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CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.No.

1679/97

Date of decision: 17th December, 1997.

Between:

1. S.V.S.Nageswara Rao.	7. A.Karimullah Khan.
2. P.Vijaya Babu.	8. Tahera Fatima
3. Shaik Mahboob Basha.	9. S.Rajeevan.
4. G.Subash Chandra Bose.	10. Shaik Meera Mohiuddin
5. R.R.Sudhakar.	11. S.M.A.Jinnah.
6. Y.Srirama Chandra Murthy.	12. Y.Mariayamma.

APPLICANTS.

And

1. Union of India represented by its Chairman, Central Board of Excise and Customs, Department of Revenue, Ministry of Finance, New Delhi.
2. Chief Commissioner of Customs and Central Excise, Andhra Pradesh, Hyderabad.
3. Commissioner of Customs and Central Excise, Commissionerate -I, Hyderabad. Respondents.

Counsel for the applicant: Sri K.K.Chakravarthy.

Counsel for the respondents: Sri N.R.Devaraj.



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JUDGMENT.

(by Hon'ble Sri R. Rangarajan, Member (A))

Heard Sri K.K.Chakravarthy for the applicant and
Sri N.R.Devaraj for the respondents.

The applicants in this O.A., pray for calling
for the records and for a declaration that the action
of the Respondent Nos., 2 and 3 in preparing the revised
seniority list of Inspectors of Customs and Central
Excise of Hyderabad, Guntur and Vizag Commissionarates
as on 1-1-1992 vide letter C.No.II/34/12/97-E7(PF)
dated 15-10-1997 (Annexure A-10 page 27 of the O.A.,)
but released on 5-11-1997 without proper basic records
is contrary to the laid down principles of seniority and
finalising the same is arbitrary, illegal, contrary
to the rules and violative of Arts. 14 and 16 of the
Constitution of India and consequently quash the same and
for a consequential direction to set aside the same and
for a further direction to the respondents to fix
the seniority of the applicants in terms of O.M.No.782X
dated 7-2-1986,

: 2 :

There are 12 applicants in this O.A. They are working as Inspectors of Central Excise, Hyderabad Air Port, Hyderabad, Commissionarate III, Hyderabad and Commissionarate I, Hyderabad. Their main grievance is that the revised seniority list issued by the impugned Memorandum No.C.II/34/12/97E7 (PF) dated 15-10-1997 (Annexure A-10 Page 27) needs revision.

A perusal of the impugned Memorandum dated 15-10-1997 indicates that the revised seniority list of Inspectors of Central Excise, Hyderabad, Guntur, Vizag as on 15-10-1997 ^{-al} is only a provision/one and as can be seen from para 10 of that Memo, ~~that~~ representation on the seniority list were called for through proper channel before 12-12-1997 and it is also stated that the seniority will be finalised only after considering the representations. Hence the letter dated 12-12-1997 (Annexure A-8 page 25 to the O.A.,) is of no consequence in regard to the finalisation of the seniority list issued by the impugned Memorandum dated 15-10-1997. It is stated that the applicants herein had submitted their representations dated 4-12-1997 and those representations are still pending.

The learned counsel for the respondents submits that the provisional seniority list issued by the impugned Memo dated 15-10-1997 will be finalised only after considering the representations of all the affected employees and

: 3 :

answering them suitable.

In view of the above, no further orders are necessary in this connection except to observe that the provisional seniority list issued by the impugned Memo dated 15-10-1997 shall only be finalised ~~only~~ after considering the representations of all those who are ~~not~~ in the provisional list including the applicants who have submitted their representations dated 4.12.1997.

It goes without saying/before finalisation of the list, provisional seniority/reply to the representation of the applicants will be given.

The learned counsel for the respondents submits that the selection is made only for posting the Inspectors in the Hyderabad Airport. Even, that too, will be done only after the finalisation of the seniority list of Inspectors for which the provisional seniority list was issued on 15-10-1997.

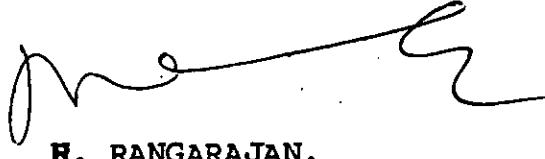
In view of the above, it is ~~only~~ to be observed that any/selection either for deputation, promotion or for sending them to the Air Port Authorities should be resorted to only after the provisional seniority list dated 15-10-1997 is finalised after considering the representations from the concerned employees. I do not think any/direction is necessary as the above observation

: 4 :

of the Bench has been accepted by the respondents themselves.

of
The O.A., is disposed/with the above
observations at the admission stage itself.

No costs.



R. RANGARAJAN,
Member (A)

Date: 17--12--1997.

NOTE:

C.E. by 18.12.97 Dictated in open Court.
(B.O)



sss.

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Copy to:

1. The Chairman, Central Board of Excise & Customs,
Dept. of Revenue, Min. of Finance, New Delhi.
2. Chief Commissioner of Customs and Central Excise,
Andhra Pradesh, Hyderabad.
3. Commissioner of Customs and Central Excise,
Commissionerate-I, Hyderabad.
4. One copy to Mr. K. K. Chakravarthy, Advocate, CAT, Hyderabad.
5. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyderabad.
6. One copy to D. R. (A), CAT, Hyderabad.
7. One duplicate copy.

YLKR

19/12/97
cc today

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 SRI B. S. JAI PARAMESWAR :
M(J)

Dated: 17/12/97

ORDER / JUDGMENT

RA./R.A./C.A. No.

in
D.A. No. 1679/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of With Directions

Dismissed

Dismissed as Withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

SRR

II Court

