

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A No. 409 / 2009

Friday, this the 26th day of June, 2009.

CORAM

HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER

HON'BLE Ms. K NOORJEHAN, ADMINISTRATIVE MEMBER

**K.Sakthidharan,
Superintendent of Central Excise,
Air Cargo Complex (UB),
Calicut Airport,
Karipur, Malapuram Dist.**Applicant

(By Advocate Mr CSG Nair)

v.

- 1. Union of India represented by its Secretary,
Department of Revenue,
North Block, New Delhi-110 001.**
- 2. The Chief Commissioner of Central Excise & Customs,
Central Revenue Buildings,
I.S.Press Road, Kochi-18.**
- 3. The Commissioner of Central Excise,
Central Revenue Buildings,
I.S.Press Road, Kochi-18.**
- 4. The Commissioner of Central Excise & Customs,
Central Revenue Buildings,
Mannchira, Kozhikode.**
- 5. The Assistant Commissioner of Customs,
Air Cargo Complex (UB),
Calicut Airport, Karipur,
Malappuram District.**Respondents

(By Advocate Mr TPM Ibrahim Khan, SCGSC)

**This application having been finally heard on 26.6.2009, the Tribunal on the
same day delivered the following:**



ORDER

HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER

The applicant's grievance is against the Annexure A-5 order transferring him on administrative ground from ACC(UB) Calicut and posting him to Central Excise Cochin Commissionerate, with immediate effect.

2. The applicant has submitted that the posting against the vacancies in Air Customs/Air Cargo Complex (UB) are generally made on the basis of willingness called for from the concerned persons. The applicant was also transferred and posted at ACC (UB), Calicut Commissionerate as a Superintendent vide the Annexure A-4 letter dated 29.1.2009 on the basis of his willingness to be posted there. According to him, his transfer made vide Annexure A-5 order was without even allowing him to complete the minimum period of six months. He submitted that even though it was stated in the said order that his transfer was on administrative ground, no such ground was existing and there was also no occasion for him to be even admonished for any lapse on his part during the last 4 months of ACC Unit.
3. When the case came up for admission on 19.6.2006, learned counsel for respondents, on instructions from the department, submitted that the applicant was transferred on the basis of certain complaints received against him. However, on a *prima facie* view of the matter, this Tribunal directed the respondents to keep the Annexure A-5 order in abeyance till a reply is filed by the respondents.
4. In the reply filed by the respondents, it has been stated that the 4th respondent received a complaint from one T.V.Rajagopalan, a senior citizen that



the applicant has allegedly misbehaved with him and his companion. A copy of the complaint dated 19.12.2009 is at Annexure R-1. It was stated in the said complaint that he was an NRI returning home and he was accompanied by Ms Jyothi of the Airport Authority of India whose help he sought during her lunch recess. However, the applicant behaved rudely with her and directed her to clear out the hall even after she explained her errand. The complainant is, therefore, suggested that it would be helpful if officials like the applicant are deputed to areas where their responsibilities can be discharged with minimum interaction with the public. After preliminary enquiry, the respondents came to understand that the applicant had humiliated the passenger and Ms Jyothi by behaving very rudely. It was also reported that when the applicant was asked about it, he himself has admitted that he had asked the passenger and Ms Jyothi to go out for the reason that he did not like them talking in the hall.

5. We have heard Shri CSG Nair, counsel for respondents and Shri TPM Ibrahim Khan, SCGSC for respondents. The officers and staff of a department are of different temperament. However, it is expected that every public official should behave in the most cordial and helpful manner with the public. If the administrative authorities are of the opinion that a particular official is not temperamentally inclined to deal with the public with patience, there is nothing wrong in transferring him and posting to a place where his dealing with the public is minimum. Transfer and posting of employees is the prerogative of the competent authority of the department concerned and the Courts and Tribunals shall not generally interfere in such transfers unless they are made for malafide reasons and against rules/guidelines. The applicant himself has no case that he has been transferred for any malafide reasons. More over transfer is not a punishment.



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6. We therefore, do not find any merit in this O.A and it is dismissed accordingly. The interim order passed on 19.6.2009 to keep the impugned order A-5 is hereby vacated. There shall be no order as to costs.



K NOORJEHAN
ADMINISTRATIVE MEMBER



GEORGE PARACKEN
JUDICIAL MEMBER

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