

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No. 395 of 1994

Wednesday this the 9th day of March, 1994

CORAM

Hon'ble Mr. Justice Chettur Sankaran Nair, Vice Chairman  
Hon'ble Mr. P. V. Venkatakrishnan, Administrative Member

P. Sajith Chandran,  
Upper Division Clerk,  
Accounts I (Medical Claims)  
Office of the Collector of Central Excise  
and Customs, IS Press Road, Cochin-18. ....Applicant  
(By Advocate Mr. K. Sasikumar)

VS.

1. Union of India represented by  
the Secretary, Ministry of Finance,  
Department of Revenue, New Delhi.
2. The Secretary, Central Board of  
Excise and Customs, New Delhi.
3. The Collector of Central Excise  
and Customs, IS Press Road,  
Cochin-18.
4. The Deputy Collector (P&V)  
Office of the Collector of  
Central Excise & Customs, IS Press  
Road, Cochin-18. ....Respondents

(By Advocate Mr. C. Kochunni Nair, SCGSC)

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN.

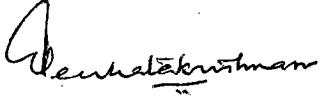
Applicant seeks a declaration that he is  
entitled to be appointed as an Inspector of Central  
Excise since he has the minimum qualification to hold  
the post. He was granted an appointment as I.D.C. under  
the 'Dying in harness scheme' consequent on the death  
of his father. He came to this Tribunal and the Tribunal  
by order in O.A.1078/92 directed fresh consideration

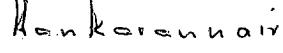
of his case. After such consideration, he was appointed as a UDC. Applicant would feel that he merits something better.

2. While there can be no doubt that the scheme is motivated by lofty ideals, the same cannot be worked in such a manner, as to confer undue advantages on a person coming under it. A sense of priorities must prevail in these areas. We do not think that this is a fit case for the Tribunal to interfere, in the absence of a legal enforceable vested right in the applicant to get a post of Inspector. However, it is open to him to move the competent authority and it is for that authority to view the facts of the particular case and take such decision as it considers appropriate.

3. Application is disposed of with the above directions. No costs.

Dated the 9th March, 1994.

  
P.V. VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
CHETTUR SANKARAN NAIR(J)  
VICE CHAIRMAN

ks93.