JUDICIAL MEMBER

VS