

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.

B 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 ~~his~~ ^{the} ~~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

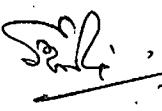
Airport

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 Cumstoms 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 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
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} ~~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