

Central Administrative Tribunal
Ernakulam Bench

Dated Thursday the twentyfifth day of May,
One thousand, nine hundred and eighty nine.

Présent

Hon'ble Shri SP Mukerji, Vice Chairman
and

Hon'ble Shri G Sreedharan Nair, Judicial Member

DA 264/89

P Aravind : Applicant

Vs

1 The Collector of Central
Excise & Customs,
Headquarters, CR Buildings,
Cochin.

2 Deputy Collector (P&E)
Office of the Collector
of Central Excise & Customs
Cochin, Ernakulam. : Respondents

Mr NS Aravindakshan : Counsel of Applicant

Mr PVM Nambiar, Sr CGSC : Counsel of Respondents.

O R D E R

Shri S P Mukerji, Vice Chairman


In this application, filed under Section
19 of the Administrative Tribunals Act of 1985, the
applicant who is working as Inspector of Central
Excise at Cannanore has prayed that ^{the} ~~his~~ non-inclusion ^{of his name}
in the panel of Inspectors for posting to Air Customs,
International Airport, Trivandrum should be set aside
and the respondents be directed to depute him to that

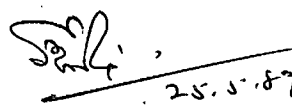
/ Airport

/ by reckoning his length of service in the Bombay
Collectorate.

2 We have heard the learned counsel of both
the parties and gone through the documents. The
short point involved in this case is whether the
applicant has a right to be considered for posting
at the Air Customs at Trivandrum Airport. It is
admitted that the posting at the Air Customs is not
a matter of promotion, but it is a matter of simple
posting based on the judgement of the respondents
depending upon the seniority-cum- suitability of the
Inspectors. It is admitted that the applicant had
been transferred from Bombay Collectorate to Cannanore
at his own request and he had accepted the bottom
seniority. The respondents are fully justified to
keep the seniority of the Inspectors into account in
adjudging their suitability for posting at Air Customs,
Trivandrum. The learned counsel for the respondents
has stated that because of the low seniority which
the applicant was given for which he himself responsible,
he did not come within the zone of consideration
for posting at Air Customs at Trivandrum. It is the
prerogative of the respondents who are responsible
for efficient management of the International Airport
to determine which of the persons are to be selected
and deployed. We see nothing wrong in the action of
respondents keeping within a reasonable zone of

seniority and considering the suitability of those who come within the zone. The applicant has not suffered any stigma by the non-inclusion of his name in the list of Inspectors who have been selected for a particular posting on the basis of their suitability. The fact that a particular person is ^{not} selected for a posting in a particular assignment does not necessarily mean that he is inferior to others because his suitability for ^{the existing} other posting may be better than that of others who have ^{for another posting} been selected. We also find that since the selection of suitable hands for the Air Customs, Trivandrum Airport is made by a Committee consisting of ^{four} 4 Senior Officers, ~~and~~ there is no question of any malafide ^{or alleged} involved in the non-inclusion of the applicant's name in the panel for posting at Trivandrum Airport. We are satisfied that there is no animus or prejudice about his non-selection. Accordingly, we ^{find} ~~attach~~ no merit in the application and reject the same under Section 19(3) of the Administrative Tribunals Act, 1985.


(G Sreedharan Nair)
Judicial Member
25.5.89


(SP Mukerji)
Vice Chairman
25.5.89