

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH
~~XXXXXX~~O.A. No. 82
~~Exhibit~~

1981

DATE OF DECISION 8.3.1991Mr.P.D.Mehta

Petitioner

Mr.D.M.Thakkar

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Mr.P.M.Raval

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M.Singh

: Administrative Member

The Hon'ble Mr. R.C.Bhatt

: Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

Shri P.D.Mehta,
72, Raghukul Society,
Nr.Shahibag Railway,
Crossing, Ahmedabad.

: Applicant

Versus

1. Union of India
Through:
The Collector,
Central Excise & Customs,
Nr. Income Tax,
Circle, Ahmedabad.
2. The Collector,
Central Excise &
Customs, Baroda.

: Respondents

O R A L O R D E R

O.A./82/1991

Date: 8.3.1991

Per: Hon'ble Mr. M.M.Singh

: Administrative Member

1. Heard Mr.D.M.Thakkar and Mr.P.M.Raval, learned counsel for the applicant and the respondents on admission and on interim relief.
2. This application under Section 19 of the Administrative Tribunals Act, 1985 has been filed by the applicant who is at present working in the post of Superintendent of Customs and Central Excise at Ahmedabad. He joined the service as Lower Division Clerk on 16.5.1955 and was promoted as UDC in the year 1966 and now is in the present rank. Mr.Thakkar has informed us that the applicant has spent his total period of service in Ahmedabad only.
3. The impugned order of transfer at Annexure A-I, dated 24.9.1990 transfers the applicant Mr.P.D.Mehta from Ahmedabad Collectorate to Rajkot Collectorate. By the same order eight other Superintendents are also transferred from Ahmedabad Collectorate to Rajkot Collectorate. The applicant's contention is that there are three different Collectirates in the State of Gujarat with their separate cadre of employees and that these employees are not liable to be transferred from one Collectorate to another

Collectorate. In support of this averment no evidence has been produced. On the contrary, by the applicant's papers at Annexre A/1 page 15 dated May, 1989, which contains orders of promotion of inspectors of Customs and Central Excise of combined cadre of Vadodara Ahmedabad and Rajkot to various places in Gujarat State has been annexed. The title of this order itself shows that there is a combined cadre of the Inspectors of three Collectorates and no separate cadre of Inspectors each Collectorate as averred by the applicant. In this order at page 15, several Inspectors on their promotion have been transferred from one Collectorate to another Collectorate even as there are instances of posting of Inspectors on promotion in the Collectorate in which they happened to be posted as Inspectors. Thus, the applicant's averment that there are separate cadres is not supported by the record produced by the applicant himself. The applicant had given an application dated 8.10.1990 addressed to the Collector, Central Excise and Customs, vadodara through proper channel requesting that he may not be transferred and one of the ground advanced is that he has to serve in the department for about two years only upto March, 1983 when he is to retire. His date of birth has not been disclosed in the Original Application or in this representation. We notice that in this representation no dispute about the competence of the Collector, Vadodra to transfer the applicant has been raised. in We also notice that para 4 of the order of transfer dated 5th May, 1989 referred to above has been stated that the officers at Sr.Nos. 42, 43, 51, 53, 55 to 84 and several others are posted to their parent Collectorate with a warning that as soon as officers of Vadodara/Ahmedabad Collectorates working in Rajkot Collectorate complete one year, they will be transferred to Rajkot Collectorate. This specific instruction in the order completely negate the contention of the applicant that the cadre of Superintendents is Collectoratewise

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and that the Collector, Vadodara is not competent to transfer the applicant. The application, is, therefore, liable to be rejected. We hereby do the same. However, the respondents may take into due consideration the applicant's difficulties mentioned in his application dated 8.10.1990.

R.C.Bhatt
(R.C.Bhatt)
Judicial Member

M.M.Singh
(M.M.Singh)
Administrative Member

a.a.b.