

(36)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 1556/93.

Dt. of Decision : 1.7.94.

Mr. M. Namadevalu

.. Applicant.

vs

1. The Union of India, rep.
by the Secretary,
Ministry of Finance,
Department of Revenue,
South Block,
New Delhi - 1.
2. The Chairman, Central Board
of Excise and Customs,
South Block, New Delhi.
3. The Principal Collector of
Customs and Central Excise,
South Zone, Madras.
4. The Collector, Central Excise,
Fathima Road, Hyderabad. .. Respondents.

Counsel for the Applicant : Mr. N. Rama Mohan Rao

Counsel for the Respondents : Mr. N.V. Ramana, Addl. CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN
THE HON'BLE SHRI R. RANGARAJAN : MEMBER(ADMN.)

OA 1556/93.

Dt. of Order: 1-7-94.

(AS PER HON'BLE JUSTICE SHRI V.NEELADRI RAO, VC)

* * *

The applicant is working as Superintendent, Central Excise. The applicant was selected for the Air Customs Pool and the applicant alleges that he came to know through ~~through~~ that order No.9/93 of January, 1993 of the Customs and Central Excise Collectorate, Delhi ^{by issue of the effect} that he was ~~was~~ drafted and posted as Air Customs Superintendent at Indira Gandhi International Air Port, New Delhi. This O.A. was filed praying for a direction to the Respondents to allow the applicant to join Air Customs Pool against the next available vacancy for the officers of the zone in which the Principal Collectorate Madras is situated and for further direction to Respondent No.4 to relieve him forthwith to enable him to join as Air Customs Superintendent.

2. It is pleaded for the Respondents that the applicant's selection to the post of Air Customs Superintendent was cancelled vide establishment order No.51/93 dt.25-2-93 issued by the Additional Collector of Customs (P & V) New Delhi and hence the Respondent No.4 had not relieved the applicant. It is also pleaded that the said cancellation was made as the Vigilence Commissioner advised ~~to~~ initiation of major penalty proceedings against the applicant.

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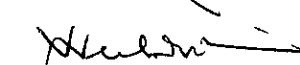
1. Secretary, Ministry of Finance, Department of Revenue, Union of India, South Block, New Delhi -1.
2. The Chairman, Central Board of Excise and Customs,
3. The Principal Collector of Customs and Central Excise, South Zone, Madras.
4. The Collector, Central Excise, Fathemaidan Road, Hyderabad.
5. One copy to Mr. N. Rama Mohan Rao, 714-Brindavan Apartments, Red Hills, Hyderabad-500 004.
- 5a) One copy to Mr. N. V. Ramana. Addl. CCEC.
6. One copy to Library
7. One spare.

kku.

3. The file No.C.M.No.II/8/2/91-CIU with reference to the complaint dt.4-10-90 which was made against the applicant herein and three more officers including the Asst. ~~Customs and Excise~~ Collector was produced before us and we perused it. As it is stated for the Respondents that already a draft charge sheet against the applicant was prepared. we feel it not proper to advert at this stage in regard to the merits of ~~the same~~ ^{as} this and it will ^{be} a matter for consideration if and when it arises. Suffice it to observe that the cancellation by order dt.25-2-93 is on the basis of the ~~advise~~ ^{advice} given by the Chief Vigilance Commissioner and malafidies were not attributed ^{to him}. Thus there are no grounds to say that the cancellation order dt.25-2-93 cancelling the selection of the applicant to the Air Customs Pool is illegal. Hence the O.A. is liable to be dismissed.

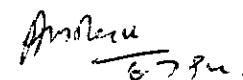
4. In the result the O.A. is dismissed. No costs.


(R.RANGARAJAN)
Member (A)


(V.NEELADRI RAO)
Vice-Chairman

On. 1st July, 1994.
Dictated in Open Court.

av1/


Deputy Registrar (Judl.)

87. 158/93
IN THE CENTRAL ADMINISTRATIVE
HYDERABAD BENCH,
HYDERABAD.

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

And

THE HON'BLE MR. R. RANGARAJAN, MEMBER (ADM.)

Date: 1-7-1994

~~ORDER/JUDGMENT~~

~~H.C. No. 158/93~~

O. A. No. 563/93 158/93

~~Admitted and Interim Directions
Issued.~~

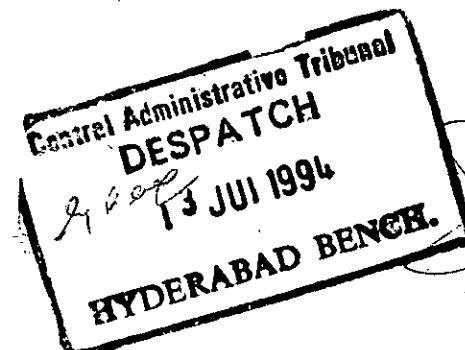
~~Dismissed.~~

~~Allowed.~~

~~Disposed of with directions.~~

~~No order as to costs.~~

(3)



Order
6565

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