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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 746/99

DATE OF ORDER : 19-05-1999

Between :-

M.Deva Raju

... Applicant

And

1. The Commissioner of Central Excise & Customs, Hyderabad-I, Commissionerate, Basheerbagh, Hyderabad.
2. The Chief Commissioner, Customs & Central Excise, Basheerbagh, Hyderabad.

... Respondents

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Counsel for the Applicant : Shri Mohd.Zia-ul-Haque

Counsel for the Respondents : Shri V.Rajeshwar Rao, CGSC

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CORAM:

THE HON'BLE SHRI JUSTICE D.H.NASIR : VICE-CHAIRMAN

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

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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... 2.



(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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Heard Sri Zia-ul-Haque, counsel for the applicant and Sri V.Rajeshwar Rao, Standing Counsel for the Respondents.

2. The applicant was a Superintendent under Respondent No.1 working in the Hyderabad Air Customs Office. He was transferred to Visakhapatnam Commissionerate by the impugned order (G.O.) No.43/99 dated 10.5.1999 (Annexure-I, page-6 to the OA). His name stands at Sl.No.51 of the said list. This transfer order is challenged in this O.A.

3. The applicant submits that the tenure for Air Post Customs officials is for a period of two years whereas he has not completed the said two years period and he has completed only one year and five months. Hence transferring the applicant is against rules.

4. The applicant has submitted a representation addressed to Respondent No.2 on 12.5.1999. The applicant submits that this representation is yet to be disposed-of.

5. Similar O.A. was considered by this Tribunal earlier which was disposed of on 17.5.1999 (OA 744/99). The prayer and contentions raised in this OA are same as in the previous O.A. In the present OA the applicant has not questioned the competency of the order issued by one of the Customs ^{Commissioner} ~~organisation~~. This point also should be considered by Respondent No.2.

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6. In the result, the following direction is issued :

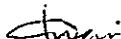
The Respondent No.2 is directed to dispose of the representation dt.12.5.1999 in accordance with the law taking due note of the observations made above. While doing so, Respondent No.2 may also take ~~a~~ note of the family problems of the applicant. If the applicant is not yet relieved or his ~~predecessor~~ ^{successor} is not relieved from his post, the applicant shall not be disturbed till the disposal of his representation. In case the applicant is already relieved ^{or} and his ~~successor~~ ^{then} ~~predecessor~~ also relieved, the applicant should be allowed to proceed on leave till the disposal of the representation dated 12.5.1999 if he applies for leave.

7. Thus the O.A. is disposed of at the admission stage itself.

No order as to costs.

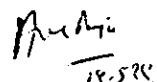


(R. RANGARAJAN)
Member (A)



(D.H. NASIR)
Vice-Chairman

Dated: 19th May, 1999.
Dictated in Open Court.


Amrit
19.5.99

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1ST AND 2ND COURT

COPY TO:-

1. HDHNJ
2. HHRP M(A)
3. HBSJR M(J)
4. D.R. (A)
5. SPARE

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H.NASIR
VICE - CHAIRMAN

THE HON'BLE MR.H.RAJENDRA PRASAD
MEMBER (A)

THE HON'BLE MR.R.RANGARAJAN
MEMBER (A)

THE HON'BLE MR.B.S.ZAI PARAMESWAR
MEMBER (J)

ORDER: 19.5.99

ORDER / JUDGEMENT

MA./RA./CP NO.

in

OA. NO. 746199

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED.

R.A. CLOSED.

O.A. CLOSED.

DISPOSED OF WITH DIRECTIONS

DISMISSED.

DISMISSED AS WITHDRAWN. 24 MAY 1999

ORDERED / REJECTED

NO ORDER AS TO COSTS

SRR

