

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 1247/95

Date of Order : 12.12.97

BETWEEN :

1. P.Madan Solomon

2. B.Indira Devi

.. Applicants.

AND

1. The Commissioner of Customs and
Central Excise, Govt. of India,
L.B.Stadium Road, Basheerbagh,
Hyderabad.

2. The Asst.Commissioner of Central
Excise, Government of India,
Division No.II, Port Area,
3rd Floor, Customs House Building,
Visakhapatnam.

3. The Asst.Commissioner of Central
Excise, Government of India,
D.No.7-27-9, T.Nagar,
Baruvari Street,
Rajahmundry.

.. Respondents.

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Counsel for the Applicant

.. Mr.P.Naveen Rao

Counsel for the Respondents

.. Mr.V.Bhimanna

- - -

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

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O R D E R

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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Mr.P.Naveen Rao, learned counsel for the applicant
and Mr.V.Bhimanna, learned standing counsel for the respondents.

2. This OA ^{is} ~~has~~ called today in view of the listing of the
MA.1106/97 in this OA to vacate the interim stay. When the MA
was taken up for consideration we felt that the OA ^{itself can} ~~has to be~~ be

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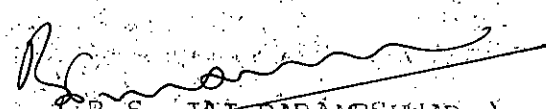
disposed of ^{in view of} ~~by~~ the submission made by the ^{applicant's} respondents counsel. Both the sides agree to the ^{disposal} ~~dismissal~~ of the OA. Hence the OA is disposed of as under :-

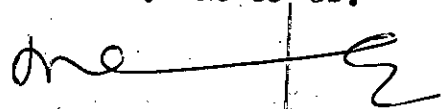
3. There are two applicants in this OA. While they were working as Tax Assistants they were promoted to the post of Deputy Office Superintendent (Level-II) by order dated 3.5.95. The applicants in this OA are not interested for promoting them as Deputy Office Superintendent (Level-II) and they desire to become Inspectors ^{on} the executive side. Hence the OA was filed,

to
4. This OA was filed to set aside the Establishment Order (NGO) No.68/95 dated 3.5.95 by which the applicants were promoted as DOS Level-II and the letter (NGO) No.169/95 dated 21.9.95 whereby the request of the applicants not to implement the order dated 3.5.95 is rejected and for a consequential direction to the respondents to continue them as Tax Assistants and to consider their claim for promotion to the post of Inspector of Customs under Central Excise in the respondent organisation.

5. Today the learned counsel for the applicants submitted ^{that} across the bar the applicants are not interested to be promoted as DOS (Level-II) and they have no objection if their juniors are promoted to DOS (Level-II) and they are interested in becoming Inspectors ^{only} ^{on} executive side. In view of the above the OA itself has become infructuous.

6. As the applicants are not interested to ^{as} ~~be~~ get promoted as DOS (Level-II) and ^{as} they have no grievance if their juniors are promoted as DOS (Level-II), there is nothing ^{left} for consideration in this OA. Hence the OA is dismissed as infructuous. No costs.


(B.S. JAI PARAMESHWAR)
Member (Judl.)


(R. RANGARAJAN)
Member (Admn.)

Dated : 12th December, 1997

(Dictated in open court)

OA.1247/95

Copy to:-

1. The Commissioner of Customs and Central Excise, Govt. of India,
L.B. Stadium Road, Basheerbagh, Hyderabad.
2. The Asst. Commissioner of Central Excise, Govt. of India,
Division No. II, Port Area, 3rd Floor, Customs House Building,
Visakhapatnam.
3. The Asst. Commissioner of Central Excise, Govt. of India,
D.No. 7-27, 9, T. Nagar, Baruvuri Street, Rajahmundry.
4. One copy to Mr. P. Naveen Rao, Advocate, CAT., Hyd.
5. One copy to Mr. V. Bhimanna, Addl. CGSC., CAT., Hyd.
6. One copy to D.R. (A), CAT., Hyd.
7. One duplicate.

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19/11/98
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S.JAI PARAMESWAR :
M(J)

Dated: 12/12/97

~~ORDER~~ / JUDGMENT

~~MA./R.A./C.A.No.~~

in

D.A.No.

1247 / 95
Admitted and Interim Directions
Issued.

Allowed

Disposed of With Directions

Dismissed

Dismissed as Withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

SRR

II Court

