

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.27/2005.

Tuesday this the 11th day of January 2005.

CORAM:

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER
HON'BLE MR. H.P.DAS, ADMINISTRATIVE MEMBER

1. D.L.Anil Kumar,
Radio Operator,
Office of the Commissioner of
Central Excise and Customs,
Central Revenue Buildings,
Press Club Road, Trivandrum.
2. V.Kumaraswami,
Radio Operator,
Office of the Commissioner of
Central Excise and Customs,
Central Revenue Buildings,
Press Club Road, Trivandrum. Applicants

(By Advocate Shri.CSG Nair)

Vs.

1. Union of India, represented by
the Secretary,
Department of Revenue,
Ministry of Finance, New Delhi.
2. The Chairman,
Central Board of
Excise & Customs,
North Block, New Delhi-1.
3. The Commissioner of
Central Excise & Customs,
Central Revenue Buildings,
I.S.Press Road, Cochin-682 018.
4. The Commissioner of
Central Excise & Customs,
Central Revenue Buildings,
Press Club Road, Trivandrum. Respondents

(By Advocate Shri TPM Ibrahim Khan, SCGSC)

The application having been heard on 11.1.2005,
the Tribunal on the same day delivered the following:

O R D E R (Oral)

HON'BLE MR.KV.SACHIDANANDAN, JUDICIAL MEMBER

The applicants are working as Radio Operators in the
Telecommunication wing of the Central Excise and Customs

Department, Trivandrum. According to them it is a dying cadre and the Radio Operators have no future prospects. Presently their services are being utilised for ministerial work done by the Tax Assistants/Senior Tax Assistants. Feeder Cadres for the post of Inspector of Central Excise are Tax Assistants/Senior Tax Assistants/Stenographers/Draftsman/Women Searcher and no separate percentage is fixed for any cadre. Draftsman is a Technical Cadre like Radio Operator. In the O.A. it is contended that they have been working in the ministerial cadre for a long time and therefore, the applicants request to merge the cadre of Radio Operator with that of Tax Assistants or to make the Radio Operator as a feeder cadre for promotion as Inspector. Both the applicants have submitted representations including Annexure A-7 dated 24.10.2004 for permitting the applicants to appear in the Departmental Examination for the post of Inspectors also which are not yet responded to. Aggrieved by the inaction on the part of the respondents, the applicants have filed this O.A. seeking the following reliefs:

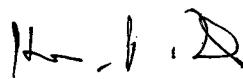
- i. To declare that the Radio Operators are also eligible to be included as a feeder cadre for promotion as Inspector of Central Excise.
- ii. To direct the 1st and 2nd respondents to include Radio Operators as a feeder cadre for promotion as Inspector of Central Excise.
- iii. To direct the 1st and 2nd respondents to permit Radio Operators to appear for the Departmental Examination for promotion as Inspector of Central Excise.
- iv. To direct the 1st and 2nd respondents to merge the cadre of Radio Operators with that of the Senior Tax Assistants and count the service as Radio Operator as qualifying service for promotion as Inspector of Central Excise.
- v. To direct the 2nd respondent to dispose of representation Annexure A-7 for including the cadre of Radio Operators as a feeder cadre for promotion as Inspector of Central Excise, within a stipulated period.

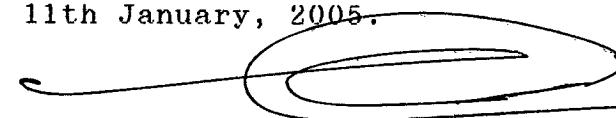
2. When the matter came up before the Bench, Shri C.S.G.Nair, learned counsel appeared for the applicants and Shri TPM Ibrahim Khan, SCGSC appeared for the respondents. Counsel for applicants submitted that the applicants would be satisfied if a limited direction is given to the respondents to consider and dispose of the representation dated 24.10.2004 (A7) within a time frame. Learned counsel for respondents submitted that he has no objection in adopting such a course of action. This Court is also of the view that such an action will meet the ends of justice.

3. In the interests of justice, this court, without making any observations on merit, directs the 2nd respondent to consider and dispose of the representation dated 24.10.2004 (A7) as expeditiously as possible, in any case, within three months from the date of receipt of a copy of this order.

4. O.A. is disposed as above, in the circumstance, no order as to costs.

Dated the 11th January, 2005.


H.P.DAS
ADMINISTRATIVE MEMBER


K.V.SACHIDANANDAN
JUDICIAL MEMBER

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