

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE.

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman,
and

Hon'ble Shri L.H.A. Rego, Member (A).

DATED THIS THE TWELTH DAY OF JANUARY, NINETEEN EIGHTY SEVEN.

Application Nos. 867 to 870 of 1986 (T)

Between:

1. P.N. Nair,
Skipper, Customs Patrol
Craft.
2. M. Balachandran,
Engineer.
3. M.R.V. Subramanyam,
Engineer.
4. P.V.S. Nair,
Senior Deckhand.

Customs Marine,
Mangalore.

....Applicants.

and

The Union of India,
rep. by the Secretary to Govt.,
Ministry of Finance,
New Delhi.

....Respondent.

(SHRI M. VASUDEVA RAO, STANDING COUNSEL)

This application having come up for hearing today before this
Tribunal, Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman, made the
following:

O R D E R

Cases called on more than one occasion in the pre-lunch session
and again at 3.10 P.M. in the post-lunch session. On every occasion,

the applicants and their learned counsel are absent. We have perused the papers and heard Shri M. Vasudeva Rao, learned counsel for the respondents.


2. In these transferred applications received from the High Court of Karnataka under Section 29 of the Administrative Tribunals Act, 1985 ('the Act'), the applicants had challenged communication No. 0045 dated 9.2.1982 (Annexure-A) issued by the Joint Director (Marines) of the Customs Marines, Bombay ('Director').

3. Evidently, in pursuance of a policy decision taken by Government to merge the Customs Marines Organisation ('CMO') with Coast Guard, the Director has addressed a communication on 9.2.1982 (Annexure-A) to all the Officers detailed therein requesting them to furnish various particulars detailed at paragraph 3 of the same in the forms appended to the same. Even this innocuous communication is challenged by the applicants as violative of Articles 14 and 16 of the Constitution of India.

4. We have examined the grounds urged by the applicants in support of their challenge to the impugned communication. We are of the view that everyone of them have no merit whatsoever. We fail to see as to how and why the communication is violative of Articles 14 & 16 of the Constitution.

5. Even otherwise, the communication only calls upon the officers to collect certain information and furnish them to take further action in the matter. Whether the applicants are willing for absorption or not is a matter for them to decide. But on that score, they cannot contend that the Director cannot collect the required particulars.

6. On any view of the matter, we find no grounds to interfere with the communication made by the Director.



7. In the light of our discussion, we hold that these applications are liable to be dismissed. We, therefore, dismiss these applications. But in the circumstances of the case, we direct the parties to bear their own costs.

Ad. P. M. A. M. M.
VICE CHAIRMAN 12/1/87.

[Signature]
MEMBER (A). 12-1-87

ams.