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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O. A. No. 1578/1998

New Delhi: Dated: this the 9th day of October, 1998.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Pawan Kumar,
S/o Shri Narain Singh,
Inspector Customs,
AIR Cargo Unit,
New Custom House,
New Delhi. Applicant.

(By Advocate: Shri Yatinder Sharma)

Versus

1. Commissioner,
Office of the Commissioner of Central Excise,
Delhi-I, C. R. Building,
I. P. Estate,
New Delhi.
2. Deputy Commissioner (P & V),
Office of the Commissioner of Central Excise,
Delhi-I CR Building,
I. P. Estate,
New Delhi.
3. Dy. Director (Administration),
Directorate of Revenue Intelligence,
'D' Block, I. P. Bhawan, I. P. Estate,
New Delhi Respondents.

(By Advocate: Shri R. R. Bharti).

ORDER

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

Applicant impugns respondents' order dated 11.8.98 (Annexure-A11) qua himself.

2. It is not denied that applicant while working as Inspector, Customs and Central Excise, Vadodara, applied for deputation to Dte. Revenue Intelligence and upon being selected, was appointed as Intelligence Officer in DRI, New Delhi on deputation basis vide order dated 24.9.97 (Annexure-A1), where he joined on 3.11.97 (Annexure-A2), and was posted in the General Intelligence Section (Annexure-A5) ^{Separately} ~~Separately~~ by order dated 4.6.98 (Annexure-A4) applicant

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was transferred on inter commissionerate transfer from Vadorara Commissionerate to the Delhi Commissionerate, and pursuant to that order dated 4.6.98 the Addl. Commissioner (P&V), Central Excise and Customs by his order dated 10.6.98 (Annexure-A5) transferred applicant to Delhi Commissionerate with directions to Dy. Director, Revenue, New Delhi (Respondent No.3) to relieve applicant. pursuant to that order applicant submitted his joining report in Delhi Commissionerate on 17.6.98 (Annexure-A8), on the basis of which he was posted in Customs Branch on 30.6.98 (Annexure-A9), and later on 6.8.98 was posted in Air Cargo Unit (Annexure-A10); but barely 5 days later has been recalled to DRI ostensibly to complete the remaining term of his deputation in DRI. Now by a further order dated 25.8.98, a copy of which is taken on record, and which applicant has not impugned in his OA, applicant has been transferred from Customs to Statistics (Delhi-I).

3. I have heard both sides.

4. It is well settled that transfer is an incidence of service and transfer orders are normally not to be interfered with unless they are in violation of statutory rules or on grounds of malafides. Manifestly the transfer is not in violation of statutory rules, and applicant has not alleged malafides against anyone. However, this much is true that after reporting for duty in DRI on 3.11.97 and being assigned to general Intelligence Section, he was transferred to Delhi Commissionerate on 17.6.98 where he was posted to Customs Branch on 30.6.98 and from there to Air Cargo Unit on 6.8.98, but barely 5 days later has been recalled to DRI, and separately by orders dated 25.8.98

has been transferred from Customs to Statistics (Delhi-I).

5. I am quite sure that respondents are fully aware that such frequent transfers from one office/desk to another, besides having an unsettling effect on the officer concerned without any corresponding benefit, does not advance the public interest, as any employee requires atleast sometime to familiarise himself with the duties and responsibilities of his post to do full justice to the same.

6. In the result this OA is disposed of with a direction to Respondent No.1 (Commissioner, Customs & Central Excise) to examine the matter in detail, if necessary in consultation with officials of the Dte. of Revenue Intelligence, keeping in view what has been stated in para 5 above, and pass a reasoned order in support of the decision that they take, in accordance with rules and instructions on the subject, within 2 months from the date of receipt of a copy of this order. Till then the operation of the impugned order dated 11.8.98 shall remain stayed. No costs.

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(S. R. ADIGE)
VICE CHAIRMAN (A)

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