

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

O.A.No.833/2001

Dated this Wednesday the 13th Day of March, 2002.

Hon'ble Shri Justice Birendra Dikshit, Vice Chairman  
Hon'ble Smt. Shanta Shastray, Member (A).

Jagdish N. Khisti,  
Asstt. Director of Communication,  
Office of Commissioner of Customs,  
Sasoon Road, Pune-1.  
(residing at 88, Yamuna Nagar,  
Sector 21, Nigadi, Pune-44).

... Applicant.

( By Advocate Shri S.P. Saxena )

Versus

1. The Union of India, through  
the Secretary,  
Ministry of Finance,  
Department of Revenue,  
North Block, New Delhi - 110 011.
2. The Chairman,  
Central Board of Excise and Customs,  
New Delhi - 110 011.
3. The Commissioner of Customs, Pune  
ICE House, 41 A Sasoon Road,  
Pune - 411 001.

... Respondents.

( By Advocate Shri V.D. Vadhavkar  
holding the brief of Shri M.I. Sethna)

ORDER (Oral)  
{ Per : Smt. Shanta Shastray, Member (A) }

The applicant has been transferred from Pune to  
Ratnagiri vide office order dated 5.10.2001. Applicant  
is aggrieved that he is left with only a few months to

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superannuate and it is difficult for him to go on transfer at this stage. The applicant is to superannuate at the end of June, 2002.

2. Learned counsel for the applicant has pleaded that the transfer would cause him lot of hardship in regard to settlement of his pension retiral benefits etc. and therefore he may be retained at Pune itself.

3. The respondents in the written reply have pointed out that the post which the applicant is holding has itself been shifted to Ratnagiri and therefore the applicant has to go alongwith the post to Ratnagiri.

4. The learned counsel for the applicant contends that the decision was taken to shift the post to Ratnagiri way back in December, 2000 but it was not given effect to by the respondents till October, 2001, the respondents could accommodate the applicant for a few more months by retaining the post at Pune till the applicant superannuates.

5. The applicant further requests that he may be allowed to give a detailed representation to the respondents for reconsidering his case in the light of the reply now given by the respondents.

6. This is a matter of transfer. Normally the Courts/Tribunal are not to entertain the transfermatters unless they are malafide or against the statutory rules. In the present case it is only that the post which the applicant is holding has been transferred to Ratnagiri. there is no malafide involved.

7. It is purely an administrative transfer. The applicant has quoted the guidelines regarding transfer. It is true that the guidelines prescribe that normally when a person is left with only one or two years of service before superannuation he is required to be posted in his home town or not to be disturbed, but that is in normal circumstances. Here is a case of shifting of the post itself. We are not persuaded to interfere in this. Therefore, we are unable to consider the relief sought by the applicant. Accordingly the interim stay granted is vacated. It will however be open to the applicant to give a representation to the respondents and it is for the respondents to consider the same. O.A. is dismissed with no order as to costs.

8. A copy of this order may be supplied to the parties within 24 hours.

Shanta

(Smt. Shanta Shastry)  
Member (A)

B. Dikshit

(Birendra Dikshit)  
Vice Chairman.

H.

Off 13/3/02  
Order/Judgement despatched  
to Appellant/Respondent(s)  
on 26/3/02

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