

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00532/2018

Thursday, this the 22nd day of November, 2018

CORAM:

**HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER
HON'BLE Mr.ASHISH KALIA, JUDICIAL MEMBER**

1. The Cochin Customs Appraising Officers' Association, Kochi-682009, represented by its Secretary, V.L.A.Prasad, Aged 42 years, S/o Shri V.Sriram Moorthy, Inspector (Examiner), Custom House, Willingdon Island, Kochi -682 009. Residing at: Qrs.No.109, Customs Quarters, South End, Willingdon Island, Kochi-682 003.
- 2, Mateen Khan, Aged 35 years, S/o Abdul Raoof Khan, Inspector (Examiner), Custom House, Willingdon Island, Kochi – 682 009. Residing at: Qrs. No.20, Customs Quarters, South End, Willingdon Island, Kochi-682 003.
3. Sachin Kumar Arya, aged 28 years, S/o Shri Ratan Lal, Inspector (Examiner), Custom House, Willingdon Island, Kochi-682 009. Residing at: Qrs.No.149, Customs Quarters, South End, Willingdon Island, Kochi-682003.
4. Sunil, Aged 27 years, S/o Shri Naresh Khatri,

Inspector (Examiner), Custom House,
Willingdon Island, Kochi-682 009.
Residing at: Qtrs. No.157, Customs Quarters,
South End, Willingdon Island,
Kochi-682003.

5. Himanshu singh,
Aged 27 years,
S/o Shri Prabhat Singh,
Inspector (Examiner), Custom House,
Willingdon Island, Kochi-682 009.
Residing at: House No.1, Village-Baraugh, Post-Sikandarpur, Tehsil-Chakia, Dist-Chandauli, U.P.-232 104.
6. Rahul Gupta,
Aged 24 years,
S/o Shri Banwari Lal Gupta,
Inspector (Examiner), Custom House,
Willingdon Island, Kochi-682 009.
Permanent Address: Ward No.18, Ajiram Colony, Near Gopal Kanya School, Kherli, Alwar, Rajasthan – 321 606.
7. Ashwanee Kumar Kushwah,
Aged 27 years,
S/o Shri Ram Singh Kushwah,
Inspector (Examiner), Custom House,
Willingdon Island, Kochi-682 009.
Residing at: Qtrs. No.141, New Customs Quarters, South End, Willingdon Island, Kochi-682 003.
8. Nitish Kumar,
Aged 24 years,
S/o Shri Shriram Singh,
Inspector (Examiner), Custom House,
Willingdon Island, Kochi-682 009.
Residing at: Qrs. No.21, Customs Quarters, South End, Willingdon Island, Kochi-682 003.Applicants

(By Advocate Mr.S.V.Marne for Mr.Deepu Thankan & Mrs.Nimmy Johnson)

V e r s u s

1. The Union of India,
Through the Secretary,
Ministry of Finance, Department of Revenue,
North Block,
New Delhi – 110 001.
2. The Chairman,
Central Board of Indirect Taxes and Customs,
North Block, New Delhi-400001.
3. The Member (Admn),
Central Board of Indirect Taxes and Customs,
North Block, New Delhi -110 001.
4. The Commissioner of Customs,
Custom House, North End,
Willingdon Island, Kochi-682009.
5. The Secretary,
Department of Personnel & Training,
North Block, New Delhi – 110 001.
6. The Chairman,
Union Public Service Commission,
Dholpur House, Shahjahan Road,
New Delhi – 110 001.
7. All India Appraising Officer's Federation,
Through the General Secretary,
Shri Pritam Dahiya,
Working as Appraising Officer in
the Office of Principal Chief
Commissioner of Custom, Chennai Zone.
8. Shri Kailash,
Aged 30 years,
S/o Shri Kesharmal,
Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai-400 001,
Residing at: H.No.402, M-4, Valley Shilp,
Sector-36, Kharghar, Navi Mumbai-410 210.

9. Mayank Jyoti,
Aged 29 years,
S/o Shri Gaya Prasad Gupta,
Inspector (examiner), New Custom House,
Ballard Estate, Mumbai – 400 001,
Residing at: 16/116, Customs Quarters,
Adenwala Road, Matunga East,
Mumbai- 400 019.
10. Aprotim Bhadra,
Aged 31 Years,
S/o Shri Soumitro Bhadra,
Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai-400 001,
Residing at: Permanent address-348,
Sector 14, Faridabad,
Haryana – 121 001.
11. Nakul Dev,
Aged 30 years,
S/o Shri Yograj,
Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai-400 001.
Residing at: Permanent address-
RZ-A-43 Raghuvir Enclave, Najafgarh,
New Delhi – 43.
12. Dharender Yadav,
Aged 30 years,
S/o Shri Ramniwas,
Inspector (Examiner),
New Custom House,
Ballard Estate,
Mumbai – 400 001,
Residing at: H.No.402, M-7,
Valley Shilp, Sector-36,
Kharghar, Navi Mumbai-410 210.
13. Manish Kumar,
Aged 26 years,
S/o Shri Ramesh Kumar,
Inspector (Examiner), New Custom House,
Ballard Estate, Mumbai – 400 001,

Residing at: H.No.801, M-5, Valley Shilp,
Sector-36, Kharghar, Navi Mumbai-410210.

14. Amit,
Aged 25 years,
S/o Shri Kapoor Singh,
Inspector (Examiner),
New Custom Housze,
Ballard Estate,
Mumbai – 400 001,
Residing at: Permanent address-
VPO – Mandothi, Tehsil – Bahadurgarh,
Distrist – Jhajjar,
Haryana – 124 506.
15. Prakash Swaroop Meena,
Aged 29 years,
S/o Dr.Ram Swaroop Meena,
Inspector (Examiner),
New Custom House,
Ballard Estate,
Mumbai – 400 001.
Residing at: H.No.402, M-12,
Valley Shilp, Sector-36,
Kharghar, Navi Mumbai-410210.
16. Manoj Kumar,
Aged 28 years,
S/o Shri Ved Prakash,
Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai-400 001,
Residing at: Permanent address-
Village – Hansawas Khurd,
Post -Badhra,
District – Bhiwani,
Haryana – 127 308.
17. Nitesh Antil,
Aged 28 years,
Shri Rajinder Singh,
Inspector (Examiner),
New Custom House,
Ballard Estate,
Mumbai-400 001,

Residing at: H.No.1004,
M-16, Valley Shilp,
Sector – 36, Kharghar,
Navi Mumbai-410 210.

18. Abhishek,
Aged 25 years,
S/o Shri Banwari Lal,
Inspector (Examiner),
New Custom House,
Ballard Estate,
Mumbai – 400 001,
Residing at: Permanent address-
C-118, Indira Nagar,
Jhunjhunu, Rajasthan-333 001.
19. Amit Kumar,
Aged 25 years,
S/o Shri Rajpal Singh,
Inspector (Examiner),
New Custom House,
Ballard Estate,
Mumbai – 400 001,
Residing at: Permanent address
RZ-1321, Street No.5,
Main Sagarpur,
New Delhi 110 046.
20. Pushpinder Khambra,
Aged 34 years,
S/o Shri Som Parkash Khambra,
Inspector (Examiner), New Custom House,
Ballard Estate, Mumbai – 400 001,
Residing at: H.No.702, M-7,
Valley Shilp, Sector-36,
Kharghar, Navi Mumbai-410 210.
21. Vikrant Mann,
Aged 28 years,
S/o Shri Surajbhan,
Inspector (Examiner),
New Custom House,
Ballard Estate,
Mumbai – 400 001,
Residing at:H.No.703, M-9,

Valley Shilp, Sector-36,
Kharghar, Navi Mumbai-410210.

22. Subhash Choudhary,
Aged 26 years,
S/o Shri Bhagirath Mal,
Inspector (Examiner), New Custom House,
Ballard Estate, Mumbai-400 001,
Residing at: H.No.201, M-11,
Valley Shilp, Sector-36,
Kharghar, Navi Mumbai-410210.
23. Ravi,
Aged 29 years,
S/o Shri Raj Kumar,
Inspector (Examiner),
New Custom House,
Ballard Estate,
Mumbai-400 001,
Residing at: Permanent address-
VPO Ranila, Teh. & Distt. - Charkhi Dadri,
Haryana – 127 110.
24. Vinay Malik,
Aged 27 years,
S/o Shri Ranvir Singh,
Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai-400 001,
Residing at: H.No.603, M-5 ,
Valley Shilp, Sector-36,
Kharghar, Navi Mumbai-410210.
25. Dhiresh Kumar,
Aged 29 years,
S/o Shri Chandra Dev Gain,
Inspector (Examiner), New Custom House,
Ballard Estate, Mumbai – 400 001,
Residing at: Village Dighi,
Block-Bathanaha, Distt.Sitamarhi,
Bihar-843322.
26. Pawan Kumar,
Aged 31 years,
S/o Shri Ved Singh,

Inspector (Examiner),
New Custom House, Ballard Estate,
Mumbai – 400 001,
Residing at: H.No.1001, M-12,
Valley Shilp, Sector-36,
Kharghar, Navi Mumbai-410 210.

27. Ankush goyal,
Aged 29 years,
S/o Shri Tarsem Goyal,
Inspector (Examiner),
New Custom House,
Ballard Estate,
Mumbai-400 001,
Residing at: H.No.1202, M-1,
Valley Shilp, Sector-36,
Kharghar, Navi Mumbai-410 210.
28. Narender Kumar,
Aged 29 years,
S/o Shri Kapoor Singh,
Inspect (Examiner),
New Custom House,
Ballard Estate,
Mumbai – 400 001,
Residing at: Permanent address,
H.No.140, Village-Chamdhera,
PO-Beri, District Mahendergarh,
Haryana – 123029.
29. Eshan,
Aged 27 years,
S/o Abdul Quyoem,
Inspector (Examiner),
New Custom House,
Ballard Estate,
Mumbai-400 001,
Residing at H.No.702, M-10,
Valley Shilp, Sector-36,
Kharghar, Navi Mumbai-410210.
30. Adarsh Choudhary,
Aged 27 years,
S/o Shri Gokul Chand,
Inspector (Examiner),

New Custom House,
Ballard Estate, Mumbai-400 001,
Residing at: Permanent address-
VPO-Behrор Jat, Tehsil-Mundawar,
district-Alwar, Rajasthan – 301 714.

31. Lovekesh Bhatia,
Aged 26 years,
S/o Shri Karampal Bhatia,
Inspector (Examiner),
New Custom House,
Ballard Estate,
Mumbai – 400 001,
Residing at: H.No.1103, M-11,
Valley Shilp, Sector-36,
Kharghar, Navi Mumbai-410210.
32. Promod Sain,
Aged 27 years,
S/o Shri Parmeshwar Lal Sain,
Inspector (Examiner),
New Custom House,
Ballard Estate,
Mumbai – 400 001,
Residing at: H.No.401, M-15,
Valley Shilp, Sector-36,
Kharghar, Navi Mumbai-410 210.
33. Avlok Kumar,
Aged 31 years,
S/o Shri Rati Ram Singh,
Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai-400 001,
Residing at: H.No.1102, M-3,
Valley Shilp, Sector-36,
Kharghar, Navi Mumbai-410 210.
34. Vudit Kumar Agarwal,
Aged 26 years,
S/o Shri Rakesh Kumar,
Inspector (Examiner),
New Custom House,
Ballard Estate,

Mumbai – 400 001,
Residing at: Permanent address-
Kumher Road, Teachers Colonial,
Katra, Nadbai, District-Bharatpur,
Rajasthan – 321 602.

35. Krishan Kumar Verma,
Aged 28 years,
S/o Shri Khanga Ram Bunkar,
Inspector (Examiner),
New Custom House,
Ballard Estate,
Mumbai – 400 001,
Residing at: H.No.1004, M-5, Valley Shilp,
Sector-36, Kharghar, Navi Mumbai-410210.
36. Kulveer Sindhu,
Aged 28 years,
S/o Shri Shispal Sindhu,
Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai-400 001,
Residing at: Permanent address-
1608/9, Opposite Gurukul Gate,
Dhand Road, Kurukshetra,
Haryana – 136 119.
37. Bhuvnesh Kumar,
Aged 27 years,
S/o Shri Dalvir Singh,
Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai-400 001,
Residing at: Permanent address-
Village-Nangal Khurd, Post-Khandeha,
District-Aligarh, Uttar Pradesh-202137.
38. Ashish Kumar,
Aged 26 years,
S/o Shri Satya Pal,
Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai-400 001,
Residing at: H.No.503, M-9,

Valley Shilp, Sector-36,
Kharghar, Navi Mumbai – 410 210.

39. Apporva Goel,
Aged 26 years,
D/o Shri Sudhir Kumar Gupta,
Inspector (Examiner), New Custom House,
Ballard Estate, Mumbai – 400 001,
Residing at: H.No.1002, M-9,
Valley Shilp,
Sector -36, Kharghar,
Navi Mumbai – 410 210.
40. Rahul Singh Gurjar,
Aged 27 years,
S/o Shri Shivraj Singh Gurjar,
Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai-400 001,
Residing at: H.No.903, M-7, Valley Shilp,
Sector – 36, Kharghar,
Navi Mumbai – 410 210.
41. Tanuj Khatri,
Aged 28 years,
S/o Shri Randhir Singh,
Inspector (Examiner),
New Custom House,
Ballard Estate,
Mumbai – 400 001,
Residing at: H.No.1201, M-3,
Valley Shilp, Sector-36, Kharghar,
Navi Mumbai-410 210.
42. Harsh Verdhan Chauhan,
Aged 30 years,
S/o Shri Jagpal Singh,
Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai-400 001,
Residing at: H.No.1102, M-12,
Valley Shilp, Sector – 236,
Kharghar, Navi Mumbai-410 210.
43. Ashish Kumar Bishnoi,

Aged 26 years,
S/o Shri Subhash Bishnoi,
Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai-400 001,
Residing at: H.No.1001, M-3,
Valley Shilp, Sector-36,
Kharghar, Navi Mumbai-410210.

44. Hanuman Singh,
Aged 31 years,
S/o Shri Om Parkash,
Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai-400 001,
Residing at: H.No.701, M-6,
Valley Shilp, Sector-36,
Kharghar, Navi Mumbai-410 210.
45. Atul Sangwan,
Aged 28 Years,
S/o Shri Ravinder Singh Sangwan,
Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai-400 001,
Residing at: H.No.1003, M-12,
Valley Shilp, Sector-36,
Kharghar, Navi Mumbai-410 210.
46. Sudhir,
Aged 30 years,
S/o Shri Bhoop Singh,
Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai-400 001,
Residing at: H.No.603, M-7,
Valley Shilp, Sector-36,
Kharghar, Navi Mumbai-410 210.
47. Somveer Sindhu,
Aged 28 years,
S/o Shri Dalbir Sindhu,
Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai-400 001,

Residing at: H.No.102, M-16,
Valley Shilp, Sector-36, Kharghar,
Navi Mumbai-410 210.

48. Rishabh Brij,
Aged 27 years,
S/o Shri Brijlal,
Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai-400 001,
Residing at: H.no.502, M-5,
Valley Shilp, Sector-36, Kharghar,
Navi Mumbai – 410 210.
49. Abhishek Kumar,
Aged 35 years,
S/o Shri Nandkishore Pd. Sinha,
Inspector (Examiner), New Custom House,
Ballard Estate, Mumbai – 400 001,
Residing at: Permanent address -
Qtr.No.4/37, Type-3, Ekta Vihar,
CBD, Belapur, Navi Mumbai – 400 614.
50. Kamal Yadav,
Aged 31 years,
S/o Shri Ramniwas Yadav,
Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai – 400 001,
Residing at: Permanent address -
H.No.8, VPO -Surhera, New Delhi-43.
51. Amit Verma,
Aged 26 years,
S/o Shri Charan Singh Verma,
Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai-400 001,
Residing at: Permanent address-
9/1D, Rail Vihar, Sector-9,
Vidhya Dhar Nagar, Jaipur-302033.
52. Vivek,
Aged 25 years,
S/o Shri Sita Ram Saini,

Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai- 400 001,
Residing at: Permanent address -
295, Dhani Bodi ki, Arniyan,
Srimadhopur, Distt. Sikar,
Rajasthan – 332 603.

53. Gyandeep Choudhary,
Aged 30 years,
S/o Shri Adjit Kumar Choudhary,
Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai – 400 001,
Residing at: Permanent address -
Ward No.09, Guest House,
Seraikella, Jharkhand – 833 219.
54. Somesh Singh,
Aged 24 years,
S/o Shri Satender Singh,
Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai – 400 001,
Residing at: Permanent address -
H.No.1918, VPO & Tehsil – Kosli,
District – Rewari, Haryana – 123 302.
55. Anil Kumar,
Aged 24 years,
S/o Shri Vedpal Singh,
Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai – 400 001,
Residing at: Permanent address -
H.NO.211, Ashram Road, Budhpur P.O.,
Alipur, New Delhi – 36.
56. Vikas Kumar,
Aged 28 years,
S/o Shri Shiv Pujan Singh,
Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai 400 001,
Residing at: Permanent address -

Shivlila Niwas, Karmachari Colony,
Niranjan Bigha, Dehri, on Soni,
Distt. Rohatas, Bihar – 821 305.

57. Lalit Mehra,
Aged 27 years,
S/o Shri Mahender singh Mehra,
Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai-400 001,
Residing at: Permanent address -
Village – Kumrodha, PO-Motla Kalan,
Distt. Rewari, Haryana – 123411.
58. Anuj Malik,
Aged 30 years,
S/o Shri Shyambir Malik,
Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai-400 001,
Residing at: Permanent address -
VPO – Hisawada, Distt. Baghpat,
Uttar Pradesh -250 606.
59. Aakash Kumar,
Aged 27 years,
S/o Shri Natthu Ram,
Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai-400 001,
Residing at: Permanent address -
VPO -Nanukhurd, Teh. - Pataudi, Distt.
Gurgaon, Haryana – 122414.
60. Vikram Kunal,
Aged 28 years,
S/o Shri Anil Kumar,
Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai – 400 001,
Residing at: Permanent address -
Main Road, Panchu Hisua, Distt.
Nawada, Bihar – 805 103.

61. Sumit Kumar Bhati,
Aged 26 years,
S/o Shri Sher Singh Bhati,
Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai – 400 001,
Residing at: Permanent address -
H.No.395, VPO -Wair, Distt.
Bulandshahr, Uttar Pradesh – 203 202.
62. Bhupender Singh,
Aged 30 years,
S/o Shri Jora Singh,
Inspector (Examiner), New Custom House,
Ballard Estate, Mumbai – 400 001,
Residing at: Permanent address -
H.No.2037, Sector -13,
Bhiwani, Haryana – 127021.
63. Raman Kumar,
Aged 29 years,
S/o Shri Jay Nandan Singh,
Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai-400 001,
Residing at: Permanent address -
Jay Mahavir Colony, Sandalpur,
Patna, Bihar – 800 006.
64. Vinod Kumar Gupta,
Aged 30 years,
S/o Shri Ghanshyam Narayan Gupta,
Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai-400 001,
Residing at: Permanent address -
VPO Baragaon, Teh. Bansdih,
Distt. Ballia, Uttar Pradesh – 277 302.
65. Ambuj Kumar,
Aged 32 years,
S/o Late Shri Dilip Prasad,
Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai – 400 001,

Residing at : Permanent address -
Deo Bazar, PO-Deo, Distt.
Aurangabad, Bihar – 824 202.

66. Pramod Kumar,
Aged 29 years,
S/o Shri Mahendra Singh,
Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai – 400 001,
Residing at: Permanent address -
Village-Bamlas, PO-Ked, Tehsil-
Udaipurvati, District-Jjunjhunu,
Rajasthan – 333 012.

67. Ajay Sirohi,
Aged 25 years,
S/o Shri Satender Singh,
Inspector (Examiner),
New Custom House,
Ballard Estate, Mumbai-400 001,
Residing at : Permanent address,
H.NO.3120, Block-C, Urban Estate,
District-Jind, Haryana.Respondents

(By Sr.PCGC Shri N.Anil Kumar for Respondents-1to5 and Shri Thomas Mathew Nellimoottil for Respondent-6. Advocate Mrs.Girija K.Gopal for Respondents-7 to 67.)

This application having been heard on 16th November 2018, the Tribunal on 22nd November, 2018 delivered the following :

ORDER

HON'BLE MR.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

OA No.532/2018 is filed by Cochin Customs Appraising Officers' Association through its Secretary and others. The applicants are aggrieved by the decision at the level of Respondents-1&2 in allowing 25% quota in the

post of Customs Appraiser to the cadre of Inspector (Preventive Officer) in the proposed Recruitment Rules expected to come into force shortly. The said decision allegedly would be to severe detriment of the cadre of Inspector (Examiner), whose case is being taken up by the applicants. It is stated that the cadre of Inspector (Preventive Officer) enjoys 100 per cent reservation in promotion quota within their own stream, that is, to the post of Superintendent of Customs (Preventive) with Inspector (Examiner) not being entitled for promotion to the post of Superintendent of Customs (Preventive). It is admitted that in the existing Recruitment Rules issued in 1988 for the post of Customs Appraiser there is a quota for Inspector (Preventive Officer). But in the draft Recruitment Rules circulated on 13.05.2016 this quota is proposed to be increased to 25%.

2. The respondent Board has sought for comments from all stake holders. It is stated that All India Customs Appraising Officers' Federation has submitted detailed representation dated 13.06.2016 to the Board requesting that the quota given to the Inspector (Preventive Officer) category is to be abolished and seeking to reserve the cadre of Customs Appraiser entirely for the Inspector (Examiner). It is further stated that the Director General of Human Resource Development working under the Board has recommended to abolish the quota. The applicants state that without assigning any reasons and without application of mind Respondents-1&2 have arbitrarily rejected the said suggestion of Director General of Human Resource

Development and are proceeding to finalise the Recruitment Rules.

3. The learned Counsel for the applicants as well as for the official respondents were heard as also the learned Counsel Smt. Girija K.Gopal representing Respondents-7 to 67. As can be seen the official respondents are required to balance the competing claims and demands of the two categories while formulating the revised Recruitment Rules. In so far as the demand of the applicants to dispense with the quota for Inspector (Preventive Officer) for the post of Customs Appraiser is concerned, it is seen that the merits of the case have already been advanced before the decision makers. When the case was taken up on 16.11.2018, the learned Counsel for the applicant Shri Deepu Thankan drew our attention to certain information they have received through RTI relating to the progress of preparation of Recruitment Rules, 2016. He expressed his disappointment and distress at the manner which the points raised by the applicants' federation are being given short shrift by the authorities. He maintains that the DG,HRD being the head of HRD Department has the primary responsibility for examining the contentious issues which remain to be settled. However, if the panel available at Annexure A11(48) onwards is an indication, the DG,HRD's reasoned comments are being dismissed with a very terse and brief entry under the remarks column which reads "**the suggestion does not merit consideration. The existing ratio be maintained**". As the issue involves the career prospects of several

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thousands of employees, it cannot be dealt with in such a cavalier fashion.

4. On an examination of the documents on offer, it is seen that the preparation of Recruitment Rules, 2016 is in an advanced stage. All preliminary work relating to the preparation of the said Rules have been completed and the same is now before the Board/Government for taking a final view. On examining Annexure A11, we cannot, but agree with the learned Counsel for the applicants that the views of the DG,HRD have not been given due consideration by the examining officers. HRD of the respondents' organisation is clearly bestowed with the duty of making in depth analysis of matters relating to its personnel and seek incorporation of their conclusions in the final Recruitment Rules. The proposal thus made should be appropriately addressed by the authorities concerned while approving the Rules for issue. As pointed out, the notation that DG, HRD's suggestion merits no consideration does not appear to be a well considered summing up of the proposal. As the Recruitment Rules, when finalised would be the frame work defining the contours of the service, great care has to be taken that all aspects involved are well considered. This clearly does not seem to have taken place.

5. All sides agree that the OA at this stage can be disposed of by directing the official respondents to duly examine the issues raised and the comments made by the DG, HRD on the same and to come to a well informed

.21.

conclusion. We direct so. The applicants will have freedom to approach this Tribunal, if they are aggrieved by any further steps taken by the official respondents. No costs.

(Dated this the 22nd day of November 2018).

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

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List of Annexures in O.A. No.180/00532/2018

1. **Annexure A1** – True copy of the Recruitment rules dated 17.12.1986 for the post of Superintendent of Central Excise.
2. **Annexure A2** – True copy of the Recruitment Rules dated 08.06.1983 for the post of Superintendent of Customs (Preventive)
3. **Annexure A3** – True copy of the Recruitment Rules 1988 to the post of Customs Appraiser dated 01/01/1988.
4. **Annexure A4** – True copy of the graph prepared by the applicants in support of the averments in the original application.
5. **Annexure A5** – True Copy of the graph prepared by the applicants in support of the averments in the original application.
6. **Annexure A6** – True copy of the Judgment dated 22.11.1996 of the Hon'ble Supreme Court in W.P.(C) 306 of 1988.
7. **Annexure A7** – True copy of the Judgment dated 03.08.2011 of the Hon'ble Supreme Court in Civil Appeal No.1198 of 2005.
8. **Annexure A8** – True copy of the draft Recruitment Rules for the post of Customs Appraiser dated 13..05.2016.
9. **Annexure A9** – True copy of the objections filed by All India Customs Appraising Officer's Federation against draft Recruitment Rules dated 13.06.2016.
10. **Annexure A10** - True copy of the representation submitted by Federation dated 08.01.2018 to the Board.
11. **Annexure A11** –True copy of the information received by the applicants obtained under the Right to Information Act 19.03.2018.
12. **Annexure A12** –True copy of the information received by the applicants obtained under the Right to Information Act 29.12.2017.
13. **Annexure R1** – True copy of the Department of Revenue (Customs appraisers) Recruitment Rules, 1988
14. **Annexure A13** – True copy of the letter No.F.No.8/B/107/HRD(HRM)/2011/468 dated 19.01.2017.
15. **Annexure A14** – True copy of the letter F.No.A12018/2/2012-Ad.IIA

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dated 13.08.2018.

16. Annexure A15 – True copy of the DOPT OM No.AB-4017/61/2008-Estt. (RR) dated 13.10.2015.

17. Annexure 16 – True copy of the Letter F.No.A-12018/01/2012-AD.IIA dated 24.08.2018.
