

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.794/91.

Date of Judgement : 1-9-93

1. K.Sudhakar
2. Md. Tajuddin

.. Applicants

Vs.

Union of India, Rep. by

1. The Secy., to the Govt.,
Min. of Finance,
Central Board of
Excise & Customs,
New Delhi.

2. The Collector of
Central Excise,
Hyderabad.

3. The Collector of
Central Excise,
Guntur.

.. Respondents

Counsel for the Applicants :: Shri K.S.R.Anjaneyulu

Counsel for the Respondents:: Shri N.V.Raghava Reddy,
Addl. CGSC

CORAM:

Hon'ble Shri A.B.Gorthi : Member(A)

Hon'ble Shri T.Chandrasekhara Reddy : Member(J)

J u d g e m e n t

{ As per Hon'ble Shri A.B.Gorthi : Member(A) }

The prayer of the Applicants, who are Tax Assistants in the Department of Central Excise, is for a direction to the Respondents to consider the Applicants for promotion to the post of Inspector of Central Excise. When the application came up for admission, an interim direction given to the Respondents to allow the Applicants to appear for the viva voce test scheduled to be held on 26 & 27.8

2. Applicant No.1 joined as L.D.C. on 28.10.76 in the Central Excise Department and was promoted as U.D.C. on 01.4.86. He appeared for the qualifying examination

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To

1. The Secretary to the Govt., Union of India,
Ministry of Finance, Central Board of Excise
and Customs, New Delhi.
2. The Collector of Central Excise, Hyderabad.
3. The Collector of Central Excise, Guntur.
4. One copy to Mr.K.S.R.Anjaneyulu, Advocate, CAT.Hyd.
5. One copy to Mr.N.v.Raghava Reddy, Addl.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm

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R-RC
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for promotion to the post of Inspector/Tax Assistant and secured 71 marks in Paper-I and 45 marks in Paper-II.

3. Applicant No.2 joined as L.D.C. on 23.4.76 and was promoted as U.D.C. on 27.1.86. He also appeared for the examination for promotion to the post of Inspector/Tax Assistant and secured 59 marks in Paper-I and 48 marks in Paper-II.

4. The Respondents did not consider the Applicants as eligible for promotion to the post of Inspector on the ground that they secured less than 50% marks in Paper-II of the aforesaid qualifying examination.

5. An almost identical case (O.A.No.808/91) came up before us. The Respondents herein were also the Respondents in O.A.No.808/91. The O.A. was allowed. Consequently, this application is allowed and the Respondents are hereby directed to open the sealed cover of the result of the viva voce test and if the Applicants qualified thereat they shall be deemed to have qualified in the examination for promotion to the post of Inspector, Central Excise. The Respondents shall also fix the Applicants' proforma promotion from a date or dates on which they would have been promoted provided they are otherwise eligible. The Applicants would be entitled to actual pay and allowances in the post of Inspector, Central Excise from the date or dates on which they assume charge.

6. The application is disposed of with the above directions without any order as to costs.

(T.Chandrasekhara Reddy)
Member(J).

(A.B.Gorthi)
Member(A).

Dated: 01 ^{Sept} August, 1993.

br.

Deputy Registrar(J)

TYPED BY

COMPALED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M(A)

Dated: 31-9-1993

ORDER/JUDGMENT:

M.A/R.A/C.A.No.

in

O.A.No.

T.A.No.

794/91
(W.P.)

Admitted and Interim directions
issued.

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered

No order as to costs

