



CENTRAL ADMINISTRATIVE TRIBUNAL

CHANDIGARH BENCH

M.A.NO.063/00471/2020

IN

O.A.NO.063/001240/2018

(Order reserved on: 09.06.2020)

Pronounced on: 12.06.2020

HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MS. AJANTA DAYALAN, MEMBER (A)

1. Annu Saini d/o Sh. Rajesh Saini, working as Inspector in the office of Central Goods & Services Tax (CGST), Commissionerate, Shimla, HP-171005 (resident of gali No.2 Vineet Nagar, Roorkee, Uttarakhand) Pin-247667.
2. Arvind Gulia s/o Sh. Rajinder Singh, working as Inspector in the office of Central Goods & Service Tax (CGST), Audit Commissionerate, Ludhiana(resident of V.P.O.Badli, Pana-Choudhran, Distt. Jhajjar, Haryana). Pin 124 105.
3. Pankaj s/o Sh. Ved Praakash, working as Inspector in the office of Central Goods & Services Tax (CGST) Division-II, Patiala (Patiala) (resident of V.P.O. Gorla, Tehsil Matanhail, Distt. Jhajjar, Haryana-124 142).
4. Chetan Gupta s/o Charan Dass Gupta, working as Inspector in the office of Central Goods & Services Tax (CGST), Commissionerate Jammu, (resident of H.No. 193, Lane No.7, Shakti Nagar, Jammu-180001).
5. Pardeep Kumar s/o Harikishan, working as Inspector in the office of Ludhiana Customs (resident of No.29, Ground floor, Golen Leaf, Palm Garden, G.T.Road, Sahnewal, Ludhiana-141120).
6. Arwind Kajal s/o Dalawar Singh, working as Inspector in the office of CCU, Chandigarh (resident of V.P.O. Nidana, near Samargopalpur, Rohtak Haryana 124 514).
7. Ritesh Maanday s/o Balwant Singh, working as Inspector in the office of DRI Ludhiana, 213, Rani Jhansi Road, Civil Lines, Ludhiana (resident of H.No.56, Sector 1, HUDA, Shahabad Markanda, Distt Kurukshetra, Haryana Pin 136 135).
8. Rakesh Kumar Yadav s/o Ramesh Kumar, working as Inspector in the office of Central Goods & Services Tax (CGST) Division-III, Jalandhar (resident of 13/1, Fouji Road, Opposite Vajra Officers Institute, nearby Jalandhar Cantt Main Post Office, Jalandhar-144 005).
9. Lalit Goyal s/o Rajinder Goyal, working as Inspector in the office Jalandhar headquarters (resident of H.No.108, New Grain Market, Sangrur) Pin 148 001.



10. Channy Bansal s/o Naresh Bansal, working as Inspector in the office of Central Goods & Services Tax (GST), Div. Sangrur (resident of H.No.139, W.No.10C, Shiv Puri Dhuri) Pin. 148024.
11. Gagandeep Raj s/o Janak Raj, working as Inspector in the office DGCEI Regional Unit, Jammu, (resident of H.No.40, Prabhat Colony, Peer Baba Road, PO Satwari, Jammu Cantt.-180003).
12. Rahul Gupta s/o Vijay Kumar Gupta, working as Inspector in the office Central Goods & Services (CGST), Commissionerate Jammu (resident of H.No.1/F-31, Vishal Nagar, Talab Tilo, Jammu-180002).
13. Genius Bansal son of Sh. Raj Kumar Bansal, working as Inspector in the office of Central Goods & Services Tax (CGST), Division-I, Chandigarh (resident of House NO.11-A, Gobind Colony, Rajpura, District Patiala-140401).

.....Applicants.

**(BY ADVOCATE: MR. G.S. BAL, SR. ADVOCATE WITH
MR. D.R.SHARMA, ADVOCATE)**

Versus

1. Union of India through the Secretary, Government of India, Ministry of Finance, Department of Revenue, Nehru Place, New Delhi-11 0019.
2. The Secretary, Central Board of Excise & Customs (CBEC), Government of India, Ministry of Finance, Secretariat Building, New Delhi-110 001.
3. The Chief Commissioner, Goods & Service Tax, Chandigarh Zone, Central Revenue Building, Plot NO.19, Sector 17-C, Chandigatr-160017.

...Respondents

(BY ADVOCATE : MR.SANJAY GOYAL, SR.CGSC).



ORDER
[HON'BLE SANJEEV KAUSHIK, MEMBER (J)]

1. The present Miscellaneous Application (M.A) has been filed by applicant No.1 (Annu Saini), under rule 8 of the C.A.T (Procedure) Rules, 1987, for permitting her to continue in Shimla Commissionerate of CGST, Chandigarh Zone, by reviving the stay order dated 22.10.2018.
2. Heard Mr. G.S. Bal, Senior Advocate, with Mr. D.R. Sharma, Advocate for applicant and Mr. Sanjay Goyal, Sr. Central Government Standing Counsel for the official respondents.
3. The learned Senior counsel for the applicant argued that in view of the fact that the order dated 24.9.2019, dismissing the Original Application (O.A) having been recalled in Review Application, vide order dated 9.1.2020, then the position, that was existing prior to dismissal of the O.A. has to be revived and resultantly, the order dated 22.10.2018 of status quo qua the applicant, granted by this Court, has to be revived and enforced during the pendency of the O.A. Thus, it is prayed that the respondents be directed to allow the applicant to continue on the post, which she was occupying as on 22.10.2018, despite the fact that



during the pendency off the O.A. and Writ Petition before the Hon'ble High Court, the respondents passed an order on 30.10.2019 relieving the applicant of her charge w.e.f. 30.10.2019. To substantiate his plea, learned counsel argued that the applicant was sanctioned maternity leave from 23.9.2019 to 20.3.2020 i.e. prior to dismissal of the O.A. by this Court on 24.9.2019. The order of this Court was challenged in Writ Petition No.30890 of 2019 which was ultimately dismissed vide order dated 20.1.2020 and subsequently, Review Application filed by the applicant was also allowed and the matter is still pending consideration on merits. Thus, he submitted that in terms of Rules governing the leave, the applicant cannot be relieved prior to availing the sanctioned leave from earlier place of posting and as such the order dated 30.10.2019, relieving her prior to availing the leave is bad in law and cannot be sustained in the eyes of law and she be allowed to continue at Shimla.

4. Per contra, Mr. Sanjay Goyal, Sr. Central Govt. Standing Counsel, vehemently opposed the prayer of the applicant. He submitted that the applicant has already been relieved pursuant to order dated 30.10.2010, prior to the acceptance of Review Application by this Court and the documents



pertaining to her service like service book etc. have already been transferred to new Commissionerate, thus, she has no connection with the earlier office. He also argued that once the O.A. was dismissed and writ petition as withdrawn by the applicant herself with a view to file a R.A. and during all this process she having been relieved and her service books etc. having been transferred to the new Commissionerate, the M.A. lacks substance. He also argued that except the applicant, all other 12 applicants have since joined their respective places of posting, thus, the applicant cannot be transferred back to Shimla. Thus, it is prayed that the M.A. may be dismissed.

5. We have given our thoughtful consideration to the entire matter and are of the view that this M.A. deserves to be dismissed for the simple reason that after the dismissal of the O.A. on 24.9.2019, the order recalling the indicated order was passed on 9.1.2020 in a Review Application filed by the applicant. But prior to that, she stood relieved on 30.10.2019 and as submitted by the respondents, all the service documents belonging to her like service book etc. have already been transferred to new place of posting. So, the situation has undergone a drastic change between 24.9.2019 and 9.1.2020, in as much as applicant stood



relieved of her duties from earlier place of posting and her service documents have also been transferred to the new place of posting. Thus, no grounds are made out for revival of status quo order, in the peculiar facts of this case.

6. In view of the above, the present M.A. is dismissed being devoid of any merit.

7. The pleadings are complete. The parties are directed to be ready for final arguments on O.A. on the next date of hearing i.e. 3.7.2020.

(SANJEEV KAUSHIK)
MEMBER (J)

(AJANTA DAYALAN)
MEMBER (A)

Place: Chandigarh
Dated: 12.06.2020

HC*