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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

G.A. No. 546/94.

Dt. of Decision : 13.7.94.

Mr. V.R.Gyanashwar

.. Applicant

Vs

rep. by the Indian,
Ministry of Finance,
Department of Revenue,
South Block, New Delhi.

2. The Chairman,
Central Board of Excise & Customs,
Govt. of India, South Block,

3. The Principal Collector of Customs
and Central Excise,
South Zone, Madras.

Hyderabad Commr. Central Excise,
Basheerbagh,
Hyderabad - 500 029.

.. 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.)

J U D G M E N T

{ as per Hon'ble Sri R.Rangarajan, Member(Administrative) }

Heard Sri N.Rama Mohan Rao, learned counsel for the applicant and Sri N.V.Ramana, learned Standing Counsel for respondents.

2. The applicant herein is presently holding the post of Excise Superintendent of the Central Excise in the Hyderabad Collectorate. The applicant submits that he was included first amongst the three candidates in the selection held in the year 1990, prior to the issue of the letter dt.23.1.1992 amending the selection procedure, from Southern Region for posting in the Air Customs Pool. The applicant was allotted to International Airport at Bombay and the other two to International Airport at New Delhi and Calcutta respectively. Due to the changed selection procedure in pursuance of the amendment vide letter No.F.A.11019/72/91 Ad.IVm. dt. 23.1.1992, the earlier selection held in the year 1990 was cancelled and a fresh list was prepared following the guidelines prescribed in the memo dt. 23.1.1992. The said fresh list contained the name of the applicant also and he had secured 72 marks based on the ACRs. It is stated by the applicant that the other two Superintendents who were in the earlier list of 1990, did not find a place in the new list. In spite of the fact that his name was found a place in the fresh list also, he was not deputed to work in the Air Customs Pool. Hence, this OA was filed for a direction to the respondents to post him in the Air Customs Pool in the International Airports against next available vacancy for the Officers of the Southern Region as per selection list originally published and communicated during December, 1990.

3. The two other applicants viz. S/Shri Radha Krishna-moorthy and Victor Babu whose names were included in Dec., 1990 list, but did not figure in the revised list prepared in pursuance of the memo dt. 23.1.1992, had filed O.A.No.573/92 in this Tribunal. That OA was disposed off by the decision of the Tribunal dt. 4.8.1993. It was directed to post both the applicants in that OA in the Air Customs Pool in the next vacancies which arise for the Officers of the Zone in which the Principal Collector, Madras is situated. In that O.A. this Tribunal has interpreted para-IV of the letter dt. 23.1.1992. As per that interpretation it was held that those whose names found a place in the panel published in 1990 have a vested right to be given an appointment to which they were selected in the Air Customs Pool. It was further held that memo dt.23.1.1992 which implicitly states that the existing panel prepared in Dec., 1990 had to be cancelled cannot held as valid. It was also directed that the applicants who were selected in accordance with the procedure that was in existence then have to be given appointment to the post to which they were selected in the Air Customs Pool.

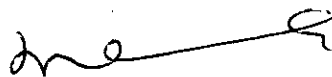
4. As the applicant herein is also placed similarly as that of the applicants in O.A.No.573/92 and his name had also listed in the panel published in pursuance of the proceedings dt. 23.1.1992, we see no reason to differ from judgment given in the above said O.A.

5. In view of the above, the following direction is given:-

As the applicant had already been allotted to the International Airport at Bombay it is just and proper to allot the applicant to Air Customs Pool in the International Airport at Bombay in the next vacancy which arises for the Officers of the Zone in which the Principal Collector, Madras

is situated. It has to be made clear that the applicant has to be provided even before appointments are going to be made in regard to Officers included as per the panel prepared on the basis of the Memo dt. 23.1.1992.

6. The O.A. is ordered accordingly. No costs.


(K. Rangarajan,
Member(Admn.)


Vice Chairman

Dated 12th July, 1994.


Deputy Registrar(J)CC

Grh.
To

1. The Secretary to Govt.,
Union of India, Ministry of Finance,
Dept. of Revenue, South Block,
New Delhi.

Chairman, Central Board of Excise & Customs,
Union of India, South Block, New Delhi.

Principal Collector of Customs,
Central Excise, South Zone, Madras.

Director of Central Excise,
Collectorate, Basheerbagh, Hyderabad-29.

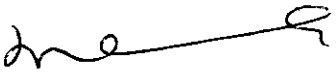
M. N. Rama Mohan Rao, Advocate, CAT.Hyd.

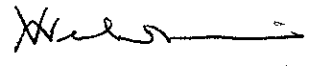
V. Ramana, Addl. CGSC. CAT.Hyd.

CAT.Hyd.

is situated. It has to be made clear that the applicant has to be provided even before appointments are going to be made in regard to Officers included as per the panel prepared on the basis of the Memo dt. 23.1.1992.

6. The O.A. is ordered accordingly. No costs.


(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

Dated 15th July, 1994.


Deputy Registrar (J) CC

Grh.

To

1. The Secretary to Govt.,
Union of India, Ministry of Finance,
Dept. of Revenue, South Block,
New Delhi.
2. The Chairman, Central Board of Excise & Customs,
Govt. of India, South Block, New Delhi.
3. The Principal Collector of Customs,
and Central Excise, South Zone, Madras.
4. The Collector of Central Excise,
Hyderabad Collectorate, Basheerbagh, Hyderabad-29.
5. One copy to Mr. N. Rama Mohan Rao, Advocate, CAT. Hyd.
6. One copy to Mr. N. V. Ramana, Adml. CGSC. CAT. Hyd.
7. One copy to Library, CAT. Hyd.
8. One spare copy.

pvm



TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

THE HYDERABAD BENCH AT HYDERABAD.

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

AND

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

AND

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

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER (A)

Dated: 13-7-1994.

ORDER/JUDGMENT:

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

in

O.A.No. 546/94

T.A.No. (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.

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