

O.A.336/2007

CORAM:

K.Soman Pillai,
Superintendent of Central Excise,
Kayamkulam II Range,
KAYAMKULAM. **Applicant**

Vs.

- 1. The Commissioner of Central Excise & Customs,
Central Excise Bhavan,
Press Club Road, Trivandrum -1.**
 - 2. The Commissioner of Central Excise & Customs,
Central Revenue Buildings,
I.S. Press Road, Cochin-18.**
 - 3. The Chief Commissioner of Central Excise,
Central Revenue Buildings,
I.S. Press Road, Cochin-18.**
 - 4. Union of India, represented by
the Secretary, Department of Revenue,
Ministry of Finance, North Block,
New Delhi-110001.**
- Respondents**

The application having been heard on 4.6.2007, the Tribunal on the same day delivered the following.

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

Counsel for respondents submits that he got instructions to submit that according to the policy, rotation has to be made after two years from any sensitive post and on this ground that the applicant who in the present place of posting (which is a sensitive post) has served more than two years, had to be shifted. According to the counsel, the applicant had stood relieved of his

duties by Friday, the 1st June. This aspect (of relief) is disputed by the counsel for the applicant as per whom, according to the instructions, the applicant has not so far been relieved (till 9.a.m. Today).

2. Counsel for the respondents further submits that, though normally those who are to retire in the near future, are not being transferred, in the instant case, due to the sensitive post which the applicant was holding, the applicant could not be retained there. The other one, i.e. a post available at Kayamkulam-I Range has been occupied by another individual who has been transferred to that post only in the year 2006. (Counsel for respondent seeks three more days' time to file a written reply to the O.A. if need be).

3. Predicament of the respondents in interchanging the incumbents to the two posts so as to enable the applicant to continue at Kayamkulam is that the other individual in Kayamkulam Range I happened to be posted only recently (i.e. on 4.9.06). Taking into account the fact that the applicant is to retire very shortly and also having certain medical problems, it is felt appropriate, subject to the other incumbent at Kayamkulam Range-I accepting his posting to Kayamkulam-Range II the interchanging of the two postings may be considered. Applicant, may, in regard to the same, obtain an undertaking from the present incumbent from Kayamkulam-I Range to facilitate the respondents to consider the matter. Till then the status quo as on date will be maintained. In case the other person accepts the same, the request of the applicant be considered and the applicant be retained at Kayamkulam till the date of his retirement. In the event of an undertaking being obtained, the same shall be submitted to the Commissioner within a week. O.A. is disposed of. No costs.

Dated the 4th June, 2007.



Dr.K.B.S.RAJAN
JUDICIAL MEMBER