

**Central Administrative Tribunal
Principal Bench, New Delhi**



**O.A. No.1014/2021
M.A. No. 1281/2021**

This the 14th day of July, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. K. Bishnoi, Member (A)**

Avnish Bansal, Joint Commissioner, Group 'A',
Age 38 years,
S/o Sh. R.C. Bansal
R/o 917/9, Panchkula
Working in the Office of Commissioner of GST & Central
Excise, Howrah, M.S.Building, 15/1,
Strand Road,
Kolkata – 700001

... Applicant

(By Advocate: Sh. M.K. Bhardwaj)

Versus

1. Union of India,
Through its Secretary,
Ministry of Finance,
Department of Revenue, North Block,
New Delhi
2. Central Board of Indirect Taxes and Customs
Through its Chairman,
North Block
New Delhi

...Respondents

(By Advocate: Mrs. Anupama Bansal)

: O R D E R (ORAL) :**Justice L. Narasimha Reddy:**

This is the 2nd round of litigation by the applicant seeking his transfer from Kolkata to his native place, Panchkula. The applicant is an officer of Central Excise and Customs Department. On being promoted to the post of Joint Commissioner, he was posted to an office at Kolkata. The applicant went on making representations to transfer him to his native place Panchkula. According to him, he is a physically handicapped person and his parents who are senior citizens need to be attended.

2. Earlier, he filed OA No.1802/2020 in this behalf. It was disposed of on 17.11.2020, with a direction to the respondents to consider his representation dated 18.07.2019 within two months. In compliance with the same, the respondents passed a detailed order dated 13.01.2021 indicating the reasons as to why his request cannot be acceded to. Extensive reference was made to the judgments rendered by the Hon'ble High Court and Hon'ble Supreme Court in this behalf. This OA is filed challenging the said order.

3. The applicant contends that being a physically handicapped person, he deserves to be transferred to his native place. It is also pleaded that many candidates are continuing in the same place for the past several years.



4. Today, we heard Mr. M. K. Bhardwaj, learned counsel for the applicant and Mrs. Anupama Bansal, learned counsel for the respondents at the stage of admission.

5. The effort of the applicant is to get posted at Panchkula, his native place. It is not as if he was not posted at that place earlier. His service particulars disclose that he was posted in Panchkula and Delhi and he worked there for quite some time. Being a senior officer in the department, he is required to work at the places to which he is posted. The mere fact that he has got some hearing impediment does not confer upon him any special benefits. He has to take his turn as and when the transfers are made in accordance with the stipulated policy.

6. We do not find any merit in the OA. It is accordingly dismissed. It is, however, directed that the case of the applicant for transfer to a suitable place shall be considered as and when his turn comes under the transfer policy and the applicable rules.

There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/lg/pj/ns