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O.A.No. 810 OF 2005.

Order dated 31-07-2006.

Applicant, an Inspector of Central Excise and Customs, being aggrieved by the order under Annexure-5 dated 09-09-2005 shifting his place of posting from Preventive & Statistics Unit to RSP-I Range, of the same Commissionerate has moved this Tribunal in the present Original Application filed under section 19 of the Administrative Tribunals Act, 1985 praying the following relief(s):-

“(i) to allow the application in quashing the order dated 09-09-2005 under Annexure-5 passed by the Respondent No.2 in respect of applicant's post in concerned;

(ii) necessary order be passed directing Respondent No.2 to reinstate the Applicant in the Preventive Statistics post under the Rourkela-I Division Office, Rourkela”.

Respondents have filed their counter opposing the prayers of the Applicant to which the Applicant has also filed rejoinder.

Having heard Mr. D. Deo, Learned Counsel appearing for the Applicant and Mr. D.K. Behera,

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learned Additional Standing Counsel appearing for the Respondents, went through the materials placed on record.

It has been contended by the learned counsel appearing for the Applicant that the impugned order under Annexure-5 being passed by incompetent authority, the order is liable to be set aside. On the other hand, learned Additional Standing Counsel for the Respondents has contended that the order which is under challenge being not an order of transfer and merely distribution of work within the same commissionerate, needs no interference by this Tribunal. Except this, no other convincing reason has been adduced by the learned counsel appearing for the Applicant arresting the attention of the Tribunal to interfere in the order under Annexure-5. Learned counsel appearing for the Applicant in course of his submission has prayed for remitting the matter back to the appropriate authority for reconsideration of the order under Annexure-5. On perusal of the order, I find that neither the order under Annexure-5 can be said to be an order of transfer; nor there is any infirmity in the same warranting interference of this Tribunal.

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In view of the above, I find no reason to interfere in the order under Annexure-5 nor to remit the matter back for re-consideration. However, it is open to the Department to consider the representation of the Applicant.

In the result, this OA stands dismissed. There shall be no order as to costs.

B. B. Singh
MEMBER (ADMN.)

On 21.02.06

Copies of final
order prepared
for counsel
for both sides.

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