

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.27/2001

Friday this the 23rd day of March, 2001

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

1. M.R.Hajong, Preventive Officer,
Customs House, Cochin.9.
2. A.M.Nandakumar, Preventive Officer,
Customs House, Cochin.9.
3. M.Shairaj, Preventive Officer,
Customs House, Cochin.9.
4. E.V.Sivaraman, Preventive Officer,
Customs House, Cochin.9.
5. K.Madhukumar, Preventive Officer,
Customs House, Cochin.9.Applicants

(By Advocate Mr. Shafik MA)

v.

1. Union of India represented by Secretary,
Department of Revenue,
Ministry of Finance, New Delhi.
2. The Chief Commissioner of Customs,
Chennai.
3. The Chief Commissioner of Customs,
Bangalore Zone, Bangalore.
4. The Commissioner of Customs,
Customs House, Cochin.9.
5. Chennai Customs Preventive Service
Association, Customs House,
33 Rajaji Salai, Chennai represented
by Executive Committee Member
Mr.Romi N Pynadan. (addl. respondent impleaded vide order
dated 16.2.2001) (By Advocate Mr.Govindh K Bharathan for R 1 to 4)
The application having been heard on 23.2.2001, the
Tribunal on the same day delivered the following:

O R D E R
HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

Applicants 1 to 5 who are Preventive Officers of
Cochin Customs Hoiluse ~~xxx~~ are at Sl.Nos. 3,4,6,7 and 8 in
the panel prepared on 1.4.2000 for deputation to Anna
International Airport, Chennai. Their grievance is that

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despite the fact that there are vacancies the respondents are not ~~deputing~~ ~~them with~~ the result their chances to work as Air Customs Officers in the Anna International Airport, Chennai is becoming unsure as the period of validity of the panel is coming to a close on 1.4.2001. Therefore, the applicants have jointly filed this application for a direction to the respondents to depute the applicants as Air Customs Officers in the Anna International Airport, Chennai on the basis of their empanelment in the select list prepared on 1.4.2000.

2. Chennai Customs Preventive Service Association has got impleaded as 5th respondent and has filed a reply statement. However, the official respondents are yet to file a reply in this case. But in OA 11/2001 which has also been consolidated with this case, today the Senior Central Government Standing Counsel appearing for the official respondents produced two documents, one dated 2.3.2001 as Annexure.R3(a) and the other dated 9.3.2001 as Annexure.R3(b). Annexure.R.3(a) is a communication from the Ministry of Finance, Department of Revenue to the Chief Commissioners of Customs Chennai/Bangalore, who are respondents 2 and 4. The communication reads as follows:

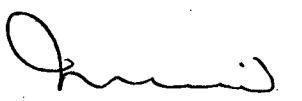
"I am directed to refer to your D.O.letters No.S6/1/2001-CCCO dated 12.2.2001 and D.O.C.No.II/39/05/2001/CC(BZ) dated 24.01.2001 respectively on the subject cited above and to say that issue has been re-examined in the Board and the Secretary (Revenue) has desired that status quo ante be maintained at Anna International Airport, Chennai in the existing quota for Cochin Customs till further orders are issued for manning the Nedumbassery Airport, Cochin. You are therefore, requested to approach the Hon'ble Tribunal to intimate the position and take further necessary action in the matter immediately. The Board may also be apprised of the further development of case suitably."

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3. Noting the fact that the Ministry has directed restoration of maintainance of status quo ante in regard to the quota of Preventive Officers of Cochin Commissionerate in the Anna International Airport Pool, Chennai, Original Application No.11/2001 was disposed of directing that orders of posting of the officers in the panel to be issued. Since the facts and circumstances are identical, this OA is also therefore disposed of directing the respondents 2 and 4 to depute the applicants to Airpool of Anna International Airport, Chennai in their turn on the basis of their placement in the panel prepared on 1.4.2000 since the status quo ante in regard to the quota has been restored. If vacancies are there, the orders in this regard be issued before the period of the panel expires. No order as to costs.

Dated the 23rd day of March, 2001


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

(s)