

(32)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

HYDERABAD

OA 146/95

Dt.13-3-95

Shri Shaik Ramesh

Applicant

And

1. Collector, Central Excise & Customs
Hyderabad.

2. Collector, Central Excise & Customs,
Respondents

Counsel for the Applicant : Shri S. Ramakrishna Rao

Counsel for the Respondents: Shri N.V. Raghava Reddy

Coram

Hon'ble Justice Shri V. Neeladri Rao, Vice-Chairman

Hon'ble Shri R. Rangarajan, Member

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I AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,
VICE-CHAIRMAN I

J U D G E M E N T

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

2. The applicant is now working as Hawaldar records. This OA was filed praying for a direction to the Respondents to consider the applicant for promotion as L.D.C. on the basis of seniority/fitness in accordance with the combined seniority list with effect from the in rank date his juniors have been promoted. (i.e. 18-12-91) with all consequential benefits.// The combined seniority list referred to is combined seniority list of Hawaldar and Hawaldar records.

3. Till 17-8-90, the Nellore division which was Central Excise and Customs. The said division was transferred to Guntur Collectorate. The applicant was originally in Nellore division and now he is working in Guntur divn. It is submitted by Shri N.V. Ramana learned standing counsel for the Respondents that he was instructed to state that none of the juniors of the applicant in Guntur was promoted to the post of L.D.C. and at present the applicant is the seniormost eligible candidate in L.D.C. and he will be considered for the said promotion

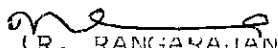
4. But the learned counsel for the applicant urged that his juniors were promoted as L.D.Cs by order dated 18-12-94 (Annexure 7 page 32) and hence a direction has to be given to the Respondents to promote the applicant with effect from 18-12-91.

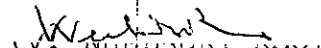
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4. This OA was filed on 31-1-95 in regard to the challenge ^{about} ~~on~~ promotions made in December, ¹⁹⁹¹ ~~1995~~. Even the promotees referred to in Annexure 7 are not ~~justified~~ ^{in Rule 4} just and proper to issue a direction to the Respondents to consider the case of the applicant for promotion with effect from 18-12-91, even assuming that those promotees are juniors to the applicant. As such, there is no ~~need~~ ^{one} to consider for disposal of this OA whether the said promotees ^{are} ~~urged~~ juniors to the applicant in the Guntur Collectorate.

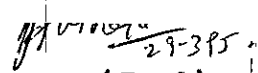
5. In these circumstances, this OA is disposed

The case of the applicant for promotion to the post of L.D.C. in the next vacancy in Guntur Collectorate considered as he is the senior most eligible candidate in the Guntur Collectorate for consideration for promotion, to the said vacancy. The OA is disposed accordingly. No costs./


(R. RANGARAJAN)
Member (Admn.)


V. N. RAGHAVA REDDY
Vice-Chairman

Dated the 13-3-95
Open court dictation


Dy.Registrar(Judl)

Copy to:-

1. Collector, Central Excise & Customs, Hyderabad.
2. Collector, Central Excise & Customs, Guntur.
3. One copy to Mr.S.Ramkrishna Rao, Advocate, CAT, Hyd.
4. One copy to Mr.N.V.Raghava Reddy, Addl.CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyderabad.
6. One spare.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE- CHAIRMAN

AND

THE HON'BLE MR. R. RANGARAJAN: M (ADMN)

13-3
DATED - - 1995.

ORDER/JUDGMENT:

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

O.A.No. 146/95

T.A.No. (W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No. order as to costs.

no spare copy

