

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

D.A.No.27/94

Tuesday, this the 6th day of June, 1995.

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN  
HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Ancy Joychan,  
Tax Assistant,  
Office of the Collector of Customs,  
IS Press Road, Kochi-18. - Applicant

By Advocate M/s K Jaju Babu & Preeti Kesavan(not present)

Vs.

1. The Regional Director(SR)  
Staff Selection Commission,  
EVK Sampath Buildings, 2nd Floor,  
College Road, Madras-600 006.
2. The Collector of Central Excise,  
Kochi.
3. Union of India represented by  
Deputy Collector(P&V) Office of  
the Collector of Central Excise &  
Customs, Central Revenue Building,  
IS Press Road, Kochi-18.
4. P Remesh, Inspector of Central  
Excise, Customs Preventive and Inte-  
lligence Unit, Office of the  
Deputy Collector of Customs and  
Central Excise, PMG Junction,  
Thiruvananthapuram-695 003. - Respondents

None for respondents

ORDER

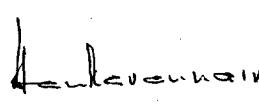
CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Neither applicant nor her counsel is present.

There is no representation either. We dismiss the  
application. No costs.

Dated, the 6th June, 1995.

  
PV VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
CHETTUR SANKARAN NAIR(J)  
VICE CHAIRMAN

trs/6695

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o/o the Collector of Central Excise & Customs,  
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Inspector of Central Excise,  
Customs Preventive & Intelligence Unit,  
O/o the Deputy Collector of Customs and  
Central Excise, PMG Junction,  
Thiruvananthapuram-695 003. - Respondents

By Advocate Mr C Kochunni Nair, Senior Panel Counsel(for R.1 to3)

The application having been heard on 27.7.95 the Tribunal  
on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant, a Tax Assistant in the Central Excise  
Collectorate, seeks a higher ranking than what is granted in A5

seniority list. She is placed at serial 71 while she claims placement immediately after serial 20.

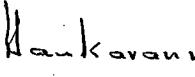
2. Applicant was appointed as an Upper Division Clerk and she joined Coimbatore on 17.9.86. She requested for a transfer by R3 on compassionate grounds and she was granted a transfer on 26.6.89. R3 and R4 show that the transfer was ordered on condition that she would forgo her seniority in the Coimbatore Collectorate and take her place as a new entrant in the Cochin Collectorate. That she gave an undertaking and that she lost seniority are not disputed by applicant. All the same, she would contend that she would not have lost seniority had she been posted in the Cochin Collectorate at the time of her initial appointment. She submits that she was informed and wrongly, that there were no vacancies in the Cochin Collectorate and that, that is why she opted to go to Coimbatore. Since she was made to go to Coimbatore on the basis of a wrong statement(according to applicant), she should not be made to forgo her seniority, submits applicant.

3. Since she has given an undertaking to forgo seniority and accept placement as a new entrant in the Cochin Collectorate, she is estopped from claiming seniority contrary to the undertaking. Whatever the other circumstances are, we find no justification in granting seniority as claimed. Application is dismissed. No costs.

Dated, the 27th July, 1995.

  
PV VENKATAKRISHNAN

ADMINISTRATIVE MEMBER

  
CHETTUR SANKARAN NAIR(J)  
VICE CHAIRMAN

LIST OF ANNEXURES

DEPARTMENT OF EXCISE & TAXES

Annexure R.3: A true copy of representation submitted by the applicant in the O.A. dt. 7.2.1989 before the Collector of Central Excise, Cochin.

Annexure R.4: A true copy of order No.28/89 dt. 7.4.1989 issued by the Deputy Collector (P&E).