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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 260/00422 of 2016
Cuttack the 27th day of June, 2016

CORAM
HON'BLE MR. R.C. MISRA, MEMBER (A)

Arun Prasad Baral, aged about 53 years, S/o. Suresh Chandra Baral, At present working as Superintendent, Central Excise, Customs and Service Tax, Cuttack, Sector-VI, C.D.A., At/P.O/Town./Dist.-Cuttack.

...Applicant

(Advocate: M/s. M.K. Mohanty, M.R. Pradhan, S.C. Panda, T. Pradhan)

VERSUS

Union of India Represented through

1. The Secretary, Ministry of Finance, North Block, New Delhi.
2. The Chief Commissioner, Central Excise, Customs and Service Tax, Bhubaneswar Zone, C.R. Building, Rajaswa Vihar, At/P.O.-Bhubaneswar, Dist.-Khurda.
3. The Asst. Commissioner (CCO), Central Excise, Customs and Service Tax, Bhubaneswar Zone, C.R. Building, Rajaswa Vihar, At/P.O.-Bhubaneswar, Dist.-Khurda.
4. The Asst. Commissioner (CCO), Central Excise, Customs and Service Tax, Cuttack (C.E.) Division, Cuttack.

... Respondents

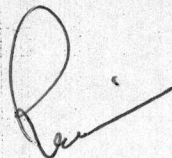
(Advocate: Mr. S. Behera)

ORDER(Oral)

R.C. MISRA, MEMBER (A)

Heard Mr.M.K.Mohanty, learned counsel for the applicant and Mr.S.Behera, learned SCGPC on the question of admission and perused the records.

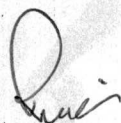
2. Applicant is presently working as Superintendent, Central Excise, Customs & Service Tax, Cuttack. Being aggrieved by the orders dated



17.5.2016 transferring him from Cuttack to Rourkela RSP Range, he has approached this Tribunal in the instant O.A.

3. It is the case of the applicant that after the orders of transfer dated 17.5.2016 was issued, he submitted a representation dated 18.5.2016 to the Chief Commissioner, Central Excise & Customs & Service Tax, Bhubaneswar (res.no.2) which was forwarded by the Assistant Commissioner, Central Excise & Customs, Cuttack Division to the former with a strong recommendation for cancellation of the order of transfer. Thereafter, the respondent-authorities issued an order dated 22.6.2016 by cancelling and modifying transfer orders already issued in respect of some other officers whereas applicant's grievance was not considered. In the said modified order dated 22.6.2016, it was indicated that with the issuance of this order, all the representations regarding transfers and postings stand disposed of.

4. Learned counsel submitted that present transfer is in violation of the guidelines, since applicant just on completion of one year's of his posting at Cuttack has been subjected to further transfer, whereas normally, the Group-B officers should be allowed to complete a tenure of 4 to 6 years or at least two years of stay in a particular station. The second point urged is that applicant's wife is working under the State Government at a place called Olaven in Rajkanika Block and according to transfer guidelines, if the wife is working either in the Central or State Government, the employee should also be given a posting which would be convenient for the family. Based on these two grounds, applicant had made his representation which were not at all considered.




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5. On the other hand, Mr.S.Behera submitted that he would like to obtain instruction as to what really happened to the representation of the applicant and the present status thereof.

6. I have considered the rival submissions. The materials available on record ~~record~~ clearly reveal that vide order dated 22.6.2016 all the representations with regard to transfers and postings have been disposed of. Therefore, it goes without saying that applicant's representation have been disposed of in the same line without however not being specifically considered.

7. Transfer, no doubt, is an incident of Government service. However, the authorities should also make transfers as per the guidelines laid down by the Department unless there are some administrative exigencies which require such transfer. As mentioned above, since applicant's representation dated 18.5.2016 has not been considered by the Chief Commissioner, Central Excise, Customs & Service Tax, Bhubaneswar (res.no.2) in its proper perspective, without going into the merit of the matter, I would direct respondent no.2 to consider and dispose of the same in the light of extant rules and instructions and communicate his decision to the applicant through a reasoned and speaking order within a period of three weeks from the date of receipt of this order. However, it is directed that until the decision as aforesaid is communicated, status quo as on date in respect of the applicant shall be maintained.

8. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.



9. On the prayer made by learned counsel appearing, copy of this order along with paper book be sent to res.no.2 by Speed Post at the cost of the applicant for which Mr.M.K.Mohanty undertakes to file the postal requisites by 28.06.2016.

10. Free copy of this order be made over to learned counsel for both the sides.


(R.C.MISRA)
MEMBER(A)