

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. NO. 620/2010

Dated this the 15th day of July, 2010

C O R A M

HON'BLE MR.JUSTICE K. THANKAPPAN, JUDICIAL MEMBER
HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

T. Rajappan, Head Havildar
Central Excise,Customs and Service
Tax Department, Ernakulam II Division
Cochin-17
Permanent address: Kattithara House,
Ezhupunna, Eramalloor PO
Alleppey District.

Applicant

By Advocate Mr. Babu Cherukara

Vs

- 1 The Commissioner of Central Excise, Customs
and Service Tax
Central Revenue Building, IS Press Road,
Cochin-18
- 2 K.K. Mohanan, Head Havildar
Central Excise,Alappuzha-II Range officer
Alappuzha-11
- 3 Union of India represented by
the Secretary, Central Board of Excise Customs and
Service Tax, Department of Revenue
Ministry of Finance, North Block
New Delhi-110 001
- 4 Addl. Commissioner (P&V)
Central Excise,Customs and Service Tax
Central Revenue Building, IS.Press Road,
Cochin-18

Respondents.

By Advocate Mr. S. Jamal, ACGSC.

The Application having been heard on 15.7.2010 the Tribunal delivered the following:

ORDER

HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

The applicant who had entered in service of the Department on 0.12.1980, had been working as Havildar in the Alleppey II Range office of the Central Excise, Customs and Service Tax Department since 30.6.2008. He was promoted as Head Havildar only on 25.1.2010 and is to retire on superannuation on 31.7.2011. He belongs to Alleppey District, and is residing at Ezhupunna, his aged parents are residing with him.. In the annual general transfer, he opted for retention in Alleppey II Range. While so, he was transferred to Ernakulam Range office. He is challenging the transfer at the fag end of his career on the grounds that he has been transferred within the normal tenure of 4 years, it is against first two choices given by him, he was promoted as Head Havildar only on 25.1.2010, it is against Annexure A-6 minutes clause 25(xiii) which stipulates that officers due to retire within 2 years may be given their choice place of posting and he is a chronic asthma patient, the transfer orders are effected at the whims and fancies of the 1st & 4th respondent. The applicant has earlier challenged his transfer in O.A.392/2010 which was disposed of directing the respondent to consider his representation and pass appropriate orders. Pursuant to the above, the respondents passed the impugned order rejecting the representation.



2 When this Application came up for admission today, Shri S. Jamal, ACGSC took notice on behalf of the respondents and argued that the applicant's home town is at Eramalloor and that while Alappuzha is about 43 Kms from Ermalloor, Ernakulam where he is posted now is only about 23 Kms away. Therefore, the applicant is not inconvenienced in any way, due to transfer from Alappuzha to Ernakulam. Further, he argued that as per the minutes of the Joint Consultative Machinery clause No. 25(x), the applicant who has completed two years in a Range by 30.6.2010, is liable to be transferred out of the Range.

3 We have heard the parties and perused the documents. It is seen that by Annexure A-2 order 30 Havildars/Sepoys including the applicant, have been transferred in consonance with item 25(x) of the transfer policy guidelines drawn up, through a participative management meeting on 12.12.2007 under the Joint Consultative Machinery Scheme. ; Four Group-D staff represented the Group-D staff in the meeting. Clause 25(x) is extracted below:

" Officers who have completed 2 years in a seat may be rotated from Range/Preventive to Desk, Customs Work to Central Excise work and no officer should be given a continuous exposure of more than 2 years in any sensitive formation. Transfer or rotation from sensitive to sensitive formation has to be avoided.

We do not find any violation of the transfer guidelines or inconvenience caused to the applicant. On the other hand the applicant is posted to be nearer to his home place, which will be more convenient for him to look after his aged parents. A detailed speaking order has been given to the applicant at Annexure A-1 in compliance with this Tribunal's order in O.A. 392/2010

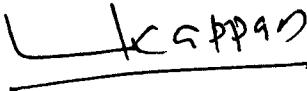
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4 In the circumstances, we record the submission of the learned counsel for the respondents and dismiss the OA at the admission stage itself without waiting for a formal reply to be filed by the respondents.

No costs.

Dated 15th July, 2010


K. NOORJEHAN
ADMINISTRATIVE MEMBER


JUSTICE K. THANKAPPAN
JUDICIAL MEMBER

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