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CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH.

O.A.No.231 of 1992

All India Narcotics Sub-Inspectors Association,
Lucknow & 22 othersApplicants.

Versus

Union of India & anotherRespondents.

Hon'ble Mr.Justice U.C.Srivastava, V.C.

Hon'ble Mr.A.B.Gorthi,A.M.

(By Hon'ble Mr.Justice U.C.Srivastava,
v.G.)

23 applicants joining some Association in the name of All India Narcotics Sub-Inspectors Lucknow have filed this application against the transfer order transferring 23 Sub-Inspectors out of 68 Sub-Inspectors in U.P.Unit to Rajasthan and M.P.Unit, dated 15.8.92. There is no denial of the fact that the services of the Sub-Inspectors belonging to the Narcotics Department is transferable. But challenge to the transfer order which is not a transfer of a particular individual but rather is a mass-transfer and cannot be said to be transferred of a particular individual as a result of pick and choose policy, has been made on the ground that the decision was taken on 6.6.75 by the Central Board of Excise and Customs and the instant transfer order is against that decision. There may have been some decision in 1975 but it is not known what happened thereafter because of such police decisions which are only directive and are not mandatory. It has also been decided that 'as far as possible, Inter Unit transfers of Class III Executive Officers should not be made except on the following grounds:

- i) On Administrative grounds,
- ii) Due to non-availability of

vacancies in promotions grade, and
iii) For giving training in different spheres
of activity viz. Preventive, Cultivation,
Factory or Head Quarters.

In cases of interunit transfer of
Officers made due to non-availability of vacancies,
Officers should be made to bring them back to their
parent unit at the earliest opportunity."

2. The applicants' grievance is that
they had earlier moved their demand before the
Central Board of Excise and Customs in the following
terms:

i) 70% of the vacancies of Inspector
should be reserved for Sub-Inspectors, 15% for
Upper Division Clerks and 15% for direct recruits."

3. The Department, instead of doing justice,
felt annoyed, that is why this representation has
been made. The transfer orders are passed in
exigency of service. Obviously, the transfer
order of the applicants is on administrative ground.
It is always open for the competent authority to
pass the transfer order on administrative ground.
As such we do not find any ground to interfere
in the transfer order. However, it will be open
for the individuals to point out ^{any} particular
difficulty in the transfer and the department may
consider their pleas in case they are genuine
and pressing. With these observations, the
applications is accordingly disposed of without
any order as to costs.

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MEMBER (A)

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VICE CHAIRMAN.

DATED: May 25, 1992

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