

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
Original Application No. 040/00072/2021
Date of Decision: 01.03.2021

THE HON'BLE MRS. MANJULA DAS, JUDICIAL MEMBER
THE HON'BLE MR. N. NEHSIAL, ADMINISTRATIVE MEMBER

Shri Kangjam Homen Singh
Son of Kangjam Shanti Singh
Inspector, Office of the Assistant
Commissioner Custom Division
Guwahati, Custom House Ministry of
Finance, Department of Revenue,
Nilomani Phukan Raod, Christian Basti
Guwahati – 7810005, District–
Kamrup(Metro), Assam



....Applicant

By advocate: Sri A. Ahmed

-VERSUS-

1. The Union of India represented by the Secretary to the Government to the Government of India, Ministry of Finance, Department of Revenue, New Delhi – 110001.
2. The Chief Commissioner
Goods and Service Tax & Customs
Guwahati Zone, Ministry of Finance
Department of Revenue, GST Bhawan
5th Floor, Kedar Road, Guwahati, Pin-
781001.

.....Respondents

By Advocate: Sri V.K. Bhatra, Sr. CGSC

ORDER (ORAL)**MANJULA DAS, JUDICIAL MEMBER:**

On being mentioned by Sri A Ahmed, learned counsel for the applicant, this matter has been taken as unlisted today in presence of Sri V.K. Bhatra, Sr. CGSC, for the respondents.



2. This O.A. has been filed by the applicant under section 19 of the Administrative Tribunal Act, 1985 seeking the following reliefs:

- "8.1 To set aside and quash the impugned Establishment order No. 05/2021 dated 12.02.2021 in the case of the applicant.
- 8.2 To direct the Respondents to allow the Applicant to continue at Guwahati as he has not completed his normal tenure at Guwahati as per transfer Guidelines.
- 8.3 To pass any other appropriate relief(s) as may be deem fit and proper by the Hon'ble Tribunal.
- 8.4 To pay the cost of the application."

3. Sri A. Ahmed, learned counsel for the applicant submitted that applicant had joined as Inspector on 10.03.2011 in Central Excise & Service Tax Headquarter at Dibrugarh under Ministry of Finance, Department of Revenue, Government of India. Thereafter, he was transferred to different Divisions of Central Excise &



Service Tax. On consequent upon Inter Commissionerate Transfer, the applicant was transferred from Central Excise to Commissionerate of Customs (Preventative) NER Shillong vide order dated 31.01.2018. Subsequently, vide order dated 06.02.2018 he was transferred from Commissionerate of Customs (Preventative) NER Shillong to Guwahati Custom Division, Guwahati. The Chief Commissioner, Goods and Service & Customs, Guwahati Zone, Guwahati vide order dated 12.02.2021 has issued Annual General Transfer in the Grade of Inspector (Group 'B' Non-Gazetted) by which again the applicant has been transferred from Custom Guwahati Zone to CGST, Agartala. Learned counsel for the applicant claimed that as per Transfer Policy Guidelines dated 16.04.2019 who have completed 6 years and more in Guwahati ("A" Station) shall be transferred from their respective places. However, in the present case, the respondents themselves have violated their own Guideline by transferring of the applicant who is having only 3 years service at Guwahati.

4. Sri Ahmed, learned counsel, further submitted that against the impugned transfer order dated

12.02.2021 the applicant has submitted representation on 15.02.2021 before the Joint Commissioner, Office of the Chief Commissioner, Customs & CGST Zone, Guwahati through proper channel with a prayer to retain him at his present place of posting i.e. Guwhati But the said representation of the applicant has not been considered till date. Accordingly, learned counsel for the applicant prayed that pending representation of the may be disposed of and till disposal of the said representation, the applicant may not be disturbed from his present place of posting where Sri V.K. Bhatra, Sr. CGSC also has the same suggestion to dispose of the said representation dated 12.02.2021.



5. We have heard learned counsel for the parties, perused the O.A. and all the documents produced before us. Keeping in view of the pending representation, without going into the merit of the case as well as without issuing notice, we direct the appropriate authority to consider the representation dated 12.02.2021 of the applicant and dispose of it by passing a reasoned and speaking order within a reasonable period of two months from the date of

receipt copy of this order. Till such time, the applicant shall not be disturbed from his present place of posting i.e. Guwahati.

6. It is needless to mention that whatever decision to be passed by the appropriate authority, the same shall be communicated to the applicant forthwith.



7. With the above directions, O.A. stands disposed of at the admission stage. No order as to costs.

(N. NEHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)