

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATED THURSDAY THE ELEVENTH DAY OF MAY
ONE THOUSAND NINE HUNDRED AND EIGHTY NINE

PRESENT

HON'BLE SHRI S. P. MUKERJI, VICE CHAIRMAN

O. A. 273/89

S. Chellappan Nair

Applicant

Vs.

1. Collector of Central Excise
Cochin,

2. Deputy Collector of Central
Excise (P&E) Cochin and

3. Union of India, represented by
its Secretary, Ministry of Finance,
New Delhi

Respondents

M/s. D. V. Radhakrishnan
K. Radhamani Amma &
Raju K. Mathew

Counsel for the
applicant

Mr. P. V. Madhavan Nambiar, SCGSC

Counsel for the
respondents

O R D E R

Shri S. P. Mukerji

1. I have heard learned counsel for both the parties.

2. In this application, the applicant has prayed that his transfer by the impugned order dated 25.4.1989 from Air Customs Pool at Trivandrum to Sultan Battery Range, Wynad, should be set aside and he should be allowed to complete the period of two years at/Airport, Trivandrum.

The learned counsel for the respondents has shown to me an application by the applicant dated 8.4.1989 addressed

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to the Collector of Central Excise in which he prayed that
in the interest of his safety of life and of his family,
he may be transferred from Trivandrum Air Customs to
Kayamkulam or Changancherry. The transfer had been prayed
for as according to him he had helped the Assistant
Collectors with some secret information to detect ten gold
biscuits being smuggled in a VCR. He felt that the
fact that he had communicated the same information to the
authorities had been leaked out and his life and the lives
of the members of his family are under threat. This
application was forwarded by the Assistant Collector to
the Collector of Central Excise & Customs and consequently
he has been transferred to Sultan Batteri during the general
transfer of the year. In view of the fact that the
applicant himself did not want to stay at/Trivandrum Air
Customs for the sake of safety and security of himself and
his family, the impugned transfer from Trivandrum cannot now
be challenged by him. In the circumstances, the
application is rejected with the observation that the
respondents may consider his transfer to either of the two
places namely Kayamkulam and Changancherry as prayed for
by him especially in view of what he has stated that he
had been instrumental in detecting smuggling of gold at
his own risk. If what he has said is right, his transfer
to one of the two stations prayed for by him appears to be

well deserved.

3. The application is dismissed with the above
observation.

4. The M.P. No. 296/89 also stands disposed of.
for interim orders

S. P. Mukerji
(S. P. Mukerji)
Vice Chairman
11.5.1989

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