CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

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O.A. No.1562/95; O.A. No.2454/94 with 185/94.
O.A.No.603/95, O.A.No.868/95, O.A.No.59/95.

Dated New Delhi, this 20th day of May,1996.

Hon'ble Mr Justice A. P. Ravani,Chairman

Hon'ble Mr K. Muthukumar,Member(A)

O.A.No.1562/95

1. Ranjit Singh
S/o Shri Rajinder Singh
C/o Commissionorate of Customs,
New Customs House,
DELHI-110037.

2. Sanjay Pandey
S/o Shri H. C. Pandey,
C/o Commissionorate of Customs,
New Customs House,
DELHI-1100037.

3. Ajay Kumar Prasad
S/o Late Shri Din Bahadur Prasad,
C/o Commissionorate of Customs,
New Customs House,
DELHI-110037.

4. Anil Kumar Moria
S/o Shri Duli Chand,
C/o Commissionorate of Customs,
New Customs House,
DELHI-110037.

5. Pradeep Shukla
S/o Shri R. S. Shukla,
C/o Commissionorate of Customs,
New Customs House,
DELHI-110037.

6. S. S. Upadhyaya
S/o Shri Upadhyaya
C/o Commissionorate of Customs,
New Customs House,
DELHI-110037. ... Applicants

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Vs.

1. Union of India,through
Secretary,
Ministry of Finance,
Department of Revenue,
North Block,
NEW DELHI.

2. The Chairman
Central Board of Excise & Customs
Ministry of Finance,
North Block,
NEW DELHI.

3. The Commissioner of Customs,
I. P. Estate,
NEW DELHI-110002. ... Applicants

O.A.No.2454/94

1. Chandra Bhatia
S/o Shri Ramesh Chand Bhatia,
Preventive Officer,
Customs House, I.G.I. Airport,
NEW DELHI.

2. Rajiv Kumar
S/o Shri V. N. Sharma,
Preventive Officer,
I.G.I. Airport,
NEW DELHI. ... Applicants

Vs.

1. Union of India, through
Secretary,
Department of Revenue,
Ministry of Finance,
North Block,
NEW DELHI. 110 001.

2. Chairman
Central Board of Excise & Customs,
Ministry of Finance,
North Block,
NEW DELHI-110 001.

3. Collector
Collectorate of Customs,
Customs House,
I. P. Estate,
NEW DELHI-110 002. ... Respondents

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O.A.No.185/94

1. L. K. Maheswari
S/o Late Shri R. K. Maheswari,
R/o A-2/185,
Janakpuri
NEW DELHI-5.

2. Inder Prakash
S/o Late Shri Ram Surat Singh
R/o 93-A Gorwalli Mohalla,
Ramesh Park, Laxmi Nagar,
DELHI-92. ... Applicants

Vs.

1. Union of India,through
Secretary,
Department of Revenue,
Ministry of Finance,
North Block,
NEW DELHI-110 001.

2. Chairman
Central Board of Excise & Customs,
North Block,
NEW DELHI-110 001.

3. Collector
Collectorate of Customs,
Customs House,
I. P. Estate,
NEW DELHI-110 002. ... Respondents

O.A. No.603/95

S. K. Sharma
S/o Shri B. P. Sharma,
R/o B-II/247, Yamuna Vihar
East Delhi. ... Applicant

Vs.

1. Union of India,through
Secretary,
Department of Revenue,
Ministry of Finance,
North Block,
NEW DELHI-110 001.

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2. Chairman
Central Board of Excise & Customs,
Ministry of Finance,
North Block,
NEW DELHI-110 001.

3. Collector
Collectorate of Customs,
Customs House,
I. P. Estate,
NEW DELHI-110 002. ... Respondents

O.A.No.868/95

Rajeev Singh
S/o Des Raj Singh,
R/o 248 D.D.A. Flats, Kalkaji,
NEW DELHI. ... Applicant

Vs.

1. Union of India, through
Secretary,
Department of Revenue,
Ministry of Finance,
North Block,
NEW DELHI-110 001.

2. Chairman
Central Board of Excise & Customs,
Ministry of Finance,
North Block,
NEW DELHI-110 001.

3. Collector,
Collelctorate of Customs,
Customs House,
I. P. Estate,
NEW DELHI-110 002. ... Respondents.

O.A.No.59/95

Harish Chand
S/o Shri Dhyan Chand,
R/o X/2581 Ragbarpura No.2,
St.No.7, Gandhi Nagar,
DELHI-110 031. ... Applicant.

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Vs.

1. Union of India, through
Secretary,
Ministry of Finance,
North Block,
NEW DELHI.

2. The Chairman
Central Board of Excise & Customs,
North Block,
NEW DELHI.

3. The Member (Personnel)
Central Board of Excise & Customs,
North Block,
NEW DELHI.

4. The Collector
Customs & Central Excise,
Delhi Collectorate,
DELHI. ... Respondents

Present:

Counsel for the applicants in all the above O.As. Shri S. C. Luthra, Shri O. P. Khokha;and Shri R. R. Bharti, counsel for respondents in all the above O.As.

O R D E R (Oral)

Mr Justice A. P. Ravani

Admit. Service of notice waived. In the facts of the case, all the above applications are being finally disposed of.

The applicants in all the applications are Preventing Officer of the Customs Department. They were serving in different Customs Offices outside Delhi. By an order dated 2.4.1991 the applicants were ordered to be transferred to Customs & Central Excise Collectorate, Delhi on inter collectorate transfer basis. Thereafter, by impugned order

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dated 26.2.1993, respondents have modified the earlier orders of transfer and directed that the transfer of the applicants be treated as on deputation basis instead of inter Collectorate transfer basis. It is this order which is under challenge in all these applications.

Having regard to the facts and circumstances of the case, it is not necessary to go into all the rival contentions raised by the parties inasmuch as all these applications are capable of being disposed of on the sole ground that while changing the nature of transfer by issuing the impugned order, no opportunity of hearing has been afforded to the applicants. The contention that the earlier order of transfer on inter Collectorate basis was passed wrongly under mistake and, therefore, the impugned order has been correctly passed, cannot be accepted. It is undisputed position that by the impugned order, the position of the applicants stands adversely affected. The impugned order is likely to affect their position in seniority. It is also likely to adversely affect their promotional chances. Thus it is evident that the impugned order visits them with civil consequences. In view of this undisputed position,

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before passing the impugned order, the applicants should have been afforded an opportunity of being heard. It is not denied that before passing the impugned order, the applicants have not been afforded an opportunity of being heard. Hence the order is violative of principles of natural justice. Therefore, on this sole ground, the impugned order is required to be quashed and set aside.

In the result, the applications are allowed. The impugned orders dated 26.2.93 in all the above mentioned O.As. by which the transfer orders of the applicants from different Collectorates to Delhi Collectorate has been ordered to be treated on deputation basis instead of inter Collectorate transfer basis, is quashed and set aside. It is clarified that it will be open to the respondents to pass fresh order in accordance with law after affording an opportunity of being heard to the applicants concerned.

With the above observations and directions, all the above mentioned O.As. are finally disposed of without any order as to costs.

(K. Muthukumar)
Member(A)

Chairman

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PRI AM SINGH
Court Officer
Central Administrative Tribunal
Principal Bench
Faridkot House, New Delhi