

(14)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1064/97

Date of Order: 21.8.97

BETWEEN :

C.P.Premchand

.. Applicant.

AND

1. Commissioner of Customs,
Customs House, 33, Rajaj Salai,
Chennai.

2. Commissioner of Customs & Central Excise,
Visakhapatnam, Visakhapatnam Dist.

3. Assistant Commissioner of Customs,
(P&V) Customs House, Visakhapatnam,

.. Respondents.

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Counsel for the Applicant

.. Mr.P.B.Vijay Kumar

Counsel for the Respondents

.. Mr.N.R.Devraj

- - -

CORAM:

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

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

- - -

J U D G E M E N T

X Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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Mr.Y.Subrahmanyam, for Mr.P.B.Vijay Kumar, learned counsel for the applicant and Mr.W.Satyanarayana for Mr.N.R.Devraj, learned standing counsel for the respondents.

2. The applicant in this OA is now working as Superintendent of Customs (Preventive) Visakhapatnam under R-3. He was promoted to the post of Superintendent from the cadre of Preventive Officer by order dt. 30.6.97 (A-4). The applicant submits that his juniors in the category of Preventive Officers were promoted to the post of Superintendent of Customs earlier to him in 1996

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itself. Hence he submits that his promotion to the post of Superintendent should also be preponed to the date his junior was promoted in the year 1996.

3. This OA is filed praying for a direction to the respondents to promote him as Superintendent w.e.f. 30.9.96 with all consequential benefits duly protecting and extending all benefits while quashing the impugned proceedings No. S17/27/96-Estt., dt. 9.12.96 (A-1).
4//The impugned proceedings dt. 9.12.96
is no way connected with his preponement of his promotion.

Probably his promotion at the time of promoting his junior could have been affected because of the adverse entry. In which case the applicant should have challenged that adverse entry by filing an OA in that connection. Hence the prayer for quashing the letter dt. 9.12.96 cannot be added to this OA. Hence this OA is confined only to the extent of preponing his promotion from 30.6.97 to 30.9.96.


5. The applicant has not filed any representation for preponing his date of promotion as Superintendent after his ^{order for} promotion dt. 30.6.97 was issued. Hence it has to be held that the applicant has not exhausted the normal departmental grievance channel available to him before approaching this Tribunal. Hence the applicant may now submit a detailed representation to the concerned authority for preponing his date of promotion as Superintendent as prayed for in this OA. If such a representation is received from the applicant that competent authority will dispose of the same in accordance with the law within 2 months from the date of receipt of that representation. A suitable reply shall also be given to the applicant after analysing his grievance.

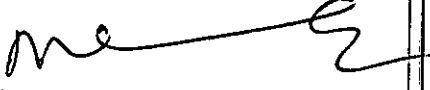
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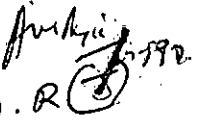
6. With the above observation the OA is disposed of at the admission stage itself. No costs.


(B.S. JAI PARAMESHWAR)
Member (Judl.)
21 & 7


(R. RANGARAJAN)
Member (Edmn.)

Dated : 21st August, 1997

(Dictated in Open Court)


- D.R. (D)

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Copy to:-

1. The Commissioner of Customs, Customs House, 33, Rajaj Salai,
Chennai.
2. The Commissioner, of Customs & Central Excise, Visakhapatnam,
Visakhapatnam Dist.
3. The Assistant Commissioner of Customs, (P&V) Customs House, Visa-
-khapatnam
4. One Copy to Mr. P.B. Vijay Kumar, Advocate CAT, HYD.
5. One Copy to Mr. N.R. Dev-raj Sr., CGSC, CAT, Hyd.
6. One copy to The D.R. (A)★.
- 7 One Duplicate Copy.

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2/2/97
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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

Dated: 21-8-97

~~ORDER~~/JUDGEMENT ✓

~~M.A./S.A./C.A.NO.~~

in

C.A.NO.

1064/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

at the time
of filing

YLKR

II Court

