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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 238 OF 1989.

Decided on 21st July, 1989.

1. B. Barik, son of Ghanashyam Barik,
At/P.O. Ghanapana, District-Puri.
2. M. M. Patra, son of Kunjabehari Patra,
At/P.O. Sailo Barbil, Dist-Cuttack.
3. P. K. Panda, son of J. B. Panda,
At/P.O. B. Baragaon, Dist-Ganjam

All are working as Sepoys in the
office of the Collector, Central Excise &
Customs, At/P.O. Bhubaneswar, Dist-Puri.

... Applicants

Versus

1. Union of India, represented by its
Secretary, Ministry of Finance,
Department of Revenue, Central Board of
Excise and Customs, New Delhi.
2. Collector, Central Excise and Customs,
At/P.O. Bhubaneswar, District-Puri.
3. Deputy Collector (P. & E.)
Central Excise and Customs,
At/P.O. Bhubaneswar, Dist-Puri.

.... Respondents

For Applicants - M/s. Deepak Mishra, R.N. Naik,
Anil Deo and B.S. Tripathy.

For Respondents - Mr. A.B. Mishra, Senior
Standing Counsel (Central)

C O R A M :

HONOURABLE MR. B.R. PATEL
VICE - CHAIRMAN.

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. Whether the judgment is to be referred to the ~~No~~ Reporters or not ?
3. Whether His Lordship wishes to see the fair copy of the judgment ? Yes.

JUDGMENT.

B.R. PATEL, VICE-CHAIRMAN. The applicants, three in number, are all Sepoys working under the Collector, Central Excise and Customs, Bhubaneswar. By order dated 20th April, 1989 they have been transferred to Rourkela from Bhubaneswar. Their grievance is that being low paid employees it would be great hardship for them if they are posted to Rourkela, a place far away from their home towns and as such they have prayed for quashing of the order No. 54/Estt./1989 dated 20th April, 1989 (Annexure-3).

2. The respondents have opposed ~~to~~ the petition on the ground that the transfer is an ^{invidious} ~~exigency~~ of service and it is done on exigencies of administration and as such the order dated 20th April, 1989 should not be interfered with.

3. I have heard Mr. R.N.Naik, learned counsel for the applicants and Mr. A.B.Mishra, learned Senior

[Signature]

Standing Counsel for the Central Government and perused the relevant papers on record. Mr. Naik has drawn my attention to the letter No. F. No. A-22016/60/78-Ad. III. B. dated 12th October, 1978 of the Central Board of Excise and Customs, New Delhi, a copy of which is at Annexure-1 and the letter No. F. No. A. 22015/205/78. Ad. III-B, dated 1st November, 1978 issued by the Ministry of Finance, Department of Revenue, Government of India. In the letter dated 12th October, 1978, the Central Board of Excise and Customs directed that Sepoys should be posted as far as possible either in their Home districts or nearby places only except on administrative grounds or at their own request on compassionate grounds. In the letter dated 1st November, 1978 (Annexure-2) consolidated instructions have been issued for regulating the transfers of Group 'D', and Group 'C' and Group 'B' officers within the Collectorates of Central Excise and Customs. According to these instructions, frequent or routine transfers of Group 'D' officers should be avoided. It has further been laid down that while ordering the transfers of such officers, the distance from the place of their permanent residence should also be given due consideration and generally their posting should be

h.m.

at places

at places reasonably close to their hometown/districts .

Mr. A.B.Mishra, however, contended that these instructions are subject to exigencies of administration which fact is acknowledged in these instructions. I agree with done Mr. A.B.Mishra that all transfers are on the basis of administrative needs i.e. the general conditions, but as the Government have ordered in these two letters quoted above, as far as possible, the low paid Government employees belonging to Group 'D' should not be transferred to places far away from their home towns or home districts.

As has been mentioned above, these three applicants belonging to the places near about Bhubaneswar, and it would be appropriate if the competent authority would have a fresh look into this matter and consider the case in the light of instructions issued by the competent authorities under Annexures-1 and 2. Mr. Naik submitted that the applicants have since filed representations on 24th April, 1989 which are yet to receive the attention of the Departmental authorities. The Departmental authorities will consider their representations within six weeks from the date of receipt of a copy of this judgment and pass appropriate orders in the light of instructions issued by the Central Board of Excise and Customs and the Ministry of Finance, Government of India. They

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will be governed by the decision taken by the competent authorities on their representations.

4. The application is accordingly disposed of, leaving the parties to bear their own costs.



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VICE-CHAIRMAN.

Central Administrative Tribunal,
Cuttack Bench, Cuttack,

The 21st July, 1989/Jena/SPA.