

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 1606/1996

New Delhi this the 27th Day of May 1996

Hon'ble Shri A.V. Haridasan, Vice Chairman (J)
Hon'ble Shri R.K. Ahooja, Member (A)

1. Shri Vaibhav Bhatnagar,
Son of Shri Bal Saroop Rahi,
C/o Commissioner of Customs,
New Delhi-110 037.
2. Shri Sohokendar Kumar,
Son of Shri Ved Singh
C/o Commissioner of Customs,
New Customs House,
New Delhi-110 037.
3. Shri Ravi Prakash,
Son of Shri P.P. Malhotra,
C/o Commissioner of Customs,
New Customs House,
New Delhi-110 037.
4. Shri Kharak Chand,
Son of Shri Mahesh Chand Tayal,
C/o Commissioner of Customs,
New Customs House,
New Delhi-110 037.
5. Shri Anil Kumar Sapra,
Son of Shri Raj Kumar Sapra,
C/o Commissioner of Customs,
New Customs House,
New Delhi-110037.
6. Ms. Kirti Gupta,
W/o Shri C.M. Gupta,
C/o Commissioner of Customs,
New Customs House,
New Delhi-110 037.
7. Shri Kumar Sheel,
Son of Shri S.D. Srivastava,
C/o Commissioner of Customs,
New Customs House,
New Delhi-110 037. .. Applicants

(By Advocate: Shri O.P. Khoka)
Vs

Union of India through

1. Secretary,
Ministry of Finance,
Department of Revenue,
North Block,
New Delhi-110001.

9

2. Chairman,
Central Board of Central Excise & Customs,
Ministry of Finance,
North Block,
New Delhi-110 001.
3. Commissioner of Customs,
Customs House,
New Delhi-110 001. .. Respondents

(By Advocate: Shri R.R. Bharathi)

O R D E R (Oral)
Hon'ble Shri A.V. Haridasan, Vice Chairman (J)

M.A. 1126/96. In this M.A. applicants 1 & 2 in the O.A. pray that thier names may be deleted from the array of applicants in the OA. The Registry is directed to delete the names of these 2 applicants from the array of applicants and to change the caption of the OA as Shri Vaibhav Bhatnagar and others Vs. Union of India and Ors. Respondents have filed reply. Counsel of the respondents agrees to the suggestion made by the counsel of the applicant that this application may also be disposed of in the line in which the OA No. 1562/95, 2454/94, 185/94, 603/95, 868/96, and 59/95 were disposed of by a common order dated 20th May 1995, as the substantial question in this case is similar as in those cases.

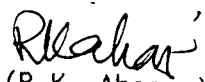
2. This application is directed against the order dated 9.9.1993 (Annexure A-2) by which the office order No. 94/91 dated 14.3.1991, 233/1991 dated 10.7.1991, 24/92 dated 4.2.1992, 49/92 dated 11.3.1992, 100/92 dated 28.4.1992, 136/1992^{dt. 15.6.92} and 229/1992 dated 18.9.1992 issued under C No. II-3(45) Et. I/89 were modified and the transfer


10

orders of the Examiners including the applicant from various Customs Houses were to be treated as on deputation basis only instead of deputation/transfer. The applicants have alleged that this Order has been passed without notice and it substantially affects their rights.

3. On the ground that similar orders in the case of applicants in the batch of cases disposed of on 20.5.1995 were unjustified in as much as the orders were passed without giving the affected persons a notice, the said orders were set aside. The counsel agree that the circumstance is identical in this case and that before passing the impugned orders, the applicants in this case had not been given any notice. In the light of ~~the~~ above submission by the learned counsel on either side and from what has emerged from the pleadings and statements, we are of the considered view that the impugned order has to be set aside.

4. In the result, the application is allowed. The impugned order dated 9.9.1993 is set aside to the extent it affects the applicants. However, it is made clear that it would be open for the respondents to pass a fresh order if they deem it necessary to do so in accordance with law after giving them a notice and an opportunity to put forth their case. The applicant is finally disposed of with the above directions.


(R.K. Ahooja)
Member (A)


(A.H. Haridasan)
Vice Chairman (J)

Mittal