

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 392 of 2002

Tuesday, this the 17th day of August, 2004

CORAM

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

1. S. Sivaraja Panicker,  
Superintendent of Central Excise,  
Range I, Kollam-1  
Residing at Sivakripa,  
Thevally (PO), Kollam - 691 009      ....Applicant

[By Advocate Smt. Sumathi Dandapani]

Versus

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

2. Secretary,  
Central Board of Custom & Excise,  
New Delhi.

3. Commissioner of Central Excise & Customs,  
CR Buildings, Kochi-18

4. Chief Commissioner  
Customs & Central Excise, Bangalore.

5. The Assistant Commissioner of Central Excise,  
Central Excise Division, Kollam.

6. G. Chandrasekharan Nair,  
Superintendent of Central Excise,  
Cherthala Range, Cherthala  
(In representative capacity of other  
incumbents who are likely to be  
affected).      ....Respondents

[By Advocate Shri C.B. Sreekumar, ACGSC (R1 to R5)]  
[By Advocate Shri C.S.G. Nair (R6)]

The application having been heard on 17-8-2004, the  
Tribunal on the same day delivered the following:

O R D E R

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

The applicant, Superintendent of Central Excise,  
Range-I, Kollam at the time when he filed this application, is  
aggrieved that he was excluded from officiation as

Superintendent in the order dated 29-8-1997 (Annexure A3) while juniors to him including the 6th respondent going by the date of appointment to the grade of Inspector have been included for the reason that he joined the Cochin Commissionerate on 11-7-1983 on inter-commissionerate transfer accepting bottom seniority. The applicant made a representation claiming promotion on par with the 6th respondent, which was replied by Annexure A7 order dated 25-11-1998 stating that all those who have been promoted earlier were seniors to the applicant in the gradation list of Inspectors. Aggrieved, the applicant has filed this application seeking to set aside Annexure A3 and A7 because his claim based on length of service in the grade has not been considered.

2. The official respondents as also the 6th respondent have filed reply statements justifying the promotion of the 6th respondent in preference to the applicant on the ground that the applicant has become junior to the 6th respondent on his inter-commissionerate transfer accepting bottom seniority.

3. On hearing the learned counsel for the parties and on going through the impugned orders as also the other relevant materials on record, we find that no injustice has been done to the applicant. It is an accepted position that the applicant accepted bottom seniority in Cochin Commissionerate and going by that seniority the applicant is junior to the 6th respondent although going by the date of appointment the applicant had longer services than the 6th respondent in the grade. Promotion to the upgraded post of Superintendent was to be made on the basis of seniority-cum-fitness and length of service in the lower grade was not the criteria. The applicant, who is



..3..

admittedly junior to the 6th respondent, cannot have any legitimate grievance because he has not been superseded by any junior.

4. In the light of what is stated above, we do not find any merit in this application and, therefore, we dismiss the same leaving the parties to bear their respective costs.

Tuesday, this the 17th day of August, 2004

*H.P. Das*

H.P. DAS  
ADMINISTRATIVE MEMBER

*A. V. Haridasan*

A. V. HARIDASAN  
VICE CHAIRMAN

Ak.