

Central Administrative Tribunal  
Ernakulam Bench

Dated Wednesday the twentyfourth day of May,  
One thousand, nine hundred and eighty nine.

Present

Hon'ble Shri SP Mukerji, Vice Chairman

and

Hon'ble Shri G Sreedharan Nair, Judicial Member

OA 263/89

OV Ambro

: Applicant

Vs

- 1 The Collector of Central Excise,  
Office of the Collector of  
Central Excise, Central Revenue  
Building, Cochin-18.
  - 2 Deputy Collector (P&E)  
Office of the Collector of  
Central Excise, Central Revenue  
Building, Cochin-18.
  - 3 P Vijayan, Inspector of Central  
Excise, Trivandrum Division,  
Trivandrum.
- } Respondents.

Mr PV Mohanan

: Counsel of Applicant.

Mr PVM Nambiar, Sr CGSC

: Counsel of Respondents.

O R D E R

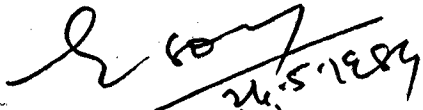
Shri SP Mukerji, Vice Chairman

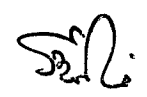
In this application, filed under Section 19 of  
the Administrative Tribunals Act of 1985, the applicant  
who is working as Inspector in the Central Excise Department  
at Cochin has challenged his non-inclusion in the panel  
of Inspectors who have been picked up for being posted  
as Inspector to Air Customs, International Airport,

Trivandrum. The main grievance of the applicant is that while his juniors have been selected as Inspector, Air Customs, Trivandrum, he has been kept out.

2 We have heard the learned counsel for the applicant as also the learned counsel for the respondents. It is admitted that the posting at the Air Customs at Trivandrum Airport is not a matter of promotion, but it is a matter of simple transfer on the basis of seniority-cum-<sup>suitability</sup> ~~fitness~~. It is the prerogative of the respondents who are responsible for efficient management of the International Airport to <sup>which of</sup> determine ~~how~~ the persons ~~and who~~ are to be <sup>how</sup> ~~posted there to be~~ selected and deployed. The learned counsel for the respondents states that the selection has been made by a Committee consisting of 4 Members Viz: Collector of Central Excise, Additional Collector of Central Excise, Additional Collector of Customs and Deputy Collector of Personnel & Establishment. The applicant ~~also~~ has not made any effective plea of animus or prejudice <sup>about</sup> ~~against~~ his non-selection. He has also not made any representation <sup>to the respondents</sup> ~~against~~ his non-selection, but has preferred to rush to the Tribunal for redress.

3 In the circumstances indicated above, we do not find any merit in the application and reject the same under Section 19(3) of the Administrative Tribunals Act, 1985.

  
(G Sreedharan Nair)  
Judicial Member  
24.5.89

  
(SP Mukerji)  
Vice Chairman  
24.5.89