

# CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH, JAIPUR

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ORDER SHEET

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## ORDERS OF THE TRIBUNAL

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Date: 5.7.2016

OA No. 291/00534/2016

Mr.Amit Malthur, Counsel for the applicant.

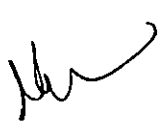
Matter relates to transfer in Central Excise and Customs Department.

Heard.

Counsel for applicant submits that vide order dated 10.5.2016 (Annexure A/1) the applicant, whose name figures at S.No.52 has been transferred from Jaipur CX to Settlement Commission, Delhi. In this regard the applicant filed a representation dated 20.5.2016 and dated 22.6.2016 Ann.A/2 and Ann.A/3 before the Chairman, Central Board for Excise and Customs i.e. the respondent No.2 especially referring to the serious illness of his wife pertaining to lungs ailment, however the same has not been considered.

Counsel for the applicant submits that the applicant has been relieved yesterday evening but that no one has been posted in his place at Jaipur CX. One Shri Vivek Kumar Jeph at S.No.141 of the same order who has been transferred from Jaipur CX to Jaipur CX is occupying another post, as there are several posts in this category at Jaipur.

Considered the aforesaid contentions and perused the record. As upheld by the Hon'ble Apex Court in a catena of judgments, Courts and Tribunals are not ordinarily expected to interfere in the cases of transfer and posting unless there is proven malafide,



violation of statutory provisions or the order is issued by an authority not competent to do so which does not appear to be <sup>so</sup> in this case. However, in view of the facts and circumstances of the case but without going into the merit of the case lest it prejudice the case of either side, it is deemed appropriate to dispose of the OA at the admission stage itself with certain directions.


i) The applicant will submit a copy of this order along with paper book of the OA before the respondent No.2 i.e. the Chairman, Central Board of Excise and Customs by 08.07.2016.

ii) Respondent No.2 would consider the representations Ann.A/2 and A/3 already filed by the applicant taking into account various problems mentioned by the applicant and decide the same at the earliest, but preferably within three weeks from the receipt of copy of this order.

iii) Till then the applicant may be allowed to continue at the present place of posting if vacancies are available and no other incumbent has joined or no other officer is adversely affected.

In view of the limited relief being granted the requirement of issue of notices to the respondents is dispensed with.

With the aforesaid directions the OA is disposed of with no order as to costs.

  
(MS. MEENAKSHI HOOJA)  
Administrative Member

Adm/