

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.1200/93

DATE OF DECISION 3.8.1999.

Bombay Customs Group 'C' Officers Association .Applicants

Mr. M.S.Ramamurthy Advocate for
Applicants

Versus

Union of India & Ors. Respondent(s)

Mr.V.D.Vadhavkar for Mr.M.I.Sethna Advocate for
Respondent(s)

CORAM :

Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairma,

Hon'ble Shri B.N.Bahadur, Member (A).

(1) To be referred to the Reporter or not? *no*

(2) Whether it needs to be circulated to
other Benches of the Tribunal? *no*


(R.G. VAIDYANATHA)
VICE-CHAIRMAN

B.

ORIGINAL APPLICATION NO. 1500/93

D/T OF DECISION 3.8.1999.

Bombay Customs Group of Officers Association. Applicants

Mr. N.S. Ramamurthy Advocate for Applicants

Versus

Union of India & Ors. Respondent(s)

Mr. V.D. Vadhavkar for Mr. M.I. Sethna Advocate for Respondent(s)

CORAM :

Hon'ble Shri Justice R.G. Vaidyanatha. Vice-Chairman.

Hon'ble Shri B.N. Sahasrabudhe, Member (A).

(1) To be referred to the Reporter or not?

(2) Whether it needs to be circulated to other Benches of the Tribunal?

(R.G. VAIDYANATHA)
VICE-CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.1200/93

Tuesday, this the 3rd day of August, 1999.

Coram: Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman,
Hon'ble Shri B.N.Bahadur, Member(A),

1. Bombay Customs Group 'C'
Communications and Computer
Officers Association, through
G.K.Saha, General Secretary,
2. H.C.Kulkarni
3. Y.M.Bhise
4. N.Damodaran
5. D.K.Purkayasta
6. M.K.V.Gopalan
7. K.S.R.Nair
8. K.P.K.Sashidharan
9. M.G.Chacko
10. L.A.M.Joseph
11. N.C.George
12. Raghubir Singh
13. Vaman Rao
14. V.Gopalan
15. K.K.Subramanian
16. Arjun Kargutkar
17. V.M.Francis
18. M.P.Balakrishnan
19. P.T.Auti
20. S.A.Rahate
21. K.Chandrayya
22. I.S.Gulia
C/o. C.A.T. Bar Association,
IIIrd Floor, Gulestan Building,
Prescot Road,
Bombay 400 001.

(By Advocate Mr.M.S.Ramamurthy)

...Applicants.

Vs.

1. Union of India through
the Secretary, Department
of Revenue, Ministry of
Finance, North Block,
New Delhi 110 011.
2. The Chairman,
Central Board of Excise & Customs,
Ministry of Finance, North Block,
New Delhi - 110 011.
3. Director of Preventive
Operations, 3rd Floor,
Loknayak Bhavan, Khan Market,
New Delhi - 110 003.

...2.



4. The Collector of Customs-I,
New Customs House,
Ballard Estate,
Bombay - 400 038.

...Respondents.

(By Advocate Mr.V.D.Vadhavkar for
Mr.M.I.Sethna)

: O R D E R (ORAL) :

(Per Shri Justice R.G.Vaidyanatha, Vice-Chairman)

This is an application filed by the applicants' challenging the impugned order dt. 8.9.1993 and other consequential reliefs. The respondents have filed reply opposing the application. We have heard both the counsels for the parties.

2. The applicants' main grievance is that they are working under the Collector of Customs at Bombay, but by virtue of the impugned order the applicants' are being kept under the control of R-3, the Director of Preventive Operations, New Delhi. The applicants' are challenging the legality and validity of the impugned order dt. 8.9.1993. The applicants' further case is that the respondents should be directed to follow the earlier policy as mentioned in the Ministry's letter dt. 3.1.1991 (Ex.E to the O.A.).

3. When the OA was taken up for final hearing to day, the learned counsel for the respondents has produced an autogram dt.5.4.1999 (which is taken on record) and stated that the impugned order dt. 8.9.1993 has since been withdrawn by the Administration and is no longer in force. In view of the submission made on behalf of the respondents, the main prayer in the OA for quashing the impugned order dt. 8.9.1993 will not survive.

...3.



4. However, the learned counsel for the applicants' made a submission that the respondents may change the policy and therefore prayer 1 assumes importance since applicants wants relief as per the policy decision of the Ministry dt. 3.1.1991. The learned counsel for the respondents made a statement that whatever practise and rules that were in force prior to 8.1.1993 will have to be followed unless there is a change in the policy. We have not gone into the question about the policy decision of the administration under the letter dt. 3.1.1991. If and when there is a change of policy contrary to rules and affecting the interest of the applicants, liberty is always there to the applicants to challenge the same according to law.

In the circumstances, we find that the present OA has now become infructuous in view of the subsequent event of the administration withdrawing the letter dt. 8.9.1993.

5. In the result, the O.A. is disposed of, subject to the above observations. No order as to costs.



(B.N. BAHADUR)

MEMBER (A)



(R.G. VAIDYANATHA)

VICE-CHAIRMAN