

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No.404 of 1996

Wednesday, this the 24th day of April, 1996

CORAM

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR P V VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. Usman Khan, S/o Sathar Khan,
Superintendent, Air Customs,
Trivandrum, Residing at Calcutta.
2. O.A. Muraleedharan, S/o K.Ayyappan,
Inspector, Air Customs, Trivandrum,
Residing at Thodupuzha.
3. K.S. Ravi, S/o K.P. Subramania Menon,
Inspector, Air Customs, Trivandrum,
Residing at Thevara.
4. Nazim Subhan, S/o Late P.A. Subhan,
Inspector, Air Customs, Trivandrum,
Residing at Palakkad.
5. P. Sivadasan Pillai, S/o N. Parameswaran Pillai,
Inspector, Air Customs, Trivandrum,
Residing at Quilon.
6. P.P. Ravindran, S/o Late K. Parameswaran Nair,
Inspector, Air Customs, Trivandrum,
Residing at Kanjiramattom.
7. John Mathew, S/o Late V.T. Mathew,
Inspector, Air Customs, Trivandrum,
Residing at Kottayam.
8. G. Sivanandan, S/o A.M. Bhaskaran,
Sepoy, Air Customs, Trivandrum,
Residing at Trivandrum.

.... Applicants

By Advocate Mrs Sumathi Dandapani.

Vs

1. The Commissioner of Customs & Central Excise,
Kochi.
2. Shri B.S.V.Murthy, Deputy Commissioner
(Personnel & Vigilance), Office of the
Commissioner of Central Excise & Customs,
Central Revenue Buildings, I.S. Press Road,
Cochin - 18.
3. Shri Mathew C. Chemmalakuzhi,
Assistant Commissioner of Central Excise,
C.M.S. College Road, Kottayam.

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4. Smt. V. Vimala Devi, Inspector of Air Customs, Trivandrum.
5. Shri P.C. Ajithkumar, Inspector of Air Customs, Trivandrum.
6. Shri Premchand Mannath, Inspector of Air Customs, Trivandrum.
7. Shri E.J. Thomas, Inspector of Air Customs, Trivandrum.
8. Shri K.P. Ravikumar, Inspector of Air Customs, Trivandrum.
9. Shri K.K. Ganapathi, Inspector of Air Customs, Trivandrum.
10. Shri P.K. Sahadevan, Inspector of Air Customs, Trivandrum.
11. Shri C. Abdul Majeed, Inspector of Air Customs, Trivandrum.
12. Shri G. Prakasan, Sepoy, Air Customs, Trivandrum.

... Respondents

By Advocate Mr S. Radhakrishnan, Addl.CGSC. for R 1-3

The application having been heard on 24th April 1996, the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

Applicants eight in number, challenge orders transferring them from Air Customs, Trivandrum to different locations. According to them the transfer is an act of victimisation.

2. Respondents submit that there were allegations of corruption against applicants, that Shri Murthy, Deputy Commissioner visited the Airport for making a first hand assessment of the situation, that he was prevented from doing this, that some of the officials accompanying him were manhandled by applicants, and that the transfer was ordered pending a proper enquiry into the allegations against applicants.

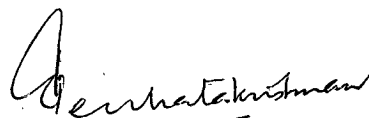
3. If the allegations against applicants are as serious as they are made out to be, we are surprised that instead of taking more drastic action, transfer was considered to be the panacea. But then, there are allegations thrown at each other by both sides. We do not propose to go into these.

4. First respondent Commissioner of Customs and Central Excise will examine the entire matter independently and untrammelled by the views of second respondent (not that we are imputing anything against second respondent) and consider whether transfers should be ordered or not. We make it clear that we have not expressed any opinion on the question of transfer. It is for first respondent to do what is right.

5. The impugned orders will be held in abeyance for two weeks from today to enable the first respondent to take a decision in the matter, in the meanwhile. Applicants may state their case in writing before first respondent within three days from today.

6. With the aforesaid directions, we dispose of the application. No costs.

Dated the 24th April, 1996.



P V VENKATAKRISHNAN
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN