

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

OA No. 378 of 2003

Friday, this the 9th day of May, 2003

CORAM

HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

1. V. Bhaskaran,
Superintendent of Central Excise,
Air Cargo Complex, Trivandrum-8Applicant

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

Versus

1. Commissioner of Central Excise and Customs,
Central Revenue Buildings,
I.S. Press Road, Cochin-18
2. Commissioner of Central Excise and Customs,
Central Revenue Buildings,
Press Club Road, Trivandrum.
3. Chief Commissioner of Central Excise and Customs,
Central Revenue Buildings,
I.S. Press Road, Cochin-18
4. Union of India, represented by the Secretary,
Department of Revenue, North Block,
New Delhi.Respondents

[By Advocate Mr. M.R. Suresh, ACGSC]

The application having been heard on 9-5-2003, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

The applicant, who is working as Superintendent in the Air Cargo Complex, Trivandrum, claims himself to be the seniormost Superintendent of Central Excise Commissionerate in Kerala awaiting promotion shortly. He has been working as Superintendent in the Air Cargo Complex since 15-11-2002. Normally, the officers who are sent on duty in the Air Cargo Complex are allowed a tenure of six months. As per Annexure A3 order, the applicant is also posted to Air Cargo Complex (UB), Trivandrum for a period of six months and as such, his tenure

9

there would be over on 14-5-2003. The applicant's case is that since he is about to be promoted to the next cadre of Assistant Commissioner and is likely to be shifted even from Kerala, he would like to be in Trivandrum till his promotion takes place. It is stated that on earlier occasions suitable extension of the tenure had been given to the incumbents in view of their promotion and posting. It is pointed out that a representation dated 1-5-2003 (Annexure A8) mentioning this and other relevant facts has been addressed to the 1st respondent and that the same is pending. The applicant states that he will be retiring on superannuation in January, 2004. The applicant apprehends that he is likely to be shifted out of the Air Cargo Complex on 14-5-2003 or even earlier. Since his promotion is in the offing, it would mean multiple shifting within a short span of time. On these facts, the applicant prays for a direction to respondents 1 to 3 to retain him in the Air Cargo Complex until his promotion or retirement.

2. When the matter came up for admission, Shri M.R.Suresh, learned ACGSC took notice on behalf of the respondents and sought time to verify the facts and make a statement before admission. However, Shri C.S.G.Nair, learned counsel for the applicant, has stated that the applicant would be satisfied, if Annexure A8 representation is considered and an appropriate order is passed having regard to the fact that similar requests have been entertained in the past. According to the learned counsel, the Original Application could be disposed of by directing the respondents to consider the applicant's representation and pass appropriate orders within a short time. Shri M.R.Suresh, learned ACGSC agrees that such a course of action can be taken and that the respondents may be directed to dispose of the applicant's representation.

9.

3. In the light of the submissions made by the learned counsel on either side, it is considered appropriate to dispose of the Original Application with a direction to the 1st respondent to dispose of the applicant's Annexure A8 representation dated 1-5-2003 after considering the facts judiciously, particularly in view of the fact that on similar facts, requests for extension of tenure were considered in certain other cases, and pass appropriate orders thereon with a copy to the applicant within a period of one month from the date of receipt of a copy of this order. Accordingly, the 1st respondent is directed to do so. Till the applicant's Annexure A8 representation is disposed of, the applicant shall not be shifted from the Air Cargo Complex, Trivandrum, where he is now carrying out the duties in pursuance of Annexure A3 order.

4. The Original Application is disposed of as above. No order as to costs.

Friday, this the 9th day of May, 2003



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

Ak.