

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.358/2002.

CORAM: Wednesday this the 24th day of July 2002.

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

1. P.K.Alias,
Superintendent of Customs (Preventive)
Customs House, Cochin-9.
2. C.P.Sasikumar,
Superintendent of Customs(Preventive),
Customs House, Cochin-9. Applicants

(By Advocate Shri S.Chandrasenan)

Vs.

1. Union of India represented by
its Secretary to Government,
Ministry of Finance,
Department of Revenue, New Delhi.
2. Central Board of Excise and Customs,
represented by its Secretary,
New Delhi. Respondents

(By Advocate Shri C.Rajendran, SCGSC)

The application having been heard on 24th July, 2002
the Tribunal on the same day delivered the following:

O R D E R

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

The applicants 1 and 2 who are Superintendents in Customs
have filed this application for the following reliefs:

- i) call for the records leading to the case.
- ii) Direct the respondents not to make any promotions to the
post of Asst. Commissioner, Customs ignoring the revised
seniority list Annexure A-6 issued by the 1st respondent.
- iii) to direct the respondents to effect promotions to the post
of Asst.Commissioner Customs strictly in compliance with
the revised seniority list Annexure A-6.
- iv) To pass such other reliefs as this Hon'ble Tribunal may
deem fit and proper in the circumstances of the case.
- v) Award costs.

2. When the O.A., came up for hearing on 19.6.2002, learned counsel of the respondents stated that he would get instructions and would file a statement and that once a statement is filed, the case can be disposed of finally.

3. The learned counsel of the respondents under instructions from the respondents filed a statement on 18.7.2002. In paragraph 3 of the statement filed by the counsel, it has been stated as follows:

It is submitted that the averment in para IV (7) of the O.A. is not correct as no junior to the applicants as per Annexure A6 have been promoted to the Asst. Commissioner Grade till date. Annexure A6 seniority list shall be strictly followed by the respondents at the time of considering the promotion of Superintendent of Customs to Assistant Commissioner Grade."

4. Since the respondents have undertaken through the statement filed by their counsel that the promotion to the post of Assistant Commissioner's grade would be made strictly basing on A-6 seniority list of Superintendents, there is no controversy which is required to be resolved in this application. The application is therefore disposed of noting the undertaking that the promotion to the post of Assistant Commissioner, Customs would be made strictly on the basis of seniority of Superintendents reflected in A-6. There is no order as to costs.

Dated the 24th day of July, 2002.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

A P P E N D I X

Applicants' Annexures:

1. A-1: True copy of the circular No.6/97/57-Admn III dated 12.2.1958 issued by the 1st respondent.
2. A-2: True copy of the judgement dated 29.8.95 in OA 1182/95 before the Central Administrative Tribunal Ernakulam.
3. A-3: True copy of the Govt. circular No.F.No.23024/4/94/Ad III (A) dt.20.10.1998 issued by the 1st respondent.
4. A-4: True copy of the judgement dated 9.8.99 in O.P.No.1070/1998 before the Hon'ble High Court of Kerala.
5. A-5: True copy of the order in OA No.1094/2000 dt.24.10.2000 before the Central Administrative Tribunal Ernakulam Bench.
6. A-6: True copy of the revision order and the seniority list No.F.No.A-23011/1-A/94-Ad.II(A) (pt) dt.17.1.2001 issued by the 1st respondent.

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29.7.02