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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.657 of 1996

DATE OF ORDER: 7.6.96

BETWEEN:

1. V.RAGHU RAM
2. B.PAVA KUMAR REDDY
3. B.VENKATA SAI

.. Applicants

and

1. The Chief Commissioner,
Customs and Central Excise,
Hyderabad Zone, Basheerbagh,
Hyderabad,
2. The commissioner-I,
Customs & Central Excise,
Basheerbagh,
Hyderabad.

.. Respondents

COUNSEL FOR THE APPLICANT: SHRI P.NAVEEN RAO

COUNSEL FOR THE RESPONDENTS: SHRI V.VINOD KUMAR, ADDL.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMINISTRATIVE)

JUDGEMENT

Heard Shri P.Naveen Rao, learned counsel for the applicants and Shri V.Vinod Kumar, learned Addl. standing counsel for the respondents.

2. All the 3 applicants in this OA while working as Inspectors in the Department of Central Excise & Customs, Visakhapatnam Commissionerate were ordered to be transferred by the Establishment order (NGO) No.42/96, dated 25.4.96 (Annexure A-1) to Hyderabad Commissionerate



in the places as indicated in that order. However, some of the Inspectors who were transferred from Hyderabad protested against those transfers. In view of the protest, transfer orders issued as per the Establishment Order quoted above was stayed as per Order C. No.II/3/37/96-Estt.2, dated 17.5.96 (Annexure A-II). However, it was further stated that those transfers were made with retrospective effect from 25.4.96 by Office Order (NGO) No.46/96 dated 20.5.96 (Annexure A-III). In the meantime, it is stated that the applicants herein were relieved from their earlier post at Visakhapatnam Commissionerate. The applicant No.1 was relieved on 21.5.96 whereas the applicants 2 and 3 were relieved on 17.5.96. It is further stated that the Commissionerate have not received the stay order by then. As the applicants were relieved, they reported at Hyderabad ie., at their new place of posting. But it is alleged that they were not taken to duty and no order has been issued for taking them to duty in the new place of posting. The applicants 1 and 2 have filed representation to the Assistant Commissioner (Estt.), Central Excise by their representations dated 25.4.96 (Annexure A-VII) and 31.5.96 (Annexure A-VIII) respectively for taking them to duty at Hyderabad and also for payent of salary and allowances. They also represented that their transfer to Hyderabad is on compassionate grounds and as they have also shifted their family to Hyderabad and could not back to Visakhapatnam Commissionerate, it will cause immense hardship to them if they are transferred back to Visakhapatnam Commissionerate. But those representations

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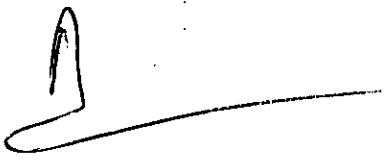
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been relieved and reported also earlier than 17.5.96 and hence that order was passed by the Tribunal in that connection but in the present case, the applicants were relieved only on 17/21.5.96 and hence they are not entitled to get similar order in this case.

6. As the representation in this connection is pending with the Commissionerate after the issue of the orders dated 17.5.96 and 20.5.96, there could have been *further* developments in that connection and I feel that it is a fit case to remit it back to R-1 to dispose of the representations at Annexures VII and VII in accordance with law taking into the developments that had taken place subsequently and also taking note of the judgment given by this Tribunal in OA 621/96 and other OAs. It is stated that the 3rd applicant also had put in his representation on 3.6.1996 but it is not enclosed as Annexure to this OA. Hence this representation should also be considered as indicated above.


7. In the result, the following direction is given:-

R-1 should dispose of the representation of the applicants 1 and 2 at Annexure A-VII and A-VIII as also the representation of the 3rd applicant dt.3.6.96 stated to be submitted, in accordance with rules taking into account the development that has taken place in these transfer cases after the issue of the ~~said~~ order dated 17.5.96 and also taking due note of the judgment given by this Tribunal in O.A.No.621/96 and other OAs and take a final decision



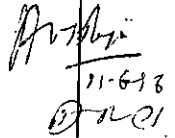
within a fortnight from the date of receipt of a copy of this order. The intervening period when the applicants were relieved and to be reposted on the basis of the decision to be taken by R-1 in pursuance of the above direction, will be decided by the competent authority in accordance with rules.

8. The OA is ordered accordingly at the admission stage itself. No costs.


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: 7th June, 1996
Open court dictation.

vsn


11-6-96
D. R. C.

Copy to:-

1. The Chief Commissioner, Customs and Central Excise, Hyderabad Zone, Basheerbagh, Hyderabad.
2. The Commissioner-I,, Customs & Central Excise, Basheerbagh, Hyd
3. One copy to Sri. P.Naveen Rao, advocate, CAT, Hyd.
4. One copy to Sri. V. Vinod kumar, Addl. CGSC, CAT, Hyd.
5. One copy to ~~SI~~ Library, CAT, Hyd.
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MA-657/96

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

DATED: 7/6/96

ORDER/JUDGEMENT

M.A. NO/R.A/C.A. No.

IN
657/96

B.A. NO.

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDERS AS TO COSTS

No Spare Copy

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Judgment

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
भेद्यत/DESPATCH
17 JUN 1996
हैदराबाद बेंच
HYDERABAD BENCH

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