

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A. NO. 287 OF 2000.

Tuesday this the 14th day of March 2000.

CORAM:

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

HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

G. Venugopal,  
Superintendent of Central Excise,  
Cochin I Range, Cochin-2.

..Applicant

(By Advocate Shri C.S.G. Nair)

Vs.

1. Union of India represented by  
Secretary, Department of  
Personnel and Training,  
Ministry of Personnel, Public  
Grievances & Pension, South Block,  
New Delhi - 1.
2. Commissioner of Central Excise,  
Cochin I Commissionerate,  
Central Revenue Buildings,  
I.S. Press Road, Cochin-682 018.
3. Shri P.E. Bhaskaran,  
Superintendent, Air Customs,  
Trivandrum - 8.
4. Shri V.K. Sivaraman,  
Superintendent of Central Excise,  
Central Excise Commissionerate Cochin-II,  
Mananchira, Kozhikode.
5. K. Soman,  
Superintendent of Central Excise,  
Central Excise Commissionerate Cochin-II,  
Mananchira, Kozhikode.
6. Shri A.K. Raghavan,  
Superintendent, Air Customs,  
Trivandrum -8.
7. Shri Cheriyan Koya,  
Superintendent of Central Excise,  
Palghat V Range, Palghat -I.

8. Shri A.R, Chandramohan,  
Superintendent of Central Excise,  
Central Excise Commissionerate Cochin-II.  
Mananchira, Kozhikode.
9. Shri S. Subramanian,  
Superintendent of Central Excise,  
Palghat VII Range, Palghat -1.
10. Shri T. Ayyappan,  
Superintendent of Central Excise,  
Tirur Range, Tirur,  
Malappuram District.

Respondents

(By Advocate Shri M. Rajendra Kumar, ACGSC)

The application having been heard on 14th March 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 has filed this O.A. for the following  
reliefs.

- i. "Quash Annexure A3 to the extent of holding that it takes effect from 30.1.97 only and also to quash Annexure A5.
- ii. Direct the 1st and 2nd respondents to revise the seniority of the applicant as per the dictum laid down by the Hon. Supreme Court in the case of Union of India Vs. Virpal Singh Chauhan, (1995) 6 SCC 684 and Ajit Singh (II) Vs. State of Punjab, (1997) 7 SCC 209 and grant consequential benefits.
- iii. Declare that the applicant is senior to the respondents 3 to 10.
- iv. 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.
- v. To grant cost of this O.A."

2. Though it has been mentioned in the application that going by the rulings of the Apex Court in Ajit Singh (II) Vs. State of Punjab, (1997) 7 SCC 209, the revision of seniority should be given with retrospective effect, the applicant has not stated in the application as to how his seniority has been

affected. He has not made a representation to the competent authority for giving retrospective effect to the Government of India, Department of Personnel and Training O.M. No.20011/1/96-Estt.(D) (A-3), dated 30.1.97. The 2nd respondent is not competent to give retrospective effect to A-3 O.M. The applicant should have moved the competent authority through proper channel. Therefore, we are of the considered view that this application cannot be entertained being premature. The application, is therefore, rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated the 14th March 2000.

  
G. RAMAKRISHNAN  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

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- Annexure A3: A true copy of the O.M. No. 20011/1/96-Estt.(D) dt. 30.1.1997 issued by the 1st respondent.
- Annexure A5: True copy of the Memo C.No.II/34/16/99 dated 1.12.1999 issued by the 2nd respondent.