

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 15.06.2016

OA No. 291/00433/2016

Mr. Dharmendra Jain, counsel for applicant.

Heard.

2. This matter relates to transfer in Central Excise department. Learned counsel for the applicant submits that applicant has been transferred to CE Udaipur vide Annexure-A/1 order dated 27/04/2016 in which the applicant is at Sl. No. 15 (in a list of 180 transfers) and further vide Annexure-A/2 order dated 20/05/2016 has been posted at Service Tax Division, Udaipur.

3. Counsel for the applicant submits that the applicant submitted a representation against transfer order Annexure-A/1 dated 27/04/2016 vide Annexure-A/5 dated 02/05/2016 specifically mentioning that he is retiring in August 2017 and he has less than two years of his superannuation and that as per the policy of the Government of India, officials who are on the verge of retirement during the last two years, will be retained to their home town as far as possible.

4. Counsel for the applicant further submits that the applicant has not been relieved till yesterday i.e. 14th June 2016 and prays for stay on his transfer orders at Annexure-A/1 and A/2.

5. Considered the aforesaid contentions and perused record. As upheld by Apex Court, ordinarily Courts and Tribunal are expected not to interfere in transfer orders as the transfer is an incident and condition of government service, unless there is proven malafide violation of statutory provisions of law and the order has been issued by an authority not competent to do so. However, as the applicant has made

representation to the respondents with reference to the policy guidelines, it is deemed appropriate to dispose of the Original Application at admission stage itself without going into the merits of the case with certain directions:

- (i) Applicant is directed to submit a copy of this order to the respondents within a week from today alongwith a copy of the paper book of the OA.
- (ii) Respondents are directed to consider and decide the representation of the applicant dated 02/05/2016 (Annexure-A/5) within one month as per law from the date of receipt of the copy of this order to be submitted by the applicant, as above.
- (iii) Annexure-A/1 order dated 27/04/2016 and Annexure-A/2 order dated 20/05/2016 may not be given effect qua the applicant, till the disposal of the representation.
- (iv) In case, the applicant has not already been relieved till yesterday, he may not be relieved till the disposal of his representation as above.
- (v) In case the applicant does not submit a copy of this order within the prescribed time limit as above, the respondents will be at liberty to proceed in the matter as per law.

6. In view of the limited relief being granted, the requirement of issuing notice to the respondents is dispensed with.

7. The Original Application is disposed of at admission stage as above, with no order as to costs.


(MS. MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER