

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 033.

Dated: 14 MAR 1995

APPLICATION NO. 1843 of 1994.

APPLICANTS: Sri.D.Shiva Shankara Reddy,

V/S.

RESPONDENTS: The Deputy Secretary, Deptt. of Revenue, AD-II-A,
Ministry of Finance, New Delhi and others.,

To

1. Sri.H.S.Ananthapadmanabha, Advocate, ,No.108,
N.H.C.S.Layout, Third Stage, Fourth Block,
Basaveswaranagar, Bangalore-560 079.
2. Sri.M.Vasudeva Rao, Addl.C.G.S.C.
High Court Bldg, Bangalore-560 001.


Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal, Bangalore-38.

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Please find enclosed herewith a copy of the Order/
Stay Order/Interim Order, passed by this Tribunal in the above
mentioned application(s) on 28-02-1995.

Issued on
14/3/95

O/C

for 
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

O.A. No. 1843/94

TUESDAY THIS THE TWENTY EIGHTH DAY OF FEBRUARY 1995

Shri Justice P.K. Shyamsundar, Vice-Chairman

Shri T.V. Ramanan ... Member [A]

D. Shiva Shankara Reddy,
Inspector of Central Excise,
Queen's Road, P.B. No.5400,
Bangalore-560 001

... Applicant

[By Advocate Shri H.S. Ananthapadmanabha]

v.

1. Deputy Secretary,
GOI, MOF [DOR] Ad.II-A,
North Block,
New Delhi - 100 001.
2. Collector,
Customs & Central Excise,
Queen's Road, P.B.No.5400,
Bangalore-560001.
3. The Deputy Director [P&V],
Customs & Central Excise,
Queen's Road, P.B. No.5400,
Bangalore-560 001.

... Respondents

[By Advocate Shri M. Vasudeva Rao ...
Addl. Standing Counsel for Central Govt.]

O R D E R

Shri Justice P.K. Shyamsundar, Vice-Chairman:

1. Admit. We regret that we cannot be of any assistance to the applicant who claims to be a star athlete in his hey days and it was on the basis of his athletic ability that he sought for preferential promotion to the post of Inspector of Central Excise after having been appointed as Upper Division Clerk in the year



1982 under the sports quota. His grievance is that he has been steadfastly put down by the department without a proper consideration of his abilities and prowess as an athlete and, therefore, wants a direction being given to the department to promote him to the post of Inspector of Central Excise under the sports quota.

2. We have before us, a detailed counter statement filed on behalf of the department, in the course of which it is submitted that the applicant's case came up for consideration in the years 1986, 1988, 1989 and 1991 and in the years 1986, 1988, 1989 that he failed in the written test whereas in the year 1991 having qualified in the written test he was called for interview and then it was found that a younger official in the age group of 25 and 29 who was a better performer was up against the applicant and hence in this process of elimination the applicant could not be promoted. The explanation offered is proper. The applicant has lost to one who was younger and also a better performer. This is a case in which the applicant's claim has been legitimately considered and unfortunately for him, a person younger to him and better than him was available and, therefore, he could not be selected. That is the reason for

- 3 -

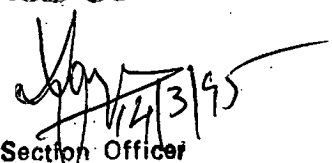
the applicant having lost out. We think the reply furnished as aforesaid is adequate and fully justifies the action of the respondents in rejecting his claim for promotion. This being the only point arising for consideration this application fails and is dismissed. No costs.

Sd/-
MEMBER [A]

Sd/-
VICE-CHAIRMAN



TRUE COPY


Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore