

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No. 273/2000

Monday, this the 3rd day of July, 2000.

CORAM:

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

V.Ramakrishnan,
S/o M.K.Velu,
Sepoy,
Central Excise Thrissur Division,
Sakthan Thampuram Nagar,
Thrissur-1. - Applicant

By Advocate Mr.T.A.Rajan

VS

1. Union of India represented by
the Secretary,
Ministry of Finance,
Department of Revenue,
Central Board of Excise & Customs,
New Delhi-2.
2. The commissioner of Central Excise & Customs,
Cochin I Commissionerate,
Central Revenue Buildings,
I.S.Press Road,
Kochi-18.
3. The Additional Commissioner(P&V),
Central Excise & Customs,
Cochin I Commissionerate,
Central Revenue Buildings,
Kochi-18. - Respondents

By Advocate Mr A Sathianathan, ACGSC

The application having been heard on 3.7.2000, the Tribunal on
the same day delivered the following:

O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

The applicant, a Sepoy in the Central Excise
Department transferred from Madras Commissionerate to Cochin,
is aggrieved that he is not given the benefit of reckoning the

service rendered prior to his transfer in terms of A-1 order of the Central Board of Revenue dated 12.2.58. The applicant has therefore, filed this application seeking for the following reliefs:

"(i) Declare that the non-extending the benefits of Annexure-A1 order to the applicant is illegal.

(ii) Direct the 2nd respondent to grant the benefit of Annexure-A1 order to the applicant with all consequential benefits.

(iii) Declare that the denial of the benefit of Annexure-A1 order to Group 'D' employees in Annexure-A2 order as illegal.

(iv) Direct the 2nd respondent to promote the applicant to the post of Havildar from the date of promotion of his immediate junior in Annexure-A5(a) seniority list with all consequential benefits."

2. The respondents have filed a detailed reply statement. They have indicated in the reply statement that the benefit of seniority as claimed by the applicant has been extended to him on the basis of the Ministry's order Annexure-R6 dated 7.3.2000 by revising the seniority by order dated 29.3.2000 (R-7).

3. Now that a part of the reliefs namely, seniority has been granted to the applicant, what remains is the consideration of the applicant for promotion based on the

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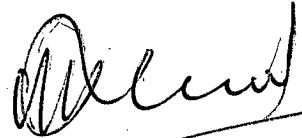
revised seniority. Learned counsel for the respondents states that this would also be done within three months and the application may be disposed of with appropriate direction in that behalf.

4. In the result the application is disposed of directing the respondents to consider the promotion of the applicant on the basis of his seniority position which stands revised by Annexure-R7 seniority list within three months from the date of receipt of a copy of this order. No costs.

Dated, the 3rd of July, 2000.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

trs

LIST OF ANNEXURES REFERRED TO IN THE ORDER:

1. A-1: True copy of Central Board of Revenue's OM No.6/9757-Admn.III A dated 12.2.1958.
2. A-2: True copy of letter F.No.A 23024/4/94-Ad.III(A) dated 20.10.98 of the Govt. of India, M/o Finance, Department of Revenue.
3. A-5(a) True extract of provisional seniority list of Sepoys as on 20.5.80.
4. R-6: True copy of the communication No.F.No.A.23011/7/99-Ad.IIIA dated 7.3.2000 issued by the Under Secretary, M/o Finance, Department of Revenue, New Delhi.
5. R-7: True copy of the letter No.C.II/39/98-Estt.I dated 29.3.2000 issued by the Additional Commission(P&V), O/o the Commissioner of Central Excise & Customs, Cochin-18.