

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 325 of 2004

Thursday, this the 29th day of April, 2004

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. H.P. DAS, ADMINISTRATIVE MEMBER

1. T.P. Ayyappan,
Lower Division Clerk,
Central Excise Division II,
Palakkad.Applicant

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

Versus

1. Union of India, represented by the
Secretary, Department of Revenue,
North Block, New Delhi.

2. The Commissioner of Central Excise & Customs,
Central Revenue Buildings,
I.S. Press Road, Cochin - 682 018

3. Commissioner of Central Excise & Customs,
Central Revenue Buildings,
Mananchira, Calicut.Respondents

[By Advocate Mr. S.K. Balachandran, ACGSC1]

The application having been heard on 29-4-2004, the
Tribunal on the same day delivered the following:

O R D E R

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

The applicant presently working as a Lower Division Clerk in the Central Excise Division II, Palakkad was appointed as Lower Division Clerk against a vacancy for qualified Sepoy. His case is that as a member of the SC community he was eligible and entitled to be appointed as Lower Division Clerk against a vacancy during the years 1997 to 2002. Finding that, despite he being qualified and a slot available for his appointment, general candidates were appointed during the year 2002, the applicant submitted a representation on 15-1-2003 claiming that he be promoted against one of those vacancies. Although he was not given any reply, he was thereafter promoted. However, the applicant submitted a representation

(Annexure A-11) on 17-12-2003 to the 2nd respondent seeking that his promotion be antedated. This representation has not been considered and disposed of. The applicant, under these circumstances, has filed this application seeking a declaration that he is entitled for appointment as Lower Division Clerk with effect from September, 1997 and for a direction to the 2nd respondent to appoint the applicant with effect from September, 1997.

2. Going by the averments in the application it is averred by the applicant that he became qualified in the year 1998. However, we are not aware how the applicant can claim, therefore, appointment against a vacancy of the year 1997. However, when the application came up for hearing, Shri S.K. Balachandran, learned ACGSC took notice on behalf of the respondents. Counsel agree that the matter can be disposed of now directing the 2nd respondent to consider the applicant's representation Annexure A-11 and to give him an appropriate reply within a reasonable time.

3. In the light of what is stated above, we dispose of the Original Application directing the 2nd respondent to consider Annexure A-11 representation and to give the applicant an appropriate reply within a period of three months from the date of receipt of a copy of this order. No order as to costs.

Thursday, this the 29th day of April, 2004

H. P. DAS

H. P. DAS
ADMINISTRATIVE MEMBER

A. V. HARIDASAN
VICE CHAIRMAN

Ak.