

76

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.1005/99

dt.12-4-2000

Between

Smt. Meena Ravinder Singh : Applicant

and

1. Commissioner of Customs &
Central Excise, Hyderabad-I
Commissionerate
Lal Bahadur Stadium
Basheer Bagh, Hyderabad

2. Union of India, rep. by
the Secretary to the Min. of
Finance, Dept. of Revenue
North Block, New Delhi

3. Member (Personnel)
Board of Central Excise & Customs
New Delhi

4. Syed Shaheed Waseem
Supdt., Central Excise & Customs
Hyderabad-I Commissionerate
Hyderabad

: Respondents

Counsel for the applicant : K. Venkateswara Rao
Advocate

Counsel for the respondents : G. Rajeswara Rao
CGSC

Ceram

Hon. Mr. R. Rangarajan, Member (Admn.)

Hon. Mr. B.S. Jai Parameshwar, Member (Judl.)





Order

Oral order (per Hon. Mr. R. Rangarajan, Member (Admn.))

Heard Mr. K. Venkateswara Rao for the applicant and Mr. V. Rajeswara Rao for the respondents.

1. The applicant was initially appointed as Inspector of Central Excise, Pune Collectorate with effect from 26-8-1976. She was confirmed in that capacity with effect from 22-12-81. The applicant requested for transfer to Hyderabad on personal grounds. Her request was acceded to on the condition that the service rendered by her in Pune will not be counted for the purpose of seniority in the new charge at Hyderabad and she will be assigned seniority as per rules in force.

2. She made a representation dated 8-8-1995 requesting to place her in the seniority list as per rules in force and that she was confirmed Inspector in Pune Collectorate. She also made a representation to the Member (Personnel) who in turn informed that her request for restoration of seniority cannot be accepted which she lost due to inter collectorate transfer. That was informed to her by order dated 25-11-1998.

3. The applicant challenges the impugned letter No.II/34/12/97-Estt.7(PF) dated 16-3-98 (Annex.I) whereby refixation of her seniority on the grounds mentioned in the representation dated 17-11-1997 was rejected and it was further added as below:

"In this connection, it is to inform you that the seniority of the Inspectors who joined this Commissionerate on the basis of Inter-Commissionerate transfers is fixed based on the guidelines in force relating to the subject and there is no lapse in fixing your seniority as per the Seniority list dated 15-10-97."

4. When the Member (Personnel) had turned down her request which was informed by letter dated 25-11-1998 as mentioned in

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reply, it is not understood why she has not challenged that even though this OA is filed after 25-11-1998 i.e. on 15-3-99.

5. This OA is filed to set aside the impugned order dated 16-3-98 issued by the Commissioner of Customs and Central Excise, Hyderabad Commissionerate, and for a consequential direction for giving her seniority by retaining her original seniority in Pune Collectorate.

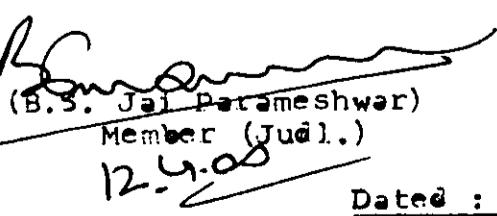
6. A reply has been filed. In the reply the respondents have filed judgement of this Tribunal in OA.263/96 wherein also the applicant therein requested for refixation of his seniority in the grade of Inspector of Central Excise in the combined cadre Hyderabad, Guntur, and Vizag Central Excise Collectirates by adopting the seniority he possessed earlier to transfer on his request from Bombay to Hyderabad. That OA was dismissed by order dated 18-8-98 ("Annex.R.II").

7. This OA is filed for the same relief and squarely holds ^{the judgment} good for rejecting this also.

8. The applicant submits that she joined Pune Collectorate in 1976 when the order of granting her original seniority even if she came on request transfer to Hyderabad was in existence in accordance with the instructions of the Collectorate issued in 1958. Hence, as she joined earlier to 1980, the earlier order issued in 1980 ~~not~~ ^{not} to grant her original seniority, is ~~not~~ ^{not} applicable to her case.

9. The above submission cannot be acceded to. The Departmental instructions as existing on the date of her request transfer will apply. Hence, the instructions of the Department issued in the year 1980 will squarely hold good.

10. In view of what is stated above we find no merit in the OA and hence the OA is dismissed. No costs.


(B.S. Jai Parameshwar)
Member (Judl.)

12-4-00


(R. Rangarajan)
Member (Admn.)

Dated : 12 April, 2000

Dictated in open court

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH, HYDERABAD

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

COPY TO:

THE HON'BLE MR. JUSTICE D.H. NASIR
VICE-CHAIRMAN

1. HONJ

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMN)

2. HRRN(ADMN) MEMBER

THE HON'BLE MR. B.S. JAI PARAMESHWAR
MEMBER (JUDL)

3. HBSJP(JUDL) MEMBER

4. D.R. (ADMN)

5. SPARE

6. ADVOCATE

7. STANDING COUNSEL

DATE OF ORDER 12/4/2000

MA/RA/CP.NO.

IN

CA. NO.

1005/09

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED ✓

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

केंद्रीय प्रशासनिक अधिकार
न्यायी प्रशासनिक विधान
हैदराबाद, त्यायपरीक
HYDERABAD BENCH

28 APR 2000

Despatch No.

Sh. D. S. / INFAL S. I. M.