

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 126 OF 2010

Friday, this the 16th day of September, 2011

CORAM:

**HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

1. K.V.Sreedharan
Senior Tax Assistant
Central Excise Divisional Office
Kannur
2. M.Sukumaran
Senior Tax Assistant
Central Excise Divisional Office
Trichur
3. C.S.Ajithkumar
Senior Tax Assistant
Central Excise, Ernakulam II Division
Central Excise Bhavan
Kathrikadavu, Cochin – 682 017
4. M.R.Sukumaran
Deputy Office Superintendent
Central Excise Division
Trichur
5. C.R.Vinaya
Senior Tax Assistant
Central Excise Division
Trichur
6. Laxmi Narayan Nayak
Tax Assistant
Office of the Commissioner of Central Excise & Customs
Central Revenue Buildings
IS Press Road, Cochin - 682 018 ... Applicants

(By Advocate Mr.CSG Nair)

versus

1. Union of India represented by its Secretary
Department of Revenue
North Block, New Delhi – 110 001
2. Chairman
Central Board of Excise & Customs
North Block
New Delhi - 110 001

3. Chief Commissioner of Central Excise & Customs
Central Revenue Buildings
IS Press Road, Cochin – 682 018
 4. Commissioner of Central Excise & Customs
Central Revenue Buildings
IS Press Road, Cochin – 682 018
 5. Commissioner of Central Excise & Customs
Central Revenue Buildings
Mananchira, Calicut
- ... Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

The application having been heard on 16.09.2011, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER

The challenge in this OA is against Annexure A-11 dated 27.0.2009, Annexure A-12 dated 29.07.2009 and Annexure A-13 dated 07.08.2009. They are ban orders of Inter Commissionerate transfers of Group 'B', 'C' & 'D' employees. In similar matters, where the same orders were under challenge has since been considered by a coordinate Bench of this Tribunal in OA 643/09 and connected matters and it was held that it is premature for this Tribunal to adjudicate upon the question whether the ICT on 'spouse ground' and on 'compassionate ground' is in public interest or not and allowed O.As 643/2009, 650/2009 and 835/2009 and dismissed O.A.400/2010. Consequently, the impugned orders F.No.A.22015/19/2006-Ad.III.A dated 27.03.2009, letter F.No.A.22015/11/2008-Ad.III.A dated 29.07.2009 and letter F.No.A.22015/18/2009.Ad.III.A dated 07.08.2009 to the extent that the ICTs of Group 'B', C' and 'D' officers on 'spouse ground' as well as on 'compassionate ground appointments' have been allowed without loss of seniority. However, the respondent - CBEC is at liberty to



take up the matter with the DOPT, Government of India to take appropriate decision in the matter.

2. Following the above decision and in the light of the relief moulded in Para 25 of the order in OA 643/09 and connected cases, it is declared that the impugned orders Annexure A-11, Annexure A-12 and Annexure A-13 to the extent they are quashed by this Tribunal is no longer in force i.e to the extent that ICTs of Group 'B', 'C' & 'D' officers on spouse ground as well as on compassionate ground appointments have been allowed without loss of seniority.

3. OA is **allowed** to the above extent.

Dated, the 16th September, 2011.



K GEORGE JOSEPH
ADMINISTRATIVE MEMBER



JUSTICE P.R.RAMAN
JUDICIAL MEMBER

VS