

Transfer

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 249 OF 1992.

~~EX-NO.~~

DATE OF DECISION 12.8.1992.

Dineshchandra Mohanbhai Parmar, Petitioner

Mr. D.G. Trivedi, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent s

Mr. Akil Kureshi, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.V.Krishnan, Vice Chairman.

The Hon'ble Mr. R.C.Bhatt, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ? ✓
2. To be referred to the Reporter or not ? ✕
3. Whether their Lordships wish to see the fair copy of the Judgement ? ✕
4. Whether it needs to be circulated to other Benches of the Tribunal ? ✕

Dineshchandra Mohanbhai Parmar,
Serving as Administrative Officer,
Central Excise and Customs
Collectorate, Ahmedabad,
(under orders of Transfer)
presently residing at Central
Govt. Quarter No. D/27,
Near St.Xavier High School,
Naranpura, Ahmedabad-13.

.... Applicant.

(Advocate:Mr.D.G.Trivedi)

Versus.

1. Union of India, (Notice to be served through Secretary to Govt. of India, Ministry of Finance, Dept. of Revenue, North Block, New Delhi).
2. Principal Collector of Central Excise and Customs, Central Excise Building, Race Course Circle, P.O.Box.No.118, Vadodara.
3. Collector of Central Excise & Customs, Central Excise Building, Post Box No. 118, Race Course Circle, Vadodara-7.
4. Additional Collector of Central Excise & Customs, (Personnel & Vigilance), Central Excise Building, Post Box No. 118, Vadodara.

.... Respondents.

(Advocate:Mr. Akil Kureshi)

ORAL ORDER

O.A.No. 249/1992

Date: 12.8.1992.

Per: Hon'ble Mr.N.V.Krishnan, Vice Chairman.

This application is filed against the rejection of the applicant's representation by the Collector, Central Excise, Baroda, -the third respondent - by the impugned letter dated 12.5.1992, Annexure A-3. The learned counsel for the applicant points out that in the earlier O.A., 130/92, the first respondent therein, namely, the Principal Collector of Central Excise & Customs, Baroda was directed (Vide Ann.A-4) to dispose


of the representation dated 19th February, 1992 of the applicant against the order of transfer (now impugned as Annexure A-1) from Ahmedabad to Rajkot. The learned counsel for the applicant submits that his representation has now been dismissed by the third respondent, the Collector, Central Excise & Customs, Baroda whereas, it ought to have been considered by the second respondent herein, the Principal Collector of Central Excise & Customs. He therefore prays that the Ann.A-1 & A-3 orders be quashed.

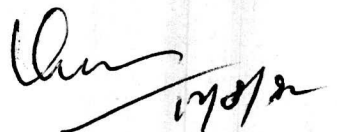
2. We have heard the learned counsel for the respondents. He had some doubt that the Collector and Principal Collector are one ^{and} ~~at~~ the same. However, this doubt is set at rest by the endorsement to the impugned transfer order Ann.A-1 which clearly indicates that the Principal Collector (Res.No.2), to whom a direction was given in the earlier Annexure A-4 order of Tribunal, is quite a different person from the Collector, Baroda, the 3rd respondent.

3. We note that it is Respondent No.2 who has approved of the transfers and it is for this reason that he was directed to dispose of the representation.

4. We are satisfied that this application can be disposed of, at the admission stage itself, with suitable directions to respondent No.2 & 3. Therefore, while disposing of this application, we direct the third respondents to place all the papers i.e. representation

of the applicant as well as the action taken by him including the Ann.A-3 order before the second respondent, who is now directed to consider the representation and pass his order separately and communicate the same to the applicant, within a period of three weeks from the date of receipt of this order. Until then, the respondent No.2 & 3 are directed to keep the status quo of the applicant as of today. The Ann.A-1 transfer order, in so far as it concerns the applicant, will abide by the final order that may be passed on the representation by the second respondent. The application is disposed of accordingly.


(R.C. Bhatt)
Member (J)


(N.V. Krishnan)
Vice Chairman

vtc.