

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 56/91
 T.A. No. 198

DATE OF DECISION 4.8.1994

Central Excise Officers Union & ors. Petitioner

Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Advocate for the Respondent(s)

Shri P M Pradhan,

CORAM

The Hon'ble Mr.

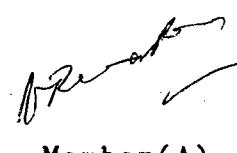
The Hon'ble Mr.

Whether Reporters of local papers may be allowed to see the Judgement ?

2. To be referred to the Reporter or not ?

Whether their Lordships wish to see the fair copy of the Judgement ?

4. Whether it needs to be circulated to other Benches of the Tribunal ?



Member (A)

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH.

O.A. NO.: 50/91.

Central Excise Officers' Union
& 24 Others. ... Applicants.

Versus

Union Of India & 2 Others ... Respondents.

CORAM : Hon. Shri Justice, M.S. Deshpande, V. C.
Hon. Shri V. Ramakrishnan, Member (A).

ORAL JUDGEMENT : AUGUST 04, 1994.

¶ Per. V. Ramakrishnan, Member (A) ¶.

None for the applicants. Shri P. M. Pradhan, Counsel for the respondents. In the absence of the Counsel for the applicants, we are disposing of the O.A. on the basis of the material available on record.

2. Apart from the Union, there were initially 24 individual applicants of whom one applicant had withdrawn subsequently. We find that the applicants who belong to the Central Excise Department and who are claiming for a posting in Sahar International Airport are not eligible in terms of the relevant instructions for such posting as they were on deputation to the Marine and Preventive Division of the Customs Department when the claim for posting in Sahar International Airport was made. The instructions relied upon by the department which are annexed at Annexure R.3 dated 13.07.1989, vide annexure to Ministry's letter F.No.A.22015/21/89. Ad.III.B dated 13.07.1989 para II. Additions to the guidelines makes it clear that an officer posted at Preventive

Division of Customs should on completion of his normal tenure be posted to a formation other than Airports. The new para 5 and 6 of the guidelines which are relevant are reproduced :-

"5. In order to give a larger number of officers an opportunity to work on the anti-smuggling and anti-avasian posts, it is hereby directed that an officer posted at/in

- (a) Airports,
- (b) D.G.R.I.
- (c) D.G.A.E.
- (d) Preventive Collectorates, or
- (e) Preventive/Anti-evasion/Gold Central jobs in a Central Excise Collectorate or Custom House.

should, on completion of his normal tenure (which even in any exceptional case should not exceed five years), be posted to a formation or organisation other than the five above."

6. The officer so posted will be required to complete the full term in such other formation or organisation (in any case not less than two years even in an exceptional case) before he can be considered for being re-posted to any of the five charges specified in para 5 above."

3. The applicants have stated in their O.A. that they are not challenging any order but contend that the action of the respondents in denying them a posting at Sahar International Airport is illegal and unauthorised. The instructions referred to supra clearly restricts officials ~~on~~ deputation to Preventive Division for posting at Sahar International Airport and it is not in dispute that the applicants who belong to the Central Excise Department were on deputation posting to

Prevention Wing of the Customs when they made the claim for posting on deputation to Sahar International Airport.

4. We see no merit in the application. It is accordingly dismissed with no order as to costs.

V. Ramakrishnan

(V. RAMAKRISHNAN)
MEMBER (A).

M. S. Deshpande

(M. S. DESHPANDE)
VICE-CHAIRMAN.

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