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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 920 OF 2004

New Delhi, this the 13th day of April, 2004

HON'BLE SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER

Jyothimon Dethan,
S/o Shri N.Dharma Dethan
R/o 34, Kaveri Appartments,
Sec-4, Vaishali, Ghaziabad (U.P.)
Posted as Inspector, Central Excise and Customs,
Ahmedabad-III Commissionerate,
At present on deputation as Intelligence Officer in
Narcotics Control Bureau,
Delhi Zonal Unit, West Block 1, Wing 7,
2nd Floor, R.K. Puram, New Delhi.Applicant

(By Advocate : Shri Arun Bhardwaj)

Versus

1. Union of India
through its Secretary,
Ministry of Finance, North Block,
New Delhi.
2. Under Secretary,
Department of Revenue,
Ministry of Finance, North Block,
New Delhi.
3. The Chairman,
Central Board of Excise and Customs,
North Block, New Delhi.
4. The Member (P & V),
Central Board of Excise and Customs
North Block, New Delhi.
5. Chief Commissioner
Central Excise,
New Central Excise Building,
Panjara Pole, Near Polytechnic,
Ambavadi, Ahmedabad (Gujarat).
6. Chief Commissioner,
Central Excise,
Delhi Zone, C.R. Building,
ITO, New Delhi.Respondents

ORDER (ORAL)

The applicant, an Inspector of Central Excise Department, has filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985 challenging the instructions dated 19.2.2004 (Annexure A/1) by which in supersession of all previous

Arun Bhardwaj

instructions issued on the subject in the past, it has been decided that hence forth no inter-commissionerate transfer shall be allowed for any Group B, C and D employee. It further provides that in exceptional circumstances depending upon the merits of each case where it is considered necessary to accept such requests on extreme compassionate grounds, such transfers shall be allowed on deputation basis for a period of three years subject to the approval of the transferor and transferee cadre controlling authorities.

2. The applicant claims that he is working on deputation with Narcotics Control Bureau, Delhi Zone Unit, New Delhi since February, 1999. The learned counsel informs that in routine manner, the deputation expires on completion of five years in February, 2004. However, the applicant has all along been making request to the respondents for his inter-commissionerate transfer to Delhi. Learned counsel invited attention to various representations which are annexed with the OA. Annexure A/2 is the representation dated 27.12.2001 wherein the applicant has specifically stated that he will not claim any seniority on transfer to Delhi Commissionerate. There are other subsequent requests also as per letters dated 30.1.2002 (Annexure A/3), dated 27.12.2003 (Annexure A/4) and dated 25.10.2003 (Annexure A/6). Learned counsel further states that because of his own accident, the applicant is not in a position to move. For this purpose, a copy of Dr.Ram Manohar Lohia

Chitram



Hospital, New Delhi prescription dated 15.2.2004 was shown, a copy of which has been placed on record. Besides his own problem, the applicant is having other problems like his mother being physically handicapped. Learned counsel states that in spite of several representations made to the respondents, they have not taken any decision on the said representations of the applicant.

3. Without going into the merits of the claim of the applicant and even without issuing notice to the respondents, interest of justice would be met by issuing a direction to the respondents to decide the pending representations of the applicant for inter commissionate transfer within stipulated period of time. In case, the applicant desires, he may submit a supplementary representation containing all the facts which were addressed at the time of admission of this OA. He may also enclose a copy of the OA with such a representation for consideration of respondent No.4. In case, the applicant complies with the above directions, respondent No.4 is directed to take a decision as early as possible but not later than two months from the date of receipt of a certified copy of this order under intimation to the applicant by speaking order.

4. It is stated on behalf of the applicant that the applicant is on medical leave upto 25.4.2004 and has not reported for duty to the parent cadre of



Ahmedabad Commissionerate. Till the decision on his representation is made and communicated to the applicant, the applicant may not be forced to report to his parent cadre of Ahmedabad Commissionerate.

5. The present OA is disposed of without any order as to costs.

6. Let a copy of this order be given DASTI to the applicant.


(R.K. UPADHYAYA)
ADMINISTRATIVE MEMBER

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