

केन्द्रीय प्रशासनिक अधिकरण न्यायपीठ में
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

आदेश पत्र
ORDER SHEET

आवेदन सं० 19 का 258/2003
ORIGINAL APPLICATION No. of 199

आवेदक
Applicant (s)

T. Yesudasan

प्रत्यर्थी
Respondent(s)

UOI Secretary, M/o Finance,
New Delhi and another

आवेदक (आवेदकों)

की ओर से अधिवक्ता
Advocate for
Applicant(s)

M/s Santhosh & Rajan

प्रत्यर्थी (प्रत्यर्थियों)

की ओर से अधिवक्ता
Advocate for
Respondent(s)

रजिस्ट्री के टिप्पण
Notes of the Registry

अधिकरण के आदेश
Orders of the Tribunal

प्रस्तुतीकरण की तारीख : 28.3.03
Date of Presentation :

पंजीकरण की तारीख : 28.3.03
Date of Registration :

विषय : Posting to Air
Subject : Customs

तैनाती की तारीख : 28.3.03
Date of posting : Today

28/3/03

Mrs. Preethi
3/4

28.3.2003
(Today)

TNTN&KVS

C-I

M/s Santhosh & Rajan
(rep. by Mr. Rajan)
Mr. C.B. Sreekumar, ACGSC
(rep. by Ms. Jisha)

Heard. Orders pronounced in the
open Court.

KVS/JM

TNTN/AM

28.3.2003

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F.O. issued on 07/4/03

07/4/03

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.256/2003

Friday, this the 28th day of March, 2003.

CORAM :

HON'BLE SHRI T.N.T. NAYAR, ADMINISTRATIVE MEMBER
HON'BLE SHRI K.V. SACHIDANANDAN, JUDICIAL MEMBER

T. Yesudasan, Driver(Ordinary Grade),
Customs & Central Excise Headquarters,
Thiruvananthapuram.

... Applicant

(By M/s Santhosh & Rajan)

Vs

1. Union of India rep. by the
Secretary, Ministry of Finance,
New Delhi.
2. The Commissioner of Central
Excise & Customs, Cochin Commissionerate,
CR Building, IS Press Road, Kochi-18. ... Respondents

(By Mr. C.B. Sreekumar, ACGSC)

The application having been heard on 28.3.2003, the
Tribunal on the same day delivered the following :

ORDER

HON'BLE SHRI T.N.T. NAYAR, ADMINISTRATIVE MEMBER

The applicant in this case is a Driver(Ordinary Grade) working under the 2nd respondent and posted at Trivandrum. His grievance is that although as per Annexure A1 order dated 24.12.2002 he is the 1st amongst the Drivers to be posted in the Air Customs as per the existing procedure followed by the Department, no such posting has been given. Apprehending that Drivers who were already posted and had worked in the Air Customs are likely to be posted again without considering the right of the applicant and other similarly placed persons, a representation has been given as per Annexure A2 dated 25.3.2003. The learned counsel for the applicant now seeks a direction from the Tribunal to the respondents to consider his case for posting in the Air Customs in the light of the representation made as per Annexure A2. The following are the reliefs sought by the applicant in the OA :-

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- (i) to declare that the applicant is entitled to be posted in the Air Customs in preference to the Drivers who were already posted and worked there;
- (ii) to declare that the non-consideration of the applicant for posting in the Air Customs is arbitrary and illegal;
- (iii) to direct the 2nd respondent to consider and dispose of Annexure A2 representation without further delay; and
- (iv) grant such other further reliefs as this Hon'ble Tribunal may deem fit just, fit and proper in the facts and circumstances of the case.

2. When the matter came up for hearing on admission, the Shri C.B. Sreekumar, ACGSC took notice on behalf of respondents. According to Shri Rajan, the learned counsel for the applicant, respondents are likely to post Drivers for Air Customs duty in a day or two and therefore it would be necessary if a direction is issued to the respondents either to post the applicant in accordance with the procedure followed and keeping his position as per Annexure A1 or at least to dispose of applicant's representation Annexure A2 within a short time. The learned counsel for the respondents has pointed out the respondents may be directed to dispose of the application within a time frame. The learned counsel for the applicant would state that the applicant would be satisfied if the representation is disposed of within a specific time frame.

3. On the basis of the above submission of the counsel on either side, we dispose of this application without going into the merit of the case by directing the respondents to consider the applicant's representation Annexure A2 dated 25.3.2003 as expeditiously as possible and, in any case, before the next batch of Drivers is posted for Air Customs duty. No order as to costs.

Dated 28th March, 2003.


K.V. SACHIDANANDAN
JUDICIAL MEMBER


T.N.T. NAYAR
ADMINISTRATIVE MEMBER