

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 28 of 2004

Thursday, this the 9th day of December, 2004

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. S.K. HAJRA, ADMINISTRATIVE MEMBER

1. N. Prasadan,
Communication Assistant,
Customs House, Willington Island,
Cochin-9
2. N.P. Ramachandran Nair,
Supervisor (Communication),
Central Excise Division,
Kottayam.Applicants

[By Advocate Shri C.S.G. Nair]

Versus

1. The Commissioner of Central Excise & Customs,
Central Revenue Buildings,
IS Press Road, Cochin-682 018
2. The Chairman,
Central Board of Excise & Customs,
North Block, New Delhi-1
3. Union of India represented by the
Secretary, Department of Revenue,
Ministry of Finance, North Block,
New Delhi - 110 001
4. P.C. Bency,
Communication Assistant,
Customs Preventive Unit, Kasargode.Respondents

[By Advocate Shri T.P.M. Ibrahim Khan, SCGSC (R1 to R3)]
[By Advocate Shri Martin G Thottan (R4)]

The application having been heard on 9-12-2004, the
Tribunal on the same day delivered the following:

O R D E R

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

Applicants 1 and 2 have in this application sought the
following reliefs:-

- "i) To declare that the grant of seniority as per Annexure A3 order to the 4th respondent is illegal and arbitrary.
- ii) To declare that the 2nd applicant is senior to the 4th respondent in cadre of Radio Operator.
- iii) To quash Annexure A4 Seniority List, Annexure A5 & A6 promotion orders in respect of 4th respondent.
- iv) To direct the 1st respondent to give seniority to the cadre of Radio Operator to the 4th respondent only with effect from 10.09.1976 the date on which he joined as Radio Operator.
- v) To direct the 1st respondent to revise the seniority of Radio Operator and grant promotion and other consequential benefits to the 2nd applicant.
- vi) To grant such other relief or reliefs that may be urged at the time of hearing or that this Hon'ble Tribunal may deem fit to be just and proper.
- vii) To grant cost of this OA."

2. It has been alleged in the application that undue benefit has been granted to the 4th respondent by giving him seniority over the applicants and promoting him to higher posts.

3. In the statement filed by the counsel on behalf of the official respondents, they admit that a mistake has been committed and that the applicants' seniority would be revised and appropriate orders would be issued with the leave of the Court within a period of six months.

4. The 4th respondent has filed a reply statement opposing the grant of relief.

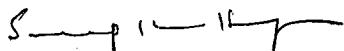
5. Learned counsel on both sides agree that the application may now be disposed of directing the 1st respondent to undertake the review and revision of the seniority of the applicants as conceded in the statement filed on behalf of the official respondents by the counsel and to issue revised

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seniority list, if any, as also consequential benefits, if any, available to the applicants within a period of three months from the date of receipt of a copy of this order. We direct accordingly. While revising the seniority, the 4th respondent may be heard by the official respondents.

6. The Original Application is disposed of as above with no order as to costs.

Thursday, this the 9th day of December, 2004



S.K. HAJRA
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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