

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD**

**Original Application No.335/2013
Date of Order : 19.06.2019**

Between :

K. Sivaramakrishna, S/o K.Jayarama Rao, aged 62 years,
Retd.Preventive Officer in Dept. of Customs , R/o Kendriya Vihar,
Flat No.B1, Ph.II, GachiBowli, Hyderabad. ... Applicant

And

1. The Union of India, Rep. by its Secretary,
Ministry of Finance, New Delhi.
2. The Chief Commissioner of Customs,
Ballard Estate, Mumbai – 400 001.
3. The Commissioner of Customs (P & E),
Ballard Estate, Mumbai – 400 001. ... Respondents

Counsel for the Applicant ... Dr. P.B. Vijaya Kumar
Counsel for the Respondents ... Mrs. K. Rajitha, Sr. CGSC

CORAM:

**Hon'ble Mr.Justice L.Narasimha Reddy ... Chairman
Hon'ble Mr. B.V.Sudhakar ... Member (Administrative)**

ORAL ORDER

{ As per Hon'ble Mr. Justice L. Narasimha Reddy, Chairman }

The applicant joined the service of the Customs Department as an LDC in the year 1978 and was promoted to the post of UDC, and thereafter as Preventive Officer in the year 1989. He was included in the panel for promotion to the post of Superintendent of Customs vide order dated 15.10.2007. However, the applicant declined the promotion and thereby, was debarred for promotion for a period of one year. He retired from service on 31.03.2009 on attaining the age of superannuation. This OA is filed with a prayer to direct the respondents to extend the benefit of promotion to the post of Superintendent of Customs, with effect from the date on which the period of one year expired i.e. from 01.11.2008.

2. The respondents filed counter affidavit opposing the OA. It is stated that the applicant suffered disqualification of debarment, on refusing to accept the promotion extended to him on 15.10.2007. It is also stated that no junior to the applicant in the category of Preventive Officer has been promoted between 01.11.2008 and date of retirement, and accordingly no relief can be granted.

3. Heard Mr.P.B.Vijaya Kumar, learned counsel for the applicant and Mrs.K.Rajitha, learned Sr. Central Government Standing Counsel for the respondents.

4. The applicant refused promotion, which was extended to him on 15.10.2007. On account of refusal to accept the promotion, he became debarred for promotion for a period of one year, which is upto 01.11.2008.

5. It is true, that the applicant became eligible to be promoted once again, from 01.11.2008 onwards. However, unfortunately, for him no promotions took place till he retired from service. No Preventive Officer, junior to him was promoted with effect from any date, anterior to 31.03.2009. Therefore, the question of extending the benefit of promotion to him does not arise.

6. We find no merit in the OA, and the same is accordingly dismissed. There shall be no order as to costs.

(B.V.SUDHAKAR)
MEMBER(ADMN.)

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

sd