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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No.260/00745 of 2014
Cuttack, this the 24th day of October, 2014

A.P. Baral Applicant

-Versus-

Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not? No
2. Whether it be referred to PB for circulation? No


(R.C. MISRA)
ADMN. MEMBER

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 260/00745 of 2014

Cuttack the 24th day of October, 2014

CORAM

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

Arun Prasad Baral,
aged about 51 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)

VERSUS

Union of India Represented through

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

... Respondents

(Advocate: Mr. P.R.J. Dash)



ORDER(Oral)

R.C. MISRA, MEMBER (A)

Heard Shri M.K. Mohanty, learned counsel appearing for the applicant and Shri P.R.J. Dash, learned ACGSC appearing for the Respondents and perused the records.

2. Grievance of the applicant is that by order of the Joint Commissioner (P & V), Central Excise, Customs and Service Tax, Bhubaneswar-1 dated 30.09.2014 he was promoted to officiate in the grade of Superintendent (Group-B Gazetted), Central Excise, Customs & Service Tax on regular basis being posted to Bhubaneswar-1, the headquarters of which is at Cuttack and accordingly, he gave his joining report to the Deputy Commissioner, Central Excise, Customs and Service Tax, Cuttack on 30.09.2014. Shortly thereafter, Respondent No.3 issued another order dated 15.10.2014. (Annexure-A-3) posting the applicant on promotion to Angul Division in the same capacity of Superintendent.

3. It is the case of the applicant that he had given an option on 07.10.2014 to the Commissioner, Central Excise, Customs and Service Tax, Bhubaneswar-1 that he would like to be posted at Cuttack or Customs Office located in Cuttack or nearby as because his wife is a State Govt. employee working in a College in Kendrapara District and his children are studying at Cuttack and in spite of this, he has been transferred to Angul. Being aggrieved by the order of transfer, he has approached the Tribunal to quash order of transfer at Annexure-A/3.

4. On being asked whether the applicant had made a representation ventilating his grievance before the concerned authorities the learned counsel submitted that the applicant had met the Chief Commissioner, Central Excise, Customs and Service Tax, Bhubaneswar on 16.10.2014, but, his prayer was not acceded to. However, no representation has been filed by the applicant.



5. Shri P.R.J. Dash, learned ACGSC for the Respondents has no specific instructions about this case.


6. On perusal of record, I find that the applicant was posted at Cuttack as Superintendent on 30.09.2014 on officiating promotion and after a fort-night, i.e., on 15.10.2014, he has been transferred to Angul on promotion. Prima facie, the promotion has been made very quickly after his posting at Cuttack inspite of his option for his posting at Cuttack, without however mentioning the administrative requirements of such transfer. Learned counsel for the applicant has brought to my notice that even though the applicant has been relieved, no substitute has been posted in his place and some person has been kept in additional charge.

7. Section 20 of the A.T. Act, 1985 specifies that before approaching the Tribunal, the person aggrieved has to in the first instance, exhaust the remedial measure available at the Department level. In the present case, the applicant has not made any representation to the authorities specifically agitating his grievance. Therefore, he is permitted to make a detailed representation mentioning all his difficulties to Respondent No.2 i.e., Chief Commissioner, Central Excise, Customs and Service Tax, Bhubaneswar within a period of one week and on receipt of such representation Respondent No.2 is directed to dispose of the same within a period of 15 days from the date of receipt of representation and pass a reasoned and speaking order thereon. While disposing of the matter Respondent No.2 shall take into consideration the points^e raised by the applicant in his representation and the fact^e about^e that what is the administrative requirement to transfer the applicant within a short span of time. Till the representation is disposed of, the present status^{quo} in respect of the applicant shall be maintained.

Baral

8. With this observation and direction this O.A. stands disposed of at the stage of admission itself. No costs.

9. As agreed to by Ld. Counsel appearing for both the sides, copy of this order along with copy of this O.A. be sent to Respondent No.2 at the cost of the applicant for compliance for which Shri M.K. Mohanty, learned counsel appearing for the applicant, undertakes to deposit the postal requites by 27.10.2014. Free copy of the order be made over to Ld. Counsel appearing for both the sides.


(R.C. MISRA)
MEMBER (A)

K.B.