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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.1161/95

Date of Order : 12.12.97

BETWEEN :

M. Madhava Rao

.. Applicant.

AND

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

2. The Collector of Customs and  
Central Excise, Govt. of India.  
Hyderabad.

.. Respondents.

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Counsel for the Applicant

.. Mr. P. Naveen Rao

Counsel for the Respondents

.. Mr. K. Bhaskara Rao

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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. K. Bhaskara Rao, learned standing counsel for the  
respondents.

2. This OA has called today in view of the listing of the  
in this OA  
MA.1110/97 to vacate the interim stay. When the MA was taken up  
for consideration we felt that the OA <sup>can</sup> ~~has to~~ be disposed of <sup>in view of</sup> ~~by~~  
the submission made by the ~~respondents~~ <sup>applicant</sup> counsel. Both the sides  
agree to the ~~dismissal~~ <sup>disposal</sup> of the OA. Hence the OA is disposed of  
as under :

R

D

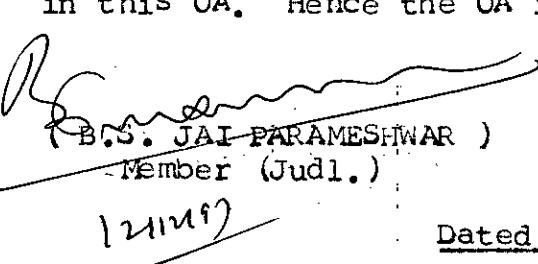
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3. The applicant while working as Tax Assistant was promoted to the post of Deputy Office Superintendent (Level-II) by order dated 3.5.95. The applicant is not interested for promoting him as Deputy Office Superintendent (Level-II) and desire to become Inspector <sup>only on</sup> in the executive side.

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

5. Today, the learned counsel for the applicant submitted across the bar the applicant is not interested to be promoted as DOS (Level-II) and he had no objection if his juniors are promoted to DOS (Level-II) and he is interested in becoming Inspector <sup>in</sup> executive side. In view of the above the OA itself has become infructuous.

6. As the applicant is not interested to be get promoted as DOS (Level-II) and <sup>as</sup> he had no grievance if his 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.)

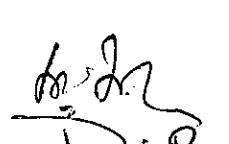
  
( R.RAGARAJAN )  
Member (Admn.)

12/12/97

Dated : 12th December, 1997

(Dictated in Open Court)

sd-

  
D.R.

DA.1161/95

Copy to:-

1. The Commissioner of Customs and Central Excise, Govt. of India, Lal Bahadur Stadium Road, Basheerbagh, Hyderabad.
2. The Collector of Customs and Central Excise, Govt. of India, L.B. Stadium Road, Basheerbagh, Hyderabad.
3. The copy to Mr. P. Naveen Rao, Advocate, CAT, Hyd.
4. One copy to Mr. K. Bhaskara Rao, Addl. CGSC, CAT, Hyd.
5. One copy to D.R.(A), CAT, Hyd.
6. One duplicate.

SRR

20/12/97  
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TYPED BY  
COMPARED BY

CHECKED  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

RECEIVED ON 21/12/97  
AND

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

Dated: 12/12/97

~~ORDER~~ / JUDGMENT

~~D.A./R.A./C.A. No.~~

D.A. No. 1161/95 in

Admitted and Interim Directions  
Issued.

Allowed

Disposed of With Directions

Dismissed

Dismissed as Withdrawn

Dismissed for Default

Ordered/Rejected

SRR

II Court

