

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
Original Application No. 040/00299/2019
Date of Decision: 12.09.2019

THE HON'BLE MR. N. NEHSIAL, ADMINISTRATIVE MEMBER

Shri Subhashish Paul
Office of the Assistant Commissioner
Central Goods and Services Tax (CGST)
Dibrugarh Audit Circle-II
Mandir Path, Boiragimath, Dibrugarh – 789003.

.....Applicant

By advocate(s): Dr J. L. Sarkar
Sri G. J. Sharma

-AND-

1. The Union of India
Represented by the Secretary to the Government of India
Department of Revenue
Ministry of Finance, New Delhi – 110001.
2. The Chairman
Central Board of Indirect Taxes and Customs
Ministry of Finance
Department of Revenue
North Block, New Delhi – 110001.
3. The Chief Commissioner
Customs, Central Excise and CGST, Guwahati Zone
GST Bhawan, Kedar Road, Guwahati – 781001.
4. Commissioner (Audit)
CGST (Audit) Commissionerate, Guwahati
GST Bhawan, Kedar Road, Guwahati – 781001.
5. Assistant Commissioner (Admn)
Office of the Commissioner
CGST (Audit) Commissionerate, Guwahati
GST Bhawan, Kedar Road, Guwahati – 781001.

.....Respondents

By advocate: Sri S. K. Ghosh, Addl. CGSC

ORDER (ORAL)

N. NEHSIAL, ADMINISTRATIVE MEMBER:

The instant O.A. has been preferred by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

- “8.1 That the Hon'ble Tribunal be pleased to set aside and quash the impugned Establishment Order No. 01/2019 dated 06.09.2019 (Annexure- A1) so far the applicant is concerned.
- 8.2 That the Hon'ble Tribunal be pleased to direct the respondents to consider transfer of the applicant at Dibrugarh in modification of impugned Establishment Order No. 01/2019 dated 06.09.2019 (Annexure-A1) so far the applicant is concerned.
- 8.3 Any other relief or reliefs as the Hon'ble Tribunal may deem fit and proper, including the cost of the case.

2. Dr J. L. Sarkar, learned counsel for the applicant submitted that the applicant is presently working as Superintendent of Central Goods & Service and posted at Dibrugarh Audit Circle-II, Dibrugarh. Vide impugned establishment order No. 01/2019 dated 06.09.2019 (Annexure –A1 in the O.A.) the applicant sought to be transferred from Dibrugarh Circle – 2 to RTI/ADMIN/BAS, Guwahati in violation of instruction issued under O.M. dated 30.09.2019 for spouse posting.

3. Learned counsel for the applicant submitted that the wife of applicant is a Postal Assistant, working in the office of Sr.

Superintendent of Post Offices, Dibrugarh, who is suffering from acute spinal problem and she is bed ridden at the advice of consulting doctors and the only child of the applicant is reading in Class V at Little Flower Higher Secondary School, Dibrugarh under Secondary Education Board, Assam (SEBA) who is in middle of academic session. According to learned counsel, since the applicant's wife is working as Postal Assistant in the department of posts, Government of India and now posted in the office of Superintendent of Posts, Dibrugarh Division, Dibrugarh, as such, the applicant is entitled to be posted at Dibrugarh in terms of the O.M./dated 30.09.2009. In view of that learned counsel for the applicant prayed for intervention of this court by staying the operation of the impugned order dated 06.09.2019 so far the applicant is concerned.

4. Learned counsel further submitted that against the impugned transfer order dated 06.09.2019, the applicant made a representation dated 09.09.2019 addressed to the respondent No. 4 with the request to consider his case and to retain himself at Dibrugarh which is still pending before the appropriate authority. Accordingly he prayed that atleast the said representation dated 09.09.2019 may be disposed where Sri S. K. Ghosh, learned Addl. CGSC also has the same suggestion to dispose of the said representation dated 09.09.2019.

5. I have heard learned counsel for the applicant, perused the papers and documents produced before me. Keeping in view of the representation pending, without going into the merit of the case as well as without issuing notice to the respondents, I found that it is a fit case to direct the appropriate authority to consider the pending representation dated 09.09.2019 and dispose of it and pass a reasoned and speaking order within a reasonable period of one month from today. Till such time, the impugned Establishment order No. 01/2019 dated 06.09.2019 so far the applicant is concerned, shall not be given effect to. Order accordingly.

6. With the above directions O.A. stands disposed of at the admission stage itself. No order as to costs.

(N. NEIHSIAL)
MEMBER (A)

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