

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 346/90

1990

~~XXXXXX~~

DATE OF DECISION 8.5.90

N.Gopalakrishna Pillai Applicant (s)

Mr.MR Rajendran Nair Advocate for the Applicant (s)

Versus

The Collector of Central Respondent (s)
Excise, Cochin and others

Shri V.V.Sidharthan, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S.P.Mukerji, Vice Chairman

The Hon'ble Mr. A.V.Haridasan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

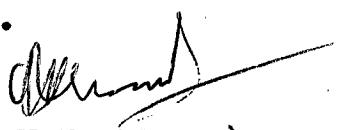
JUDGEMENT

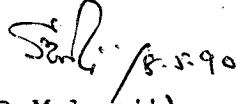
(Hon'ble Shri S.P.Mukerji, Vice Chairman)

We have heard the arguments of the learned counsel for both the parties in this application filed under Section 19 of the Administrative Tribunals Act whereby the applicant who had been reverted from the post of adhoc LDC to that of Sepoy on 28.3.90 seeks consideration for being posted at the Air Customs, Trivandrum. The respondents did not consider him for posting to Trivandrum Airport when his juniors were so considered because at that time the applicant was working as adhoc LDC. The respondents are not

prepared to consider him even now i.e., after his reversion as Sepoy on the ground that in accordance with the judgment of this Tribunal in O.A. 268/89 delivered on 16.4.90, since the applicant had sought reversion with the intention of being posted to Trivandrum Airport he cannot be considered for a period of two years in accordance with the instructions issued by the respondents at Annexure R.1 dated 2.5.90. The respondents' plea is that these instructions were issued on the basis of the judgment of this Tribunal dated 16.4.90. Having gone through the records we find that the judgment of this Tribunal dated 16.4.90 was not purported to apply to the cases like the applicant wherein the reversion was sought and effected before the pronouncement of the judgment.

2. In the above circumstances, we close this application with the direction to the respondents that since the applicant had sought reversion before 16.4.90 and had reverted before that date, he should also be considered for posting at the Trivandrum Airport on the basis of his seniority in the grade of Sepoy in accordance with law. The impugned order dated 2.5.90 will not apply in so far as the applicant in this case is concerned who was reverted before 16.4.90. There will be no order as to costs.


(A.V. Haridasan)
Judicial Member


(S.P. Mukerji)
Vice Chairman

8.5.90

Ksn.