

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00501/2019

Thursday, this the 11th day of July, 2019

CORAM:

Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member
Hon'ble Mr. Ashish Kalia, Judicial Member

1. The Cochin Customs Preventive Service Association, represented by its Secretary, Arun Kumar Chhari, aged 36 years, S/o. Dinesh Kumar Chhari, Superintendent of Customs, Customs House, Wellington Island, Kochi – 682 009, residing at Quarter No. 96, New Customs Quarters, Wellington Island, Kochi – 682 003, Ph. 9072042270.
2. Rajpal Meena, aged 34 years, S/o. Akhay Singh, Preventive Officer, Custom House, Wellington Island, Kochi – 682 009, residing at New Customs Quarters No. 108, South End, Wellington Island, Kochi – 682 003, Ph. 9746260156.
3. Dev Asheesh, aged 30 years, S/o. Late Narendra Dev, Preventive Officer, Custom House, Kochi – 682 009, residing at Quarter No. 24, Customs Quarters, Wellington Island, Kochi – 682 003, Ph. 9013628247.
4. Sunil Kumar, aged 34 years, S/o. Ramawatar, Preventive Officer, Custom House, Kochi – 682 009, residing at Quarter No. 119, Customs Quarters, Wellington Island, Kochi – 682 003, Ph. 8281578699.
5. Anuraj Sethiya, aged 30 years, S/o. Arun Kumar Gupta, Preventive Officer, Custom House, Kochi – 682 009, residing at Quarter No. 32, Customs Quarters, Wellington Island, Kochi – 682 003, Ph. 7838610079.
6. Dinesh Kumar Verma, aged 34, S/o. Sohan Lal Verma, Preventive Officer, Custom House, Kochi – 682 009, residing at Quarter No. 113, Customs Quarters, Wellington Island, Kochi – 682 003, Ph. 9633052541.
7. Bijender Singh, aged 27 years, S/o. Mange Ram, Preventive Officer, Customs House, Kochi – 682 009, residing at Quarter No. 38, New Customs Quarters, Wellington Island, Kochi – 682 003, Ph. 9467432871.

8. Vishal, aged 32 years, S/o. Rambir Singh, Preventive Officer, Custom House, Kochi – 682 009, residing at Quarter No. 32, New Customs Quarters, Wellington Island, Kochi – 682 003, Ph. 7009177593.
9. Sandip Kumar Verma, aged 29 years, S/o. Chandeshwar Prasad, Preventive Officer, Custom House, Kochi – 682 009, residing at Quarter No. 151, New Customs Quarters, Wellington Island, Kochi – 682 003, Ph. 6201523713. **Applicants**

(By Advocate : Mr. John Varghese)

V e r s u s

1. Union of India, represented by Secretary to Government, Ministry of Finance, Department of Revenue, North Block, New Delhi – 110 001.
2. Central Board of Indirect Taxes and Customs, North Block, New Delhi – 110 001, represented by its Chairman.
3. Member (Admn.), Central Board of Indirect Taxes and Customs, North Block, New Delhi – 110 001.
4. The Commissioner of Customs, Custom House, North End, Wellington Island, Kochi – 682 009.
5. The Secretary, Government of India, Department of Personnel & Training, North Block, New Delhi – 110 001.
6. Chairman, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi – 110 001.
7. The Secretary, Government of India, Ministry of Law & Justice, Shastri Bhavan, New Delhi – 110 001.
8. The Cochin Customs Appraising Officers Association, Custom House, Kochi – 682 009, represented by its Secretary. **Respondents**

(By Advocate : Mr. Thomas Mathew Nellimoottil, Sr. PCGC)

This application having been heard on 11.07.2019, the Tribunal on the same day delivered the following:

ORDER (Oral)

Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member –

Heard the learned counsel for the parties.

2. The applicants are Cochin Customs Preventive Service Officers Association represented by its Secretary and members. They are aggrieved by issuance of Annexure A6 which is a draft notification aiming to reserve 100% promotion quota for Customs Appraisers for the category of Customs Examiners. As per Annexure A3 it is seen that existing system envisaged certain ratio which is as follows:

- i) 75% from Examiner category;
- ii) 20% from Customs Preventive Officers category and
- iii) 5% from Ministerial category.

The applicants, who represent the Custom Preventive Officers category, apprehends that as per Annexure A6 their entire quota is going to be abolished.

3. On an examination of Annexure A6 which is a draft amendment to the Recruitment Rules, 1988 the following is stated:

“I am directed to say that in compliance with order dated 22nd November, 2018 of the Hon'ble CAT, Ernakulam Bench in OA No. 532 of 2018 filed by Cochin Customs Appraising officers Association & Ors. Vs. UOI & Ors., the method of recruitment in the draft Recruitment Rules of Customs Appraisers has been re-examined in the Board in consultation with DGHRD. It has been decided, with the approval of competent authority, to revise the method of recruitment by providing 100% promotion from the cadre to Inspector (Examiner) after abolition of 25% quota of Inspector (Preventive Officer) from the draft Recruitment Rules of Customs Appraiser. The revised draft Recruitment Rules to the post of Customs Appraisers are being uploaded on CBIC website for 30 days, seeking comments of stakeholders.

2. All concerned who are working under Central Board of Indirect Taxes and Customs or any way associated with the aforesaid draft Recruitment Rules of Customs Appraisers may furnish their comments/opinion/suggestion in the matter to the board within 30 days from the date of uploading on the website, for further examination. Thereafter, taking into account the comments so received, the proposal would be sent to DoPT, UPSC and Ministry of Law for finalisation.”

4. Shri Thomas Mathew Nellimoottil, Sr. PCGC takes notice on behalf of respondents Nos. 1 to 7.

5. MA No. 180/645/2019 for joining together is allowed.

6. On examining the notification at Annexure A6 it is seen that the Department has called for “comments/opinion/suggestion in the matter to the Board within 30 days from the date of uploading on the website”. Hence, we are of the view that the OA is premature. Being only a draft, the respondents have only called for views on the draft. Accordingly, we dismiss the OA giving liberty to the applicants to approach this Tribunal, in the event that there is any issues to be taken up once the draft rules are finalized. There shall be no order as to costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K. BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

“SA”

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APPLICANT'S ANNEXURES

- Annexure A1** – True copy of the Recruitment Rules, 1988 to the post of Customs Appraiser dt. 1.1.1988.
- Annexure A2** – True copy of the report of the High Powered Committee (without annexures) submitted in the year, 2008.
- Annexure A3** – True copy of the draft recruitment rules uploaded in the website dt. 12.5.2016.
- Annexure A4** – True copy of the report of the Stagnation committee (without annexures), submitted before the Hon'ble Minister for Finance dt. nil.
- Annexure A5** – True copy of the order dt. 22.11.2018 in OA No. 180/532/2018 of this Hon'ble Tribunal.
- Annexure A6** – True copy of the draft recruitment rules dt. 28.6.2019 to the post of Customs Appraisers, issued by the 1st respondent.

RESPONDENTS' ANNEXURES

Nil

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