

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.486/96

DATE OF ORDER : 22-04-1997.

Between :-

A.V.Choudhary

... Applicant

And

1. The Principal Chief Controller of Accounts, Central Board of Excise & Customs, AGCR Building, I Floor, New Delhi.
2. The Controller General of Accounts, M/o Finance, Dept. of Expenditure, New Delhi.
3. Pay & Accounts Officer, Commissionerate of Customs & Central Excise, Guntur.
4. T.Kannaiah

... Respondents

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Counsel for the Applicant : Shri K.Venkateswar Rao

Counsel for the Respondents : Shri K.Bhaskar Rao, CGSC

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CORAM:

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

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

(Order per Hon'ble Shri B.S.JAI Parameshwar, Member (J)).

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(Order per Hon'ble Shri B.S.Jai Parameshwar, Member (J)).

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Heard Shri K.Venkateshwar Rao, learned counsel for the applicant and Shri Kota Bhaskar Rao, learned standing counsel for the respondents.

2. The applicant herein is working as Sr.Accountant in the office of the Respondent No.3. He became due for promotion during the year 1991. On medical grounds he forfeited his promotion and wished his promotion as Jr.Accounts Officer in Guntur i.e. the office of the Respondent No.3 only. However, by ^{the} impugned order, the Respondent No.4 is posted as Asst.Accounts Officer in the office of Respondent No.3. It is this order of posting the Respondent No.4 in the office of the Respondent No.3 is challenged in this O.A.

3. It is his case that his promotion is denied right from 1991 and inspite of his representations dt.16-12-93 and 30-10-95 and the assurances given by the immediate senior officials.

Notice was issued to Respondent No.4 and was received by him. However he was called absent. The O.A. is to be disposed of expeditiously as can be seen from the docket order dt.22-7-96.

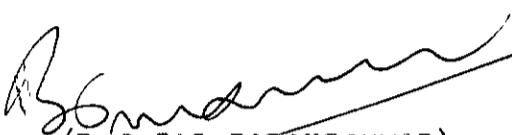
Inspite of that order, the official respondents have not yet filed their reply. Hence we think it fit to dispose of the O.A. in view of the urgency expressed by the counsel for the applicant.

4. The promotion and transfers are the incidents of ^{ce} service. Hence we cannot take any view in regard to posting of Respondent No.4 in that post. The controlling authority has to

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decide on the basis of the rules and also on the basis of the other circumstances. In that view we remit the case back to Respondents 1 and 2 to decide this issue in accordance with law taking a sympathetic view in view of the position explained by the applicant for his posting in Guntur expeditiously.

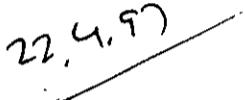
5. O.A. is ordered accordingly. No costs.


(B.S.JAI PARAMESHWAR)

Member (J)

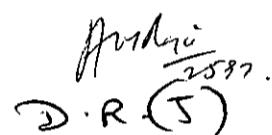

(R.RANGARAJAN)

Member (A)


22.4.97

Dated: 22nd April, 1997.

Dictated in Open Court.


D.R.(S)

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3.4.1

Copy to:

1. The Principal, Chief Controller of Accounts, Central Board of Excise & Customs, AGCR Building, I Floor, New Delhi
2. The Controller General of Accounts, M/o Finance, Dept. of Expenditure, New Delhi.
3. Pay and Accounts Officer, Commissionerate of Customs, and Central Excise, Guntur.
4. One copy to Mr.K.Venkateswara Rao, Advocate, CAT, Hyderabad.
5. One copy to Mr.K.Bhaskara Rao, Addl.CGSC, CAT, Hyderabad.
6. One copy to Hon'ble Member (J), HBSJ, CAT, Hyderabad.
7. One copy to D.R(A), CAT, Hyderabad.
8. One duplicate copy.

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9/6/97

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 22/4/97

ORDER/JUDGEMENT

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

in

-R.A.No. 486/96

ADMITTED INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLR

II COURT

