

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A. 388/94

Thursday, this the 8th day of December, 1994

CORAM:

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. Chackochan Kunhi Pailo  
Preventive Officer  
Custom House, Kochi-9

2. P.A. Mohankumar,  
Preventive Officer  
Custom House, Kochi-9

Applicants

By Advocate Mr. K.P. Dandapani

vs.

1. The Additional Collector of Customs  
Office of the Collector of Customs  
Custom House, Kochi-9

2. Shri V. A. Ismail  
Tax Assistant, Custom House,  
Kochi-9

Respondents

By Advocate Mr. T.P.M. Ibrahim Khan, SCGSC for R-1

Advocate Mr. P. Ravindran for R-2

O R D E R

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

Applicants challenge A-14 order, passed pursuant to the directions in A-11 order of this Tribunal. Second respondent herein filed O.A. 1816/92, claiming seniority over the two applicants. This Tribunal directed respondent Additional Collector of Customs:

" ... to consider the grievance of the applicant with reference to the date of joining and decide the seniority vis-a-vis..."

Treating the direction, as one to grant seniority to respondent No. 2 based on his date of entry in service, the impugned order was passed. As rightly pointed out by learned counsel for applicants, there was no such direction and the direction was only to consider the grievance.

The whole issue had been left open to respondent Collector because the Tribunal observed:


" and decide the seniority vis-a-vis seven persons referred in para 3 of the original application."

2. The direction of the bench was only to consider with full freedom to decide. But, this was misread as a direction to take a decision on a certain premise namely, the date of entry.

3. The impugned order was passed under a misapprehension and it has to be quashed. Respondent Collector of Customs, will reconsider the matter with notice to affected parties and take a decision unfettered by any observation in the order in O.A. 1816/92. In fact, there was no observation on the merits in that order. The impugned order was quashed earlier only to give freedom to respondent Collector to act. Final orders will be passed in the matter within six months of today and notice shall be served on all affected parties within forty five days of today.

4. Application is disposed of as aforesaid. No costs.

Dated the 8th December, 1994.

  
P.V. VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
CHETTUR SANKARAN NAIR (J)  
VICE CHAIRMAN

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List of Annexures

1. Annexure A-11. True copy of the judgement dated 16-7-93  
in OA 1816/92
2. Annexure A-14. True copy of the Order No.16/94 dated 11-2-94  
of the 1st respondent.