

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. No.5 of 2007

Tuesday, this the 23rd day of January, 2007

CORAM :

**HON'BLE DR.K.B.S.RAJAN, JUDICIAL MEMBER
HON'BLE MR.N.RAMAKRISHNAN, ADMINISTRATIVE MEMBER**

**K.B .Mohandas
Superintendent of Central Excise,
Office of the Commissioner of Central Excise & Customs
Central Revenue Building, IS Press Road,
Cochin. : Applicant**

(By Advocate Mr. CSG Nair)

Versus

- 1. The Commissioner of Central Excise & Customs
Central Revenue Building,
IS Press Road, Cochin**
- 2. The Chief Commissioner of Central Excise
Central Revenue Building,
IS Press Road, Cochin**
- 3. The Commissioner of Central Excise & Customs
Central Excise Bhavan,
Press Club Road, Trivandrum - 1**
- 4. Union of India represented by Secretary,
Department . of Revenue
Ministry of Finance
North Block, New Delhi - 110001 : Respondents**

(By Advocate Mrs. K.Girija, ACGSC)


The application having been heard on 23.01.2007, the Tribunal on the same day delivered the following :

ORDER

HON'BLE DR.K.B.S.RAJAN, JUDICIAL MEMBER

Heard the counsel for the parties. The Counsel
statement vide Para 6 reads as under :-

" When the matter came up for consideration
before this Hon'ble Tribunal on 16.1.2007, this
Hon'ble Tribunal had required me to ascertain

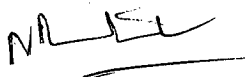


whether vacancies are available at Ernakulam. In pursuance to the same, I have been instructed by the 1st respondent that vacancies are available at Ernakulam. With regard to the Hon'ble Tribunal's query whether the applicant can be accommodated at Cochin itself till the end of the academic year, it is respectfully submitted that a decision of the same has to be taken considering various aspects. Moreover the Officer who was holding the office of the Chief Commissioner of Central Excise and Customs, Cochin has been relieved on 15.1.2007 and it is the Chief Commissioner and Central Excise, Bangalore who is in charge. Since modified orders on Annexure A-4 has been passed by the delegated authority on behalf of the 4th respondent, who is a superior authority the 1st respondent herein cannot review the same on his own discretion. At the best, it can only be submitted that if this Hon'ble Court is pleased to so direct, any representation of the applicant to this limited extent can be considered at the appropriate level."

2. In view of the fact that the applicant's children's academic session is coming to an end by April, 2007 and the applicant is the last person to be relieved by order dated 22.12.2006, interest of justice demands that the transfer of the applicant be postponed and the applicant shall not be relieved before 30th April, 2007. Ordered accordingly.

3. With the above direction, the Original Application is disposed of. No costs.

Dated, the 23rd January, 2007.



N.RAMAKRISHNAN
ADMINISTRATIVE MEMBER



K.B.S.RAJAN
JUDICIAL MEMBER

vs