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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. 1088/94.

Dt. of Decision : 13-9-94.

B. Pandu Ranga Rao

.. Applicant.

1. Collector,
Central Excise & Customs,
Hyderabad.

Central Excise & Customs,
Guntur.

.. Respondents.

Counsel for the Applicant : Mr. S.Ramakrishna Rao

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

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

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

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O.A.NO.1088/94.

JUDGMENT

Dt: 13.9.94

(AS PER HON'BLE SHRI A.B.GORTHI, MEMBER (ADMINISTRATIVE))

Heard Shri S.Ramakrishna Rao, learned counsel for the applicant and Shri N.V.Ramana, learned standing counsel for the respondents.

2. The respondent is for a direction to the respondents to consider him for promotion to the post of LDC on the basis of his seniority-cum-fitness in accordance with the combined seniority list with all consequential benefits.

3. The applicant was initially appointed as ~~Assistant~~ in the Department of Central Excise and Customs, Guntur Collectorate, Vijayawada Division on ~~1.7.1988~~. He was promoted as Hawaldar (Records) on 1.7.1988 based on his seniority and also taking into consideration the willingness given by him to work as Hawaldar (Records). The applicant contends that by virtue of his seniority in the higher grade of Hawaldar and also having qualified in the departmental examination, he should have been considered by the DPC for promotion to the post of LDC against the departmental quota. But it seems, his case was not considered because his seniority in

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the grade of Hawaldar was not taken into consideration, but for the purpose of his promotion to the post of LDC, his seniority in the grade of Sepoy only ^{was} ~~is~~ taken into consideration. The question that arises, therefore, is ^{whether} ~~that~~ the seniority in the grade of Hawaldar should be taken into consideration or not.

4. A similar case came before this Tribunal (OA 1139/91) which was disposed of on 22.7.1994. The Tribunal observed that, "It can be said with certainty from the recruitment rules that the posts of Hawaldars are promotional posts to Sepoys and those working as Hawaldars are senior to the Sepoys while drawing the inter-se seniority list for promotion to the post of LDC against the 5% quota to be filled on the basis of seniority-cum-fitness." In view of the said finding ~~the OA 1139/91 was allowed with a~~ direction to the respondents to consider the case of the applicant therein for promotion to the post of LDC on the basis of his seniority in the combined seniority list of Sepoys and Hawaldars keeping in view the fact that ~~the~~ Hawaldar will rank senior to Sepoy in the combined seniority list.

5. In the result, this OA too is allowed at the admission stage itself after hearing the learned counsel for both the parties, with a direction to the

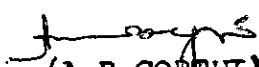
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respondents to consider the case of the applicant for promotion on the basis of his seniority in the combined seniority list of Sepoys and Hawaldars, bearing in mind that Hawaldar will rank senior to Sepoy in the combined seniority list. The respondents shall comply with this order within a period of four months from the date of communication of this order. No order as to costs.


(A.B. GORTHI)
MEMBER (ADMN.)


(A.V. HARIDASAN)
MEMBER (JUDL.)

DATED: 13th September, 1994.
Open court dictation.


DEPUTY REGISTRAR(J)

vsn

To

1. The Collector, Central Excise & Customs, Hyderabad.
2. The Collector, Central Excise & Customs, Guntur.
3. One copy to Mr.S.Ramakrishna Rao, Advocate CAT, Hyderabad.
4. One copy to Mr.N.V.Ramana, Addl.CGSC, CAT, Hyderabad.
6. One spare copy.

YLKR

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Checked by

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Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIDASAN : MEMBER(J)

AND

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

Dated: 13 9 94 ✓

ORDER/JUDGMENT. ✓

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

in

O.A.NO. 1088/94 ✓

T.A.NO. (W.P.NO.)

Admitted and Interim Directions
Issued.

Allowed. ✓

NO SPARE COPY

Disposed of with Directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs. ✓

YLKR

