

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓
O.A./T.A No. 167/2005

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet..... 04Pg. 1to X.....
2. Judgment/Order dtd. 27.06.05Pg. 1to 3.06.05.....
3. Judgment & Order dtd.Received from H.C/Supreme Court
4. O.A..... 167/2005Pg. 1to 39.....
5. E.P/M.P.....Pg.to.....
6. R.A/C.P.....Pg.to.....
7. W.S.....Pg.to.....
8. Rejoinder.....Pg.to.....
9. Reply.....Pg.to.....
10. Any other Papers.....Pg.to.....
11. Memo of Appearance.....Pg.to.....
12. Additional Affidavit.....Pg.to.....
13. Written Arguments.....Pg.to.....
14. Amendment Reply by Respondents.....Pg.to.....
15. Amendment Reply filed by the Applicant.....Pg.to.....
16. Counter Reply.....Pg.to.....

SECTION OFFICER (Judl.)

Bahar
03/11/17

FORM No. 4
(SEE RULE 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 167/05

Misc. Petition No.

Contempt Petition No.

Review Application No.

Applicants: L. S. Vanchhawing

Respondents: U. O. P. Goss

Advocates for the Applicant: J. L. Sankar, S. Nath

Advocates of the Respondents: case

Notes of the Registry Date order of the Tribunal

This application is in form
is filed/C. F. for Rs. 50/-
deposited vide P. BD
No. 209/338/2
Dated 13.6.05

27.6.2005

Heard learned counsel for the
parties. The application is disposed of
at the admission stage itself in
terms of the order passed in separate
sheets.

Deets
Dy. Registrar
24.6.05

Vanchhawing
Vice-Chairman

mb

29.6.05

C. C. of the order
has been collected by
the L/S. for the
applicant and a copy of the
same has been handed
over to the L/S. C. C. for
the Resp. Dr.

R
H. Chandra
29/6

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./R/A No. 167/2005

DATE OF DECISION 27.6.2005.

.....L.S. Vanchhwing.....APPLICANT(S)

.....Mr. J.L. Sarkar, Mr. S. Nath.....ADVOCATE FOR THE
APPLICANT(S).

-VERSUS -

.....Union of India & Ors......RESPONDENT(S)

.....Mr. A.K. Chaudhuri, Addl. C.G.S.C......ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR. JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

THE HON'BLE MR.

1. Whether Reporters of local papers may be allowed to see the judgment ?
 2. To be referred to the Reporter or not ?
 3. Whether their Lordships wish to see the fair copy of the Judgment ?
 4. Whether the judgment is to be circulated to the other benches ?
- Judgment delivered by Hon'ble Vice-Chairman.

[Handwritten signature]

4

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 167/2005

Date of Order : This the 27th day of June, 2005.

The Hon'ble Sri Justice G. Sivarajan, Vice-Chairman.

Sri L.S. Vanchhawng
Deputy Commissioner
Customs Division
Aizawl, Mizoram.

... Applicant

By Advocates Mr. J.L. Sarkar and Mr. S. Nath.

- Versus -

1. Union of India,
Through the Secretary,
Ministry of Finance,
Department of Revenue,
Govt. of India
North Block, New Delhi.
2. Central Board of Excise and Customs,
Govt. of India, Through its Chairman,
North Block, New Delhi.
3. The Chief Commissioner,
Central Excise & Customs,
Shillong Zone, Shillong, Meghalaya.

... Respondents

By Mr. A.K. Chaudhuri, Addl. C.G.S.C.

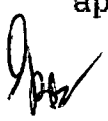
.....

ORDER (ORAL)SIVARAJAN. J. (V.C.)

The applicant is working as a Deputy Commissioner, Customs Division Aizawl since 13.11.2002. The applicant was posted as Assistant Commissioner since 6.7.2001. According to the applicant since he was posted in NER he is entitled to stay longer period in the same station on obtaining option as per transfer policy. It is stated that transfer order has been issued on 21.06.2005, which caused serious inconvenience to the education of his children who are in middle of academic session. It is stated that transfer order has been passed, to accommodate certain other officers on the basis of their representation.

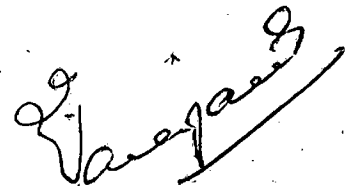
2. Mr. J.L. Sarkar, learned counsel for the applicant submits that the applicant had submitted option (Annexure - D1) wherein the applicant clearly stated that the applicant is not in a position to opt for any particular station outside Aizawl as his wife had undergone two major surgery and she is confined to bed. Counsel for the applicant further pointed out that on recovery, another major surgery at Civil Hospital, Aizawl was advised. It is further stated that the applicant will settle at Aizawl after retirement. Counsel submitted that respondents did not consider the applicant's request while transferring the applicant from Shillong to Kolkata.

3. I have also heard Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. for the respondents. Addl. C.G.S.C. for the respondents submits that if the applicant makes representation pointing out the circumstances stated in the transfer proforma (Annexure - D1) certainly the 2nd respondent will consider the same and pass appropriate orders in accordance with law.



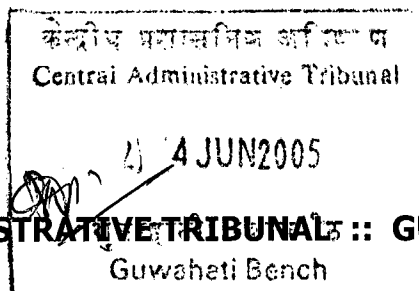
4. Considering the aforesaid facts and circumstances, I direct the applicant to make a detailed representation before the 2nd respondent within ten days from today. If any such application is submitted before the 2nd respondent, the 2nd respondent will consider the same and pass appropriate orders within a period of six weeks thereafter. In the meantime, if the applicant and the person who is to join in the place of the applicant are not relieved from their respective places, the applicant will be allowed to continue in the same station till a decision is taken as directed hereinabove.

The O.A. is disposed of at the admission stage itself. The applicant will produce this order before the 2nd respondent for compliance.



(G. SIVARAJAN)
VICE CHAIRMAN

/mb/



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH

O.A. /2005

Shri L. S. VANCHHAWNG

– Vs –

Union of India & Ors.

Synopsis of the Application

The applicant is working as Deputy Commissioner, Customs Division, Aizawl w.e.f. 13-11-2002. He was posted to Aizawl as Assistant Commissioner w.e.f. 06/07/2001 and thereafter promoted as Deputy Commissioner w.e.f. 13/11/2002.

The applicant being posted in the North Eastern Region, is entitled to stay longer in the station of his posting on his option as per the transfer policy and he had duly intimated his willingness to continue in the station since his son is in the middle of the academic session.

By order No. 94/2005 dated 21-06-2005, the applicant has been transferred to Kolkata Central Excise and choice station posting after serving NE Region has not been considered. The Order dated 21/06/2005 has been issued to accommodate some officers on the basis of their representation ignoring the applicant's choice posting.

The transfer order has been issued on 21.06.2005 with direction to submit compliance report of relieve of officers by the 27th June, 2005, thus, denying natural justice to make legitimate representation. This depicts hasty action without application of mind.

The wife of the applicant is seriously ill and has undergone two major operations and is under medical advice for another operation.

This Hon'ble Tribunal in a number of cases has disposed of number of Original Applications. eg.: 127, 129, 130, 131, 136, 142, 144 of 2005.

7

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI

O.A. No. /2005

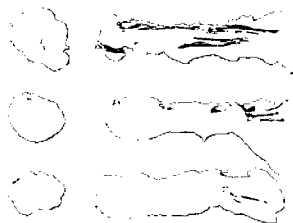
Shri L. S. VANCHHAWNG

- Vs -

U.O.I. & Ors.

INDEX

Sl No.	PAGES
1. Application	1-7
2. Verification	8
3. Annexure -A	9-12
4. Annexure -B	13-14
5. Annexure -C	15-24
6. Annexure -D1	25-26
7. Annexure -D2	27
8. Annexure -E	28-40
9. Annexure -F	41-44
10. Annexure -G	45-49
11. Annexure -H	50-52
12. Annexure -I	53-55



Advocate

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI**

(An application under Section 19 of the Administrative Tribunal Act, 1985)

O.A. No. /2005

Shri L. S. VANCHHAWNG

Deputy Commissioner

Customs Division

Aizawl, Mizoram

———— Applicant

— Vs —

1. Union of India,
Through the Secretary,
Ministry of Finance,
Department of Revenue,
Govt. of India,
North Block, New Delhi.
2. Central Board of Excise and Customs,
Govt. of India, Through its Chairman,
North Block,
New Delhi.
3. The Chief Commissioner,
Central Excise & Customs,
Shillong Zone, Shillong, Meghalaya

———— Respondents.

8
Filed by me applicant
Through Subrata Nath
Advocate
24.06.04

L. S. Vanchhawng

Details of the Applications:

1. Particulars of the order against which the application is made :

This application is made against the order dated 21-06-2005 SI No. 78 of transfer of the applicant from Aizawl to Kolkata Central Excise violating the directions of Transfer Policy 2005 and other directives of the Policy of Posting in N.E. Region and choice station, adversely affecting his son's education who is in mid academic session with Mizo as Major Indian Language.

2. Jurisdiction :

The Applicant declares that the subject matter of this Application is within the jurisdiction of the Hon'ble Tribunal.

3. Limitation :

The applicant declares that the application is within the Period of limitation under Section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the case:

4.1 That the applicant is a citizen of India and as such is entitled to the rights and privileges guaranteed by the constitution of India.

4.2 The applicant was working at Agartala Customs Division, Tripura as Assistant Commisisoner w.e.f. 10/10/2000 and transferred as Assistant Commisisoner to Aizawl Customs Division, Mizoram on 06/07/2001. He has been promoted as Deputy Commisisoner w.e.f. 13/11/2002 and posted at Aizawl. He is in Group-'A' service.

4.3 The applicant has served the hard zone of NE Region for more than 04(four) years and is entitled to the incentives granted as such. The applicant has not completed three years as Deputy Commisisoner in Aizawl. He has less than 10 years of service to retire w.e.f. 31/12/2011.

L. S. Sankar

Copy of the tenure posting scheme is enclosed as **Annexure – A.**

Copy of the policy from Swamy's compilation is enclosed as **Annexure – B.**

4.4 That under the tenure system of posting in N.E. Region the tenure may be extended when the employee concerned is prepared to stay longer. The applicant has prayed for continuing his posting at Aizawl. After serving in N.E. Region the applicant has a scope and right for choice of station. The C.B.E.C. has also circulated Transfer Policy, 2005. Clause 5.8 of the said policy stipulates that the officers of N.E. Region will get preference to stations of their choice. The applicant states that he has prayed for choice station at Aizawl.

Copy of the said Transfer Policy is enclosed as **Annexue – C**

4.5 That options were called for by the Department in prescribed form and the applicant submitted his option on **28.04.2005** praying for posting at Aizawl, specifically mentioning the ground of his wife's serious nature of illness. It is stated that his wife has undergone two surgical operation for kidney and her uterus was also removed and she has developed side effects and has to undergo another operation for gall bladder. The doctor of Civil Hospital, Aizawl are really conversant with the chronic patient.

Copy of the option dated **27.04.2005** is enclosed as **Annexure– D1.**

Copy of the advice of the doctor is enclosed as **Annexure–D2.**

4.6 That an order dated 21.06.2005 has been issued by the Central Board of Excise & Customs by which number of Group-'A' officers have been transferred. The name of applicant appears against **Sl. No. 78**. He has been transferred from Aizawl to Kolkata.

Copy of the order dated 21.06.2005 is enclosed as **Annexure – E.**

L. S. Venkatesh

4.7 That the transfer order has been issued to accommodate other officers on their requests without considering applicant's case and the said order of transfer of the applicant has been issued in complete disregard of the policy of tenure posting in N.E. Region and choice posting. This also ignores the transfer policy of the CBEC, 2005. The applicant has been transferred with non-application of mind. This has been done as a routine exercise of power, and without considering the relevant facts, and the option of the applicant.

4.8 That the said order dated 21.06.2005 has been issued mechanically even ignoring the instruction and enunciated policy as laid down in Para 2.1(g) of the said Transfer Policy, which mandates that Annual Transfer orders shall be normally issued by 30th April and, in any case not later than 31st May of the year.

4.9 That the youngest son of the applicant is reading in Class XII at Aizawl (Pachhunga University College) and is in mid session. The transfer shall very adversely affect the education of the child. He has Mizo as a Major Indian Language.

4.10 That the impugned order of transfer of the applicant dated 21.06.2005 has not been issued in public interest nor there is any reasonable administrative ground.

4.11 That the manner in which the order dated 21.06.2005 has been issued does not appear to be as per Policy and Procedure of the Transfer Policy, 2005. The order is not transparent as to that the orders are issued as per recommendation of the Board/Placement Committee. The applicant has reasonable apprehension that the same has not been placed before the Placement Committee.

4.12 That the applicant has not yet been released from present post.

4.13 That this Hon'ble Tribunal in a number of cases has disposed of Original Applications involving similar question of fact and law with individual fact differences.

C. S. Vaidyanathan

e.g: O.A. No. 127/2005 (Smt. K.M. Das Vs. Union of India & others)

O.A. No. 129, 130, 131 & 136 of 2005 (Shri G. Das, & others Vs UOI & ors)

O.A. No. 142/2005 (Mr. G.Panmei Vs UOI & others)

O.A. No. 144/2005 (Shri C. Songate Vs UOI & others)

Copies of the Orders in O.A. No. 127, 129, 130, 131, 136, 142 & 144 of 2005, dated 13.06.2005, 14.06.2005, 15.06.2005 are enclosed as **Annexure – F, G, H, I and J** respectively.

5. **Grounds For Relief with Legal Provisions.**

- 5.1 For that the applicant's transfer from Aizawl shall very adversely affect the education of his son.
- 5.2 For that the order of Transfer shall cause much hardship towards the health and treatment of his wife.
- 5.3 For that the applicant has been denied the benefit of choice station posting after working in N.E. Region.
- 5.4 For that the order of transfer posting of the applicant has been made without application of mind.
- 5.5 For that the transfer order is not in public interest nor in any reasonable administrative ground.
- 5.6 For that the Transfer Order has been issued in June, 2005 violating the mandate of the Transfer Policy.
- 5.7 For that the order of transfer is whimsical and arbitrary and offends Articles 14 and 16 of the Constitution of India.
- 5.8 For that the order of transfer of the applicant is not just and fair.
- 5.9 For that in any event of the matter the applicant is entitled to the relief prayed for.

12
Enclosed

-

L. E. Vandenberg

9.1 The order dated 21-06-2005, Sl. No. 78 of the transfer of the applicant be stayed/suspended and he be allowed to continue in his present place of posting upto 31/03/2006.

9.2 Any other relief/reliefs the Hon'ble Tribunal may deem fit and proper.

The above interim reliefs are prayed for on the grounds stated in para 5 above.

10. This application is filed through the Advocate.

11. Particulars of the Postal Order:

i)	IPO No.	20 G J 33817
ii)	Date of Issue.	13-06-2005.
iii)	Issued From	G.P.O, Guwahati
iv)	Payable at	G.P.O, Guwahati

12. List of Enclosures: As per Index

L. S. Varma

Verification

I, L.S. Vanchhawng, son of (Late) Laltuma Vanchhawng, aged 53 years, 7 months, resident of Aizawl, do hereby verify that the statements made in paragraphs 1, 4, 6 to 12 are true to my knowledge and statements in para 2, 3 and 5 are true to my legal advice and that I have not suppressed any material fact.

And I sign this verification on this 24th day of June, 2005 at Guwahati.


(L. S. VANCHHAWNG)

23

Concessions when posted to North-Eastern Region, etc.

[Swamy's — FR & SR, Part - I]

Certain special concessions and service benefits are admissible to officers transferred to the North-Eastern Region and Union Territories listed below and to officers posted to North-Eastern Council when they are stationed in the North-Eastern Region. These concessions are also admissible to those on deputation to State Governments of Manipur and Tripura.

- | | |
|--------------|--------------------------------|
| 1. Assam | 6. Arunachal Pradesh |
| 2. Meghalaya | 7. Mizoram |
| 3. Manipur | 8. Andaman and Nicobar Islands |
| 4. Nagaland | 9. Lakshadweep (L & M) Islands |
| 5. Tripura | 10. Sikkim |

1. T.A. and Joining Time

(a) On first appointment.—For journeys to take up initial appointment, T.A. will be admissible to the Government servant and his family for the total distance as below—

For journey by rail	...	Second Class fare.
For journey by road	...	Ordinary bus fare.
For journey to take up appointment in A & N/L & M Islands	...	Free sea passage <i>plus</i> rail/bus fare as above for journey within mainland up to the port of embarkation.

(b) On transfer.—If the family does not accompany the Government servant, he will be paid T.A. on tour for self only for the transit period and will be permitted to carry personal effects up to $\frac{1}{3}$ rd of his entitlement at Government cost; or can have the cash equivalent of carrying $\frac{1}{3}$ rd of his entitlement or the difference in weight of the personal effects he is actually carrying and $\frac{1}{3}$ rd of his entitlement, as the case may be, in lieu of the cost of transportation of baggage. Composite Transfer Grant will be admissible in any case.

If the family accompanies him, he can draw the existing T.A., including the cost of transporting personal effects to his maximum entitlement irrespective of the actual weight carried.

Advocate

These provisions apply also for the return journey on transfer back from the North-Eastern Region/Union Territory.

This concession is admissible only in cases of transfer from a station outside to a station in the N-E Region and vice versa. It is not applicable from one station to another within the region.

(c) **Road mileage for transportation of personal effects.**— Higher rate of allowance as for 'A' class cities, limited to the actual expenditure, will be admissible to all Government servants for transportation of personal effects on transfer between two different stations in the North-Eastern Region/Union Territory not connected by rail irrespective of the fact whether they are having All India transfer liability or not.

(d) **Joining time while proceeding on/returning from leave.**— Government servants proceeding on leave from the place of posting in the Region to a place outside the Region are entitled for the joining time as follows:—

(a) *If the place of posting in the Region is not a remote locality.*—

- | | |
|--|--|
| (i) When the journey time between the place of posting and the place outside the Region is 2 days or less. | No joining time is admissible. |
| (ii) When the journey time referred to in (i) above is more than 2 days. | Journey time in excess of 2 days is allowed as joining time. |

(b) *If the place of posting in the Region is a remote locality.*—

- | | |
|---|---|
| (i) Period of travel from the remote locality to the specified station. | Journey time as prescribed is allowed as free joining time. |
| (ii) Period of travel from the specified station to a place outside the Region. | Journey time in excess of 2 days is allowed as additional joining time. |

This concession is also admissible when the Government servants return from leave.

2. Leave Travel Concession

(a) Government servant who leaves his family behind and does not avail transfer T.A. for the family will have the option to choose—

Either: The existing LTC to Home Town once in a block of two calendar years;

Or: The concession for himself once a year from the station of posting to his Home Town or place where the family is residing, and in addition concession for the family (restricted to the spouse and two dependent children only) also to travel once a year from the place of residence to the employee's station of posting.

(b) In addition, Government servants and families posted in the Region will be entitled to LTC on two additional occasions during their entire service career as "Emergency Passage Concession" and intended to enable them and families (spouse and two dependent children) to travel to their Home Town or station of posting in an emergency. These additional passages will be admissible by the entitled mode and class of travel as for normal LTC.

(c) **Travel by air.**— Officers drawing pay of Rs. 13,500 and above and their families (spouse and two dependent children — up to 18 years for boys and 24 years for girls) may perform the above LTC journeys by air as below—

Officers posted in	Between stations
(i) North-Eastern Region	Imphal/Silchar/Agartala/ Aizwal/ Lilabari and Kolkata
(ii) Andaman and Nicobar Islands	Port Blair and Kolkata/ Chennai
(iii) Lakshadweep	Kavaratti and Kochi.

3. Tenure

(a) Fixed Tenure—

- | | | |
|------|--|-------------|
| (i) | For staff with service of 10 years or less | Three years |
| (ii) | For staff with more than 10 years of service | Two years |

Period of leave, training, etc., in excess of 15 days per year will be excluded in counting the tenure period. However, the period may be extended in exceptional cases in exigencies of public service or when the employee concerned is prepared to stay longer. Deputation allowance will be admissible during the extended period also.

(b) **Station of choice on completion of tenure.**— On completion of the fixed tenure, officers may be considered for posting to a station of their choice as far as possible.

4. Weightage for promotion, etc.

(a) Eligible officers shall be given due recognition in the matter of—

- (i) promotion in cadre posts;
- (ii) deputation to Central tenure posts; and
- (iii) courses of training abroad.

(b) The general requirement of at least three years' service in a cadre post between two Central tenure deputations may be relaxed to two years in cases of meritorious service.

(c) **Entry in CR.**—A specific entry shall be made in the CR of all employees who render full tenure of service.

5. Children's Education Allowance/Hostel Subsidy

If the children do not accompany the employee, CEA will be admissible up to class XII to children studying at the last station of posting or any other station where they reside. If such children are put in hostels, Hostel Subsidy will be admissible without other restrictions. The concession is admissible to the officials transferred from one place to another within the North-Eastern Region also.

6. Benefit of Two HRAs

Central Government employees posted to the specified States/Union Territories from outside the N-E Region who are keeping their families in rented houses or in their own houses at the last place of posting outside the N-E Region, will be entitled to HRA admissible to them at the old station, and also at the rates admissible at the new place of posting in case they live in hired private accommodation irrespective of whether they have claimed transfer T.A. for family or not subject to the condition that hired private accommodation or owned house at the last station of posting is put to bona fide use of the members of the family. These concessions are admissible also to those posted to Andaman and Nicobar Islands and Lakshadweep.

Those employees who have not been posted to the N-E Region *from outside the N-E Region* are not entitled to this benefit.

7. Retention of Quarters/Telephone

(a) Government accommodation.—The facility of retention of Government accommodation will continue to be available. Licence Fee will be charged at normal rates whether the accommodation retained is the entitled type or below the entitled type. The facility of retention will be admissible for three years beyond the normal permissible period of retention.

(b) Residential telephone in the last station.—Residential telephone at the last station will be allowed to be retained on the condition that the rental and all other charges are paid by the officer concerned.—*Appendix-9.*

8. Special Allowances

(a) Special Compensatory (Remote Locality) Allowance.— Please see Section 6.

(b) Special (Duty) Allowance/Island Special Allowance.—Employees who have All India Transfer Liability on posting to (i) any station in the North-Eastern Region comprising the States of Assam, Meghalaya, Manipur, Nagaland, Tripura, Arunachal Pradesh, Sikkim and Mizoram will be granted Special (Duty) Allowance, and (ii) any station in the Island Territories of Andaman, Nicobar and Lakshadweep will be granted Island Special Allowance. (*For rates and conditions governing the grant of these allowances see under 'Compensatory Allowances' in Section 6.*)

Annexure - B

APPENDIX - 9

INCENTIVES FOR SERVING IN REMOTE AREAS

[G.I., M.F., O.M. No. 20014/3/83-E, IV, dated the 14th December, 1983, read with O.M. No. 20014/3/83-E, IV, dated the 30th March, 1984, 27th July, 1984, G.I., M.F. U.O. No. 3943-E, IV/84, dated the 17th October, 1984, O.M. No. F. 20014/3/83-E, IV, dated the 31st January, 1985, 25th September, 1985, U.O. No. 824-E, IV/86, dated the 1st April, 1986, O.M. No. 20014/3/83-E, IV, dated the 29th October, 1986, O.M. No. 20014/3/83-E, IV/E, II (B), dated the 11th May, 1987, 28th July, 1987, 15th July, 1988 and O.M. No. F. 20014/16/86-E, IV/E, II (B), dated the 1st December, 1988 and O.M. No. 11 (2)/97-E, II (B), dated the 22nd July, 1998.]

I

Allowances and facilities admissible to various categories of civilian Central Government employees serving in the North-Eastern Region comprising the States of Assam, Meghalaya, Manipur, Nagaland and Tripura and the Union Territories of Arunachal Pradesh and Mizoram, Andaman and Nicobar Islands and Lakshadweep Islands. These orders also apply *mutatis mutandis* to officers posted to N-E Council, when they are stationed in the N-E Region and to the civilian Central Government employees including officers of All India Services posted to Sikkim.

(i) Tenure of posting/deputation:

There will be a fixed tenure of posting 3 years at a time for officers with service of 10 years or less and of 2 years at a time for officers with more than 10 years of service. Periods of leave, training, etc., in excess of 15 days per year will be excluded in counting the tenure period $\frac{2}{3}$ rd years. Officers, on completion of the fixed tenure of service mentioned above may be considered for posting to a station of their choice as far as possible.

The period of deputation of the Central Government employees to the States/Union Territories of the North-Eastern Region, will generally be for 3 years which can be extended in exceptional cases in exigencies of public service as well as when the employee concerned is prepared to stay longer. The admissible deputation allowance will also continue to be paid during the period of deputation so extended.

(ii) Weightage for Central deputation/training abroad and special mention in Confidential Reports:

Satisfactory performance of duties for the prescribed tenure in the North-East shall be given due recognition in the case of eligible officers in the matter of—

- (a) promotion in cadre posts;
- (b) deputation to Central tenure posts; and
- (c) courses of training abroad.

Alfred
Advocate.

- 14 -

The general requirement of at least three years service in a cadre post between two Central tenure deputations may also be relaxed to two years in deserving cases of meritorious service in the North-East.

A specific entry shall be made in the CR of all employees who rendered a full tenure of service in the North-Eastern Region to that effect.

Cadre authorities are advised to give due weightage for satisfactory performance of duties for the prescribed tenure in the North-East in the matter of promotion in the cadre posts, deputation to Central tenure post and courses of training abroad.

(iii) Special (Duty) Allowance:

Central Government civilian employees who have All India transfer liability will be granted Special (Duty) Allowance at the rate of $12\frac{1}{2}\%$ of basic pay on posting to any station in the North-Eastern Region. Special (Duty) Allowance will be in addition to any special pay and/or deputation (duty) allowance already being drawn without any ceiling on its quantum. The condition that the aggregate of the Special (Duty) Allowance *plus* Special Pay/Deputation (Duty) Allowance, if any, will not exceed Rs. 1,000 per month shall also be dispensed with from 1-8-1997. Special Allowances like Special Compensatory (Remote Locality) Allowance, Construction Allowance and Project Allowance will be drawn separately.

The Central Government civilian employees who are members of Scheduled Tribes and are otherwise eligible for the grant of Special (Duty) Allowance under this para. and are exempted from payment of Income Tax under the Income Tax Act will also draw Special (Duty) Allowance.

NOTE 1.— Special duty allowance will not be admissible during periods of leave/training beyond 15 days at a time and beyond 30 days in a year. The allowance is also not admissible during suspension and joining time.

NOTE 2. — Central Government civilian employees, having 'All India Transfer Liability' on their posting to Andaman & Nicobar Islands and Lakshadweep Islands are, with effect from 24th May, 1989, granted 'Island Special Allowance' in lieu of 'Special (Duty) Allowance'. See Orders in Section V of this Appendix.

(iv) Special Compensatory Allowance:

The recommendations of the Fifth Pay Commission have been accepted by the Government and Special Compensatory Allowance at the revised rates have been made effective from 1-8-1997.

For orders regarding current rates of Special Compensatory allowance—See Part V of this Compilation - HRA and CCA

(v) Travelling Allowance on first appointment:

In relaxation of the present rules (SR 105) that travelling allowance is not admissible for journeys undertaken in connection with initial appointment, in

- 15 -

Annexure - C.**TRANSFER POLICY - CBEC****2005****TRANSFER/ PLACEMENT POLICY FOR GROUP 'A' OFFICERS OF
THE INDIAN REVENUE SERVICE (C & CE)****INTRODUCTION**

- 1.1 The Ministry of Finance has taken major Initiatives for tax reforms, including reform of tax administration with an emphasis on reducing Inter-face between the tax payers and administration; Imparting greater transparency and minimizing discretion so as to ensure efficiency and recognition of merit and honesty.
- 1.2 The successful Implementation of tax reforms depends on the efficiency of the delivery system. A significant contributor to the effectiveness of the administrative machinery is a credible human resource development policy, which offers opportunities for excellence and career advancement through a proper placement strategy.
- 1.3 The existing placement policy has been in place for over a decade. Based on the experience of its implementation, a review of the present system of transfers and postings was carried out. Accordingly, a new Transfer/ Placement Policy (herein after referred to as the Transfer Policy) for Group 'A' Officers of IRS (C&CE) has been formulated. The new transfer/placement policy shall come into effect from 1st April, 2005.

SALIENT FEATURES OF THIS TRANSFER POLICY

- 2.1 a) The salient features of this Transfer are as follows: a) All transfer and postings of Group 'A' officers of IRS (C&CE) shall be effected by the Board/Placement Committee or on their recommendation as stated hereinafter;
- b) The Transfer policy has been formulated for officers at different levels;
- c) All stations have been categorized in three classes and tenure of stay in different classes of station has been prescribed;
- d) All posts have been divided into two categorizes, namely, Sensitive and Non-Sensitive;
- e) All posts have been categorized as field and non-field posts.
- f) Guidelines for dealing with different types of "compassionate grounds" cases have been laid down;
- g) All annual transfer orders shall be normally issued by 30th April and, in any case, not later than 31st May of the year.

- 2.2 A correct and complete database is a sine qua non for operationalising the Placement Policy. CBEC shall ensure that the database containing the profiles of all Group 'A' officers is regularly updated.
- 2.3 All grievances arising out of the implementation of This Transfer Policy shall be addressed in accordance with the guidelines issued by the Department of Personnel & Training, only after the officer has joined his new assignment.
- 2.4 This Transfer Policy shall not be applicable to the transfer of Chief Commissioners /Directors General.

3.0 THE BOARD/ PLACEMENT COMMITTEE:

- 3.1 The Board will recommend proposals for posting of Chief Commissioners /Directors General and Commissioners for approval of the Government i.e. Finance Minister through Revenue Secretary and Minister of State (Revenue). Joint Secretary (Administration), CBEC will serve as Secretary to the Board for this purpose.
- 3.2 The Placement Committee will be the final authority for transfer of officers below the rank of Commissioner, provided the case falls within the purview the existing guidelines. After the proposals are drawn up and approved by the Board, the Chairman shall consult MOS (R) before giving effect to the annual transfers proposals. Approval of the Government will be required in case a deviation from the existing guidelines has to be made.
- 3.3 The Placement Committee shall consist of the following:
 - a) Chairman;
 - b) Member (Personnel and Vigilance);
 - c) One Member of CBEC to be nominated, in rotation, by the Chairman of the Board for a period of six months; and
 - d) Joint Secretary (Admn.) posted in CBEC as its Member-Secretary
- 3.4 The minutes of the meeting of the Board/Placement Committee shall be drawn up and approved by all Members within 24 hours in a meeting (not by circulation). These must be approved by the competent authority within thirty days.

4.0 TRANSFER POLICY FOR OFFICERS AT DIFFERENT LEVELS

- 4.1 In case of Commissioners and Chief Commissioners/ Directors General, the Board will recommend both the station of posting and the specific charge.
- 4.2 Officers below the rank of Commissioner will be placed at the disposal of the Chief Commissioner/ Director General concerned, for further deployment. While considering the officers for further deployment, the Chief

- 17 -

24

Commissioner/Director General shall keep in mind the old cycle of posting of the said officer considering which Board has placed that officer at their disposal.

- 4.3 The normal practice is transfer on promotion. In individual cases this may give rise to hardship. Hence, this may be decided by the Board/Placement Committee. For this purpose, the grant of Senior Time Scale/Non Functional Selection Grade shall not be treated as promotion.
- 4.4 Directly recruited / newly promoted Group 'A' officers shall be given intensive training in accountancy for a period of 2-3 months during the period of probation / upon promotion. Upon completion of training, directly recruited officers shall be normally posted to a class 'A' station, whereas the officers promoted from Group 'B' to Group 'A' shall, on promotion, be transferred out of the station in which they were previously working, unless the balance service is less than three years. Further, in view of the sensitive nature of the job, Appraisers, on or after promotion to the post of Assistant Commissioner, will not continue to remain posted in the Commissionerate which exercised jurisdiction over the Customs House on whose cadre they were originally borne.
- 4.5 As far as possible, an officer shall spend the first nine years of his service on field posts. All posts in the Commissionerates of Customs, Central Excise, Service Tax and the Directorates of Revenue Intelligence and Central Excise Intelligence have been categorized as field posts. Officers upto and including the rank of Commissioners shall ordinarily be posted on field assignments for at least 5, 3 and 2 years respectively, in each of the first 3 decades of their career respectively. During the first six years, the officer shall not ordinarily be given a posting outside the department or sent on a deputation, and should be given exposure in Central Excise, Service Tax and Customs branches, as far as possible. After completing six years of service, an officer may be posted to the Board as an Under Secretary.
- 4.6 As far as possible, the senior most officer may be posted as the Executive Commissioner. However, once posted, a commissioner will not be moved out of the executive charge merely because an officer senior to him has replaced the hitherto junior non-executive Commissioner at that station.
- 4.7 The officers will, as far as possible, be rotated between the Customs and Central Excise branches every two years and adequate experience in Service Tax branch will also be ensured as far as possible. This shall be done after the Annual Transfers have been effected. At stations where there are separate Chief Commissioners of Central Excise and Customs, a committee of all such Chief Commissioners shall collectively decide on the rotation between the two branches at that station. At other stations, local rotation will be done jointly by the Chief Commissioners who exercise control over the posts located at that station.

5.0 CLASSIFICATION OF STATIONS, FIXATION OF TENURES OF POSTING AND ROTATION BETWEEN THEM

- 18 -
- 5.1 The various stations where Group 'A' officers may be posted have been categorized as Class 'A', Class 'B' and Class 'C' [Annexure I-III]. Such categorization is based on the twin criteria of revenue collection and the number of Commissioner level posts at a station..
 - 5.2 The categorization of stations may be changed by the Board with the approval of the Government.
 - 5.3 The States in the country have been divided into 4 areas viz. East, West, North and South [Annexure-IV]. An officer shall not serve in an 'area' for more than a total of 14 years (hereinafter referred to as a cycle) during his entire tenure up to and including the rank of Commissioner of which tenure in an 'A' station shall be for a maximum of 6 years. The tenure shall not be less than four years in a Class 'B' station and not less than two years in a Class 'C' station. The maximum total tenure of an officer in all Class 'A' stations during his service upto and including the rank of Commissioner shall be 16 years. The tenure of posting in Customs Overseas Intelligence Network shall not exceed three years. A stay of more than nine months in a station (to be computed as on 31st December of the previous year) will be treated as a complete year, and the length of the period of stay shall be counted from the date of joining. An officer posted in Class 'A' or 'B' station can opt to move to a lower category station after he has completed at least half his tenure in that station.
 - 5.4 An officer shall be rotated between the three different classes of stations. After completing one cycle of posting, the officer shall be moved to another area. Further, as far as possible, an officer shall serve in at least two areas of the country viz. North, South, East, and West, during his career upto and including the rank of Commissioner.

It may be clarified that an officer can be posted from a Class 'A' station to a Class 'B' or Class 'C' station (not necessarily in that order) in any other area and vice versa, provided that if he had been posted in that area earlier, a minimum period of 2 years should have elapsed before he can be posted again to the same area (called cooling off period).

- 5.5 All postings in the Board and deputation to technical posts in the Department of Revenue, Central Economic Intelligence Bureau (CEIB), Enforcement Directorate, Authority for Advance Rulings (AAR), Competent Authorities (CAs), Appellate Tribunal for Forfeited Property (ATFP), Customs, Excise and Service Tax Tribunal (CESTAT) and Settlement Commission shall not count towards calculation of stay at a particular station/area but may be so counted at the option of the officer. However, an officer who has been on deputation to any one of the aforesaid bodies shall not ordinarily be considered for another deputation to any of the aforesaid organizations. When an officer applies for clearance for a posting on deputation, his previous history of postings will be considered while giving cadre clearance. An officer shall invariably be transferred out of the station in which he was

- 19 -

on deputation on his return.

5.6 In order to encourage officers to seek postings in Class 'C' station, the Government shall sanction:

- a) At least one vehicle for office use in every Class 'C' station irrespective of the level of the officer heading the office; and
- b) 100 per cent housing facilities at the Officer level to the extent possible.
- c) The starting point for computing the stay in Class 'A', 'B' or 'C' station shall be the date of joining at the station.

5.7 Joint Secretary (Admn.) posted in CBEC as its Member-Secretary.

5.8 The officers after completing their tenure in North Eastern Region (Assam, Sikkim, Meghalaya, Mizoram, Manipur, Nagaland, Arunachal Pradesh and Tripura), Jammu and Kashmir, NACEN and its RTIs and Vigilance Directorate and CESTAT will get preference in posting to stations of their choice.

5.9 When a certain number of officers are due for moving out of a station to a new station or by local rotation to new postings in the same station for the reason of having completed their tenure, but cannot be so moved due to inadequate number of vacancies available, the officer who has served for longer periods will be moved first.

5.10 The station of the posting will be taken as the actual place where an officer is posted and not head quarters of Commissionerate/ Directorate to which the officer is posted.

6.0 CATEGORISATION OF POSTS INTO SENSITIVE AND NON-SENSITIVE

6.1 All posts in CBEC have been classified into sensitive and non-sensitive with the approval of the Government:

[Annexure-V]

6.2 Ordinarily, the tenure of an officer on a sensitive post shall be two to three years at one stretch.

7.0 POSTINGS IN DIRECTORATES OF REVENUE INTELLIGENCE, CENTRAL EXCISE INTELLIGENCE, VIGILANCE AND SYSTEMS (CEC)

7.1 In the Directorates of Revenue Intelligence, Central Excise Intelligence, Vigilance and Systems, the respective Director General will propose a panel of names for the consideration of the Board/Placement Committee. Individual officers will be selected by the Board/Placement Committee, which will also indicate their station of posting.

7.2 The maximum length of tenure in the Directorates of Revenue Intelligence, Central Excise Intelligence and Vigilance will be three years, subject to the condition that

no officer shall spend more than six years in these Directorates during his entire service career.

8.0 POSTING ON COMPASSIONATE GROUNDS

- 8.1 In case an officer seeks a posting to a particular station on medical grounds, the Board/Placement Committee is empowered to take a decision on his plea. However, if required, the Board/Placement Committee may refer the case to a Medical Board.
- 8.2 In case of working couples, if the spouse of an officer is working outside the Department, posting in the same station may be allowed subject to the instructions issued by the Department of Personnel & Training on this issue.
- 8.3 In case where the spouse is also an officer of the Department, both the officers should be posted to the same station, if they are otherwise eligible, provided that, jointly, they do not occupy more than 50 per cent of the posts in that station.

9.0 TRANSFER ON ADMINISTRATIVE GROUNDS OR IN PUBLIC INTEREST

- 9.1 Notwithstanding anything contained in this policy, Government may, if necessary in public interest, transfer or post any officer to any station or post;
- 9.2 An officer against whom the CVC has recommended initiation of vigilance proceedings, should not normally be posted or remain posted at the station where the cause of the vigilance proceedings originated. He shall also not be posted on a 'sensitive' charge. This restriction will remain in operation till such time the vigilance matter is not closed.

10.0 AVAILMENT OF EARNED OR STUDY LEAVE AFTER ISSUANCE OF TRANSFER ORDERS

An officer under orders of transfer shall be granted Earned Leave or Study Leave only after he has joined his new place of posting. The period spent on Earned Leave or Study Leave will not count towards computation of tenure in that station or 'cooling off' period. Officers who proceed on Earned Leave or study leave without completing the minimum tenure prescribed for the station/area will have to rejoin the same station for completing the prescribed tenure. In other cases the Board/Placement Committee will decide their posting after they rejoin on completion of the Earned leave/Study leave.

Annexure-I

CLASS 'A' STATIONS

1. Mumbai (Including Thane and Belapur)
2. Delhi (including Faridabad, Gurgaon, NOIDA and Ghaziabad),
3. Chennai
4. Kolkata
5. Bangalore
6. Hyderabad
7. All posts in the Customs Overseas Intelligence Network (COIN)

Annexure-II

CLASS 'B' STATIONS

- 21 -

S.No.	STATION
1.	AHMEDABAD
2.	ALLHABAD
3.	MANGALORE
4.	COCHIN
5.	BHUBANESHWAR
6.	INDORE
7.	RAIPUR
8.	TRICHY
9.	MEERUT
10.	VIZAG
11.	JAIPUR
12.	CHANDIGARH (INCLUDING JALLANDHAR)
13.	PATNA
14.	LUCKNOW
15.	KANPUR
16.	RAIGARH
17.	PUNE
18.	VADODARA
19.	GOA
20.	SURAT
21.	JAMNAGAR
22.	KANDLA
23.	LUDHIANA
24.	NAGPUR
25.	NASIK
26.	RANCHI
27.	RAJKOT

Annexure-III

CLASS 'C' STATIONS ANNEXURE-IV

S.No.	STATION
1.	AMRITSAR
2.	AURANGABAD
3.	BELGAUM
4.	BHAVNAGAR
5.	BHOPAL
6.	BOLPUR
7.	CALICUT

- 22 -

8.	COIMBATORE
9.	DAMAN
10.	DIBRUGARH
11.	GUNTUR
12.	GUWAHATI
13.	GWALIOR
14.	HALDIA
15.	HAZARIBAGH
16.	JAMMU & KASHMIR
17.	JAMSHEDPUR
18.	JODHPUR
19.	MADURAI
20.	MYSORE
21.	PUNCHKULA
22.	PONDICHERRY
23.	ROHTAK
24.	SALEM
25.	SHILLONG
26.	SILIGURI
27.	TRIVANDRUM
28.	TIRUNELVELI
29.	TIRUPATI
30.	TUTICORIN
31.	VAPI
	REMAINING CITIES(OTHER THAN CLASS 'A' AND CLASS 'B' STATIONS)

Annexure-IV

North Zone: Jurisdictional areas of Chief commissioners of Customs & Central Excise of Chandigarh, Delhi, Jaipur, Lucknow, Meerut (falling in the States of J&K, Himachal Pradesh, Punjab, Uttaranchal, U.P, Delhi, Haryana, Rajasthan & Union Territory of Chandigarh)

East Zone: Jurisdictional areas of Chief Commissioners of Customs & Central Excise of Bhubaneswar, Kolkata, Ranchi, Shillong, Patna (falling in the States of Bihar, Orissa, Jharkhand, West Bengal, Meghalaya, Nagaland, Assam, Sikkim, Manipur, Mizoram & Union Territory of Andaman & Nicobar).

West Zone: Jurisdictional area of Chief Commissioner of Customs & Central Excise of Ahmedabad, Mumbai, Pune, Vadodara, Nagpur & Bhopal (falling in the States: Gujarat, Maharashtra, Goa, Madhya Pradesh, Chhattisgarh & Union Territory of Daman & Diu)

South Zone : Jurisdictional area of Chief Commissioner of Customs & Central Excise of Bangalore, Chennai, Cochin, Coimbatore, Hyderabad, Mangalore, Visakhapatnam (falling in the States of Andhra Pradesh, Karnataka, Tamil

- 23 -

Nadu, Kerala & Union Territory of Pondicherry & Lakshadweep)

Annexure-V

Categorization of posts into sensitive and non-sensitive: The following posts have been categorized as sensitive and non-sensitive:

A. Customs Commissionerate

S.No.	Group 'A' post	Section/Branch	Category
1.	Commissioner		Sensitive
	Commr.(Gen.)		Sensitive
	Commr.(Appeals)		Non-Sensitive
	Commr.(Adj.)		Non-Sensitive
	Addl./Jt. Commr./DC/AD	Preventive	Sensitive
		Legal	Non-Sensitive
		Rummaging & Intelligence	Sensitive
		SIIB	Sensitive
		Air Intelligence	Sensitive
		Airport	Sensitive
		Town Intelligence	Sensitive
		All Appraising Groups	Sensitive
		Docks/Shed	Sensitive
		Statistics	Non-Sensitive
		Audit	Non-Sensitive
		Review	Non-Sensitive
		Tribunal	Non-Sensitive
		MCD	Non-Sensitive
		All other charges which do not involve regular dealings with the public	Non-Sensitive

B. Central Excise Commissionerate

S.No.	Group 'A' post	Section/Branch	Category
1.	Commissioner		Sensitive
	Commr.(Appeals)		Non-Sensitive
	Commr.(Adj.)		Non-Sensitive
	Addl./Jt. Commr./DC/AD	Anti-Evasion	Sensitive
		Legal & Adjudication	Non-Sensitive
		P&V	Sensitive
		Audit	Non-Sensitive
		Divisions	Sensitive
		Review	Non-Sensitive

		Technical/Audit	Non-Sensitive
		Chief Commissioner's Unit/Office	Non-Sensitive

C. Directorates

S.No.	Group 'A' post	Section/Branch	Category
1.	All posts in DGRI		Sensitive
2.	All posts in DG (V)		Sensitive
3.	All posts in Central Bureau of Narcotics		Sensitive
4.	All posts in DGCEI		Sensitive
5.	All posts in CDR Office		Non-Sensitive
6.	All other Directorates		Non-Sensitive

[Handwritten signature]

- 25 -
PROFORMA - IIAnnexure - D-3TRANSFER PROFORMA

1. (a) Name of the Officer : Shri. Lalsawma Vanchhawng
 (b) Sl.No. in the Civil List : 74 of 2003
 (c) Designation : Deputy Commissioner
 (d) Office in which working and/
 Or posted at present : Aizawl Customs Division under Customs
 Commissionerate N.E.R., Shillong.
 (e) Date from which posted in
 the present Comm'te/Dte : 06-07-2001
 (f) Date of birth : 27-12-1951
 (g) Name of Home town & State : Aizawl, Mizoram.

2. History of Posting since entry into the Group 'A' IC & CES service in the prescribed proforma.

Sl. No.	Post Held	Commissionerate	Station	From	To
1.	Asst. Commissioner	Calcutta-II, Central Excise Commissionerate	Kolkata	04-08-1997	25-08-2000
2.	Asst. Commissioner	Agartala Customs Division under Shillong Customs Commissionerate	Agartala	10-10-2000	29-06-2001
3.	Asst. Commissioner	Aizawl Customs Division under Shillong Customs Commissionerate	Aizawl	06-07-2001	12-11-2002
4.	Deputy commissioner	Aizawl Customs Division, Aizawl.	Aizawl	13-11-2002	Till date

3. If you want posting to a particular station, Name the five different stations in order of preferences and give reasons

4. If your spouse is employed and you seek posting to a particular station or, retention at the same place, give complete details of such employment, designation of spouse, pay and whether the job is transferable or not:

At present I am not in a position to opt for any particular station outside Aizawl as my wife has undergone two major surgery recently and is confined to bed. Moreover, on recovery, she is advised to undergo another major surgery at Civil Hospital, Aizawl. Besides, I have decided to settle down permanently at Aizawl after retirement on inheritance of ancestral property, which is under process, so sometime is required to complete the same

*Attestd
Sri. Advocate*

Page - 2

5. Other relevant information, if any

Station : Aizawl
Date : 28th April 2005

Leif Aizawl
Signature of the Officer
With Designation

Controlling Officer's comments

The particulars given in Col: 1 & 2 above are verified and found correct.

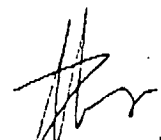
Signature of the Officer
With Office Seal

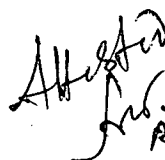
Dr. ZORAMTHANGA, M.D., (AIIMS)*Medical Specialist*Civil Hospital Road, Aizawl① : 2348846 (R)
2321242 (C)

Date: 18/3/05

I, Dr. Zoramthanga, M.D., of Government Civil Hospital, Aizawl, Mizoram certified that Smti. Vanlalrovi, age - 50yrs., W/o. Lalsawma serving in the Customs & Central Excise Department has undergone 2 (two) Major Operation i.e., Hysterectomy and Vesico - Ureteric Anastomosis for Hydronephrosis and she is yet to undergo another operation for Gall Stone.

In view of the above, I advise her to take complete rest and refrain from physical and mental stress for a longer time.


Dr. Zoramthanga M.D.
Medical Specialist
Civil Hospital
Aizawl.


Dr. Zoramthanga

Annexure - E.

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F. NO. 22013/7/2005-Ad- II

Dated: 21 June 2005,

OFFICE ORDER NO 94/2005

The following transfers and posting in the grade of Deputy Commissioner & Assistant Commissioners of Customs & Central Excise are hereby ordered with immediate effect and until further orders:-

S.N.	OFFICER'S NAME (S/SHRI/MS.)	PRESENT POSTING	POSTED TO
1✓	Prabhanjan Kumar Mishra	DGICCE, MUMBAI	CX SHILLONG
2	T S Jayachandar	CHENNAI CX	CX RANCHI
3	B.V. V.T. Prasad Nalk	BANGALORE CX	CX KOLKATA OTHER THAN CL 'A' STATION
4	Shamboo Dayal	MUMBAI CX (ST)	CX PUNE
5	Vinayak D. Ganpule	MUMBAI-I CUS	CX NAGPUR
6	S. N. Ojha	DGICCE, DELHI	CX LUCKNOW
7	P. Mohan Kumar	MUMBAI-III (CUS. PREV.) ZONE,	CX PUNE
8	V. Udaiyar	CHENNAI CX	CX COIMBATORE
9	Ninan P. Chandy	MUMBAI-I CUS	CX HOPAL
10	R. Vittal Vivegananthan	CHENNAI CX	CX COIMBATORE
11	P. Pulliah	CHENNAI CX	CX COIMBATORE
12	K. Durairaj	CHENNAI CUS,	CX COIMBATORE
13	T. H. Rao	CHENNAI CUS,	CX COIMBATORE (SALEM)
14	Tapan Kumar Das	KOLKATA CX	CUS (P) PATNA

Added
for
reference

15	Haushiram Shankarrao Shirsat	MUMBAI-I CX	CX NAGPUR
16	J. N. Das	KOLKATA CUS	CX BHUBANESHWAR
17	C. D. Shetty	MUMBAI-II CX	CX VADODARA
18	L. B. Yadav	DG, CEI, DELHI	CX LUCKNOW
19✓	A. K. Mandal -II	KOLKATA CUS,	CX SHILLONG
20	Paul Jeremias Benedict Fernandes	MUMBAI-I CUS	CX VADODARA
21	C. P. Vijayadharan	MUMBAI-III (CUS. PREV.) ZONE	CX VADODARA
22✓	Bikesh Ranjan Deb Roy	KOLKATA CX	CX SHILLONG
23	Lal Singh-Bist	DELHI CUS,	CX MEERUT
24	R K Chakraborty	KOLKATA CX	CX KOLKATA OTHER THAN CL 'A'
25✓	Gopi Nath Dutta	KOLKATA CX	CUS., SHILLONG
26	J K Paul	KOLKATA CX	CX RANCHI
27	Mohd. Ali	DTE, DATA MGMT (S & I - OLD), DELHI	CX JAIPUR
28	K. Kandaswamy	CHENNAI CUS	CX COIMBATORE
29	K. V. Mohan Doss	BANGALORE CX	CX CHENNAI OTHER THAN CL 'A' STATION
30	Bertsie Sundaram (Mrs)	CHENNAI CX	CX COIMBATORE
31	Mary Anthony Maliekal (Mrs)	CHENNAI CX	CX CHENNAI OTHER THAN CL 'A' STATION
32	Rajwaran N. Pathak	MUMBAI-II CUS ZONE	CX MUMBAI - II
33	Shahla Khan (Ms)	DELHI CX	CX JAIPUR
34✓	Bholanath Das-Gupta	KOLKATA CUS	CX SHILLONG
35	M. N. Roychoudhary	KOLKATA CX	CX BHUBANESHWAR
36	Vinod Kumar	DELHI CUS	C X CHANDIGARH

37	Meera Mukhopadhyay (Mrs)	MUMBAI-I CUS	CX MUMBAI - II OTHER THAN CLASS 'A' STATION
38	Sheo Shankar Mahli	KOLKATA CUS	CX RANCHI
39	Aditya Kumar Goswami	MUMBAI-I CX	CX VADODARA
40	Mihir Ranjan	KOLKATA CUS	DGRI, KOLKATA
41	K.Venkat Ram Reddy	CHENNAI CX	CX MYSORE
42	M. J. Baburao	MUMBAI-I CX	CX NAGPUR
43	Rekha Roy (Ms)	MUMBAI-I CX	CX NAGPUR
44	Anjan Kumar Pandit	KOLKATA CX	CX RANCHI
45	K. M. Nagarajan	DGRI, CHENNAI	CX., CHENNAI (Pondicherry)
46	C S Rajput	DG, CEI, DELHI	CX., LUCKNOW
47	Nirupam Kar	DG, (VIG.), KOLKATA	CX KOLKATA OTHER THAN CL 'A' STATION
48	Vinod Kumar Mehta	DGRI, DELHI	CX., CHANDIGARH
49	D. P. Manjunatha	CHENNAI CX	NACEN , HAZARIBAGH
50	Parvathi Kailasam Mrs	CHENNAI CUS,	CX NAGPUR
51	A R Sathe (Ms.)	NACEN, MUMBAI	CX JAIPUR
52	A S Uppal	NACEN, MUMBAI	CX. RANCHI
53	K. Sridharan	COCHIN CUSTOM HOUSE,	CX COCHIN
54	Jeetesh Nagori	PUNE CX. & CUS, PUNE - I, PUNE	CX AHMEDABAD ('C' STATION)
55	E. R. Barreto	PUNE CX. & CUS, GOA, GOA	CX VADODARA
56	Tej Kumar Samant	DGRI, LUCKNOW	CX LUCKNOW
57	K. Sivakumar	VADODARA - II CX	CUS AHMEDABAD ('C' STATION)
58	B. A. Khan	PUNE CUS., PUNE	CX NAGPUR 'C' STATION

59✓	Ashutosh Srivastava	JAIPUR - I CX	DGCEJ, LUDHIANA
60	Man Singh	BHOPAL CXINDORE	CX NAGPUR
61✓	Harbir	PATNA CUS. PREV.	CX SHILLONG
62	S. L. Ghule	PUNE CUS., PUNE	CX VADODARA 'C' STATION
63	Mohd. Yousaf P.K.	MANGALORE CUS.	CX MYSORI
64	Harpal Singh Rawat	JAIPUR - I CX	CUS (P) DELHI
65✓	Ajit B. Awasthi	INDORE CX	CX SHILLONG
66	P. G. Naik	SURAT - II CX	DGICCE, DELHI
67	T. S. Ayyaswami Pillai	DG, CEI, COIMBATORE	CX COCHIN
68✓	Mohan Chandra Hazarika	DIBRUGARH CX	CX KOLKATA
69	Sita Ram Sharma	C.C.F., NEEMUCH	CX BHOPAL 'B' STATION
70	Manoj Kumar Rajak	KANPUR CX AGRA	CX JAIPUR
71	Basistha Prasad	ALLAHABAD CX VARANASI	NACEN FARIDABAD
72	Prem Pal Singh	ALLAHABAD CX FAIZABAD	DGICCE, DELHI
73	Kulwaran Singh	BELGAUM CX	CX CHENNAI
74	A. Ashokan	MADURAI CX	CX CHENNAI
75	L R Naik	MANGALORE CUS., KARWAR	CX CHENNAI
76	Makhan Lal Meena	JAIPUR - II, CHITTORGARH	NACEN FARIDABAD
77	Deepankar Aron	MEERUT - I, DEHRADUN	DGRI, DELHI
✓ 78✓	Lalsawma Vanchhawng	SHILLONG (PREV.) CUS., AIZAWL	CX KOLKATA
79	Raju Shakthivel	VISHAKAPATNAM - II, KAKINADA	CUS. CHENNAI
80	J. S.A. Julius	MYSORE CX	NACEN BANGALROE
81	M. Jayaraman	TUTICORIN CUS. (PREV.)	CX CHENNAI

82 ✓	Harendra Suklabaldya	SHILLONG CX& CUS. ,SILCHAR	CUS. KOLKATA
83	M. K. Saseendran	TIRUPATI CX	CUS BANGALORE
84 ✓	P. Tiatemsu Pongener	SHILLONG CUS (PREV.),DIMAPUR	CX KOLKATA
85	Devendra V. Nagvenkar	BHAVNAGAR CX	CX BHOPAL 'B' STATION
86 ✓	Subir Kumar Chakraborty	SHILLONG CX. & CUS	CUS. KOLKATA
87	Vimal Narayan Shakwar	C. B. N.,GWALIOR	CX VADODARA
88 ✓	Sujan Kumar Das	DIBRUGARH CX TEZPUR	CUS. KOLKATA
89 ✓	Sucheta Sreejesh Rout (Mrs)	SHILLONG (PREV.) CUS.,AGARTALA	CX, KOLKATA
90	Manesh Kumar	DG, CEI,JAMSHEDPUR	CUS. KOLKATA
91	Yamunadevi. B. (Ms)	TUTICORIN CUS. (PREV.)	CX CHENNAI
92	K. K. Kaushik	C. B. N.,GWALIOR	CX JAIPUR
93	K. M. Patwari	BHOPAL CX, UJJAIN	DGICCE, MUMBAI
94	Vishnu Shanker Gaur	MEERUT - II,BAREILLY	CX JAIPUR
95	Satya Narayan Lal Das	LUCKNOW CX ,SITAPUR	CX MEERUT
96	Ashok Bharna Rayannawar	AURANGABAD CX	CX VADODARA
97	Ram Sagar Ram	PATNA CX, GAYA	CX KOLKATA
98	S. Padmanabhan	NAGPUR CX ,CHADRAPUR	CX PUNE
99	Kusumia Ugavara Prasad	BHUBANESHWAR - I, BALASORE	CX KOLKATA
100	V. R. Gyaneshwar	BELGAUM CX, GULBARGA	CUS.,BANGALORE
101	K. Devender Rao	BHAVNAGAR CX, SURENDRANAGAR	CX VADODARA
102	Dasari Paul	VISHAKAPATNAM - II CX, RAJAMUNDRY	CX HYDERABAD
103	M. M. Vasava	JODHPUR(JAIPUR) CUS. (Prev),JAISALMER	CX DELHI
104	T. N. Waghela	JODHPUR(JAIPUR) CUS.	CX DELHI

		(Prev),BARMER	
105	Suchir Kumar Mehta	JODHPUR(JAIPUR) CUS. (Prev),SRIGANGANAGAR	CX, LUCKNOW
106	Amar Singh	JODHPUR(JAIPUR) CUS. (Prev),JODHPUR	CX, JAIPUR
107	Yellampalli Krishna Kumari (Mrs)	GUNTUR CX,NELLORE	CX, HYDERABAD
108	M. N. Das	INDORE CX, MALANPUR	CX, VADODARA
109	R. Bhoopalan	TIRUPATI CX	CX,CHENNAI
110	Muljibhai Shankerbhai Parmar	DAMAN(VALSAD) CX, DAMAN	CX AHMEDABAD
111	Chandrakant Naginbhai Patel	AHMEDABAD - III CX,NADIAD	CX,VADODARA
112	Hawa Singh Gajraj	RAIPUR CX, BHILAI	CX,VADODARA
113	Baru Ram	ALLAHABAD CX, GORAKHPUR	CX,CHANDIGARH
114	P. R. Vijayan	CALICUT CX	CUS. BANGALORE
115	Basaprabhu Tippanna Vibhute	GUNTUR CX,ELURU	CX MYSORE
116✓	Anwar Hussain	SHILLONG CX	CUS KOLKATA
117	Sohan Singh	MEERUT CX	CX CHANDIGARH
118	Narinder Singh Walia	JODHPUR(JAIPUR) CUS. (Prev),JODHPUR	CX CHANDIGARH
119	Uday Bhaskar Rakhe	JAMSHEDPUR CX	CUS KOLKATA
120	Sanjay Kumar Sinha	NACEN,HAZARIBAGH	CUS DELHI
121	P. M. Mohiyuddin	WEST BENGAL CUS.	CX RANCHI
122✓	Sabyasachi Paul	JAMSHEDPUR CX	DGCEI, SHILLONG
123	V. Sree Nivasan	COIMBATORE CX	CUS CHENNAI
124	Madhao Bhonduji Kowey	AURANGABAD CX	CX VADODARA
125	Pema T Shering Lama	SILIGURI CX	CUS.(P), PATNA
126	Piyushkumar Gordhandas Shah	BHAVNAGAR CX	DGRI, MUMBAI

-34-

127	I. H. Khan	PUNE CUS., KATNAGIRI	CX VADODARA
128	N. B. Deshmukh	JAMNAGAR CUS. (PREV.), BHAVNAGAR	CX VADODARA
129	S. S. Sathiakumar	TIRUPATI CCX, CUDDAPAH	CUS CHENNAI
130	G. C. Murmu	BOLPUR CX	CUS KOLKATA
131	A. Felix Micheal Amalraj	RAJKOT CX, BHUJ	CX VADODARA
132	Anil Kumar Sahay	RANCHI CX, HAZARIBAGH	CX KOLKATA
133	Virat Dutt Choudhary	C.C.F., GWALIOR	CX NAGPUR
134	Lukalapu Venkateswar Rao	HALDIA CX	CUS KOLKATA
135	Bochu Timothy	PANCHKULA CX	CUS DELHI
136	M. I. Mary (Mrs)	CALICUT CX	CX BANGALROE
137	Satish Rajaram Vichare	BHAVNAGAR CX	NACEN, MUMBAI
138	Niranjan Bhattacharjee	SHILLONG (PREV.) CUS., SHILLONG	CX, KOLKATA
139	Kuldip Singh	ROHTAK CX	CX, MEERUT
140	D. P.C. Ramesh Joshi	HYDERABAD - I, NIZAMABAD	CX VIZAG
141	Hadl Bandhu Sahu	BHUBANESHWAR - I, CUTTACK	CX KOLKATA
142	Bhabatosh Goswami	BOLPUR CX, BERHAMPORE	NACEN, KOLKATA
143	Pran Gopal Pal	BOLPUR CX, BURDWAN	CX KOLKATA
144	Dinesh Basak Choudhary	BOLPUR CX	CUS KOLKATA
145	Ashok Kumar Mallick	HALDIA CX	CUS (P), PATNA
146	Tulasi Das	HALDIA CX	CX, RANCHI
147	Patit Paban Mondal	BOLPUR CX	CUS KOLKATA
148	Theodore Barla	BHUBANESHWAR - II, ROURKELA	CUS KOLKATA
149	Mahender Singh	ROHTAK CX, SONEPAT	NACEN, FARIDABAD

150	V. K. Kaul	JALANDHAR CX, AMRITSAR	CX, MEERUT
151	Rama Kanta Das	DIBRUGARH CX , DIGBOI	CUS KOLKATA
152	Avinash Mehta	BHOPAL CX	CX VADODARA
153	Anoop Kumar Sabharwal	JODHPUR(JAIPUR) CUS. (Prev),UDAIPUR	CX, CHANDIGARH
154	C. P. Sasikumar	MYSORE CX	CX, COCHIN
155	Prahakad Singh Bisht	AMRITSAR CUS (Prev.),AMRITSAR	CX, DELHI
156	K. Balasundaram	SALEM CX, COONOR	CUS CHENNAI
157	Vijay Raghunath Waghmare	BHOPAL CX	CX VADODARA
158	Hansraj Sharwan Mahajan	JAMNAGAR CUS. (PREV.),BHUJ	CX, PUNE
159	R. Lalngurauva	SHILLONG (PREV.) CUS.,SHILLONG	CX, KOLKATA
160	Dasarath Buruda	BHUBANESHWAR - II,SAMBALPUR	CX, KOLKATA
161	K. V. Jose	COIMBATORE CX	CX, COCHIN
162	P. N. Balachandran	VAPI CX	CX AHMEDABAD
163	Jagdish Prasad Meena	AHMEDABAD - III,MEHSANA	CX VADODARA
164	G. Sivasubramaniam	PONDICHERRY CX	CUS CHIENNAI
165	P. V. Rajapandi	PONDICHERRY CX	CUS CHENNAI
166	U. Chandrasekaran	MYSORE CX	CUS CHENNAI
167	V. Rajappa	TIRUCHIRAPALLI CX,THANJAVUR	DGRI , TRICHY (TUTICORIN)
168	Ravindra Nath Yadav	C. B. N.,GWALIOR	CX NAGPUR
169	T. Janardana Rao	MYSORE CX	CUS CHENNAI
170	Hemen Gogoi	SILIGURI CX	CX KOLKATA
171	E. Annadurai	MYSORE CX	CUS (P), CHIENNAI

- 36 -

43

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Page 9 of 1

172	C. Ravichandran	MYSORE CX	CUS CHENNAI
173	Vijay Bahadur Singh	PUNCHKULA CX, YAMUNA NAGAR	CUS (P), DELHI
174	Harinder Singh	PUNCHKULA CX, AMBALA	CUS (P), DELHI
175✓	Ashish Bijoy Dutta	SILIGURI CX, MALDAH	CX SHILLONG
176	G. Mathizhgan	JAMSHEDPUR CX	CX, KOLKATA
177	Padmanabhan Ravikumar Nair	JAMSHEDPUR CX	CX MUMBAI II
178	Debojit Bose	BOLPUR CX, DURGAPUR	CUS, KOLKATA
179	Jag Ram Meena	C. B. N., GWALIOR (Lucknow)	CX, JAIPUR
180	G. Divakaran Nair	HYDERABAD - IV, SECUNDERABAD	CX, COCHIN
181✓	Chandi Das Baiddya	SHILLONG CX. & CUS, SHILLONG	CX, KOLKATA
182	A. Kalyana Sundaram	TIRUCHIRAPALLI CX, KARAIKAL	CUS. CHENNAI
183	S. Jayakumar	TUTICORIN CUS. (PREV.), TUTICORIN	CX, COIMBATORE
184	S. B. Shinde	DAMAN (VALSAD) CX	CX NAGPUR
185	Ashok Bhavan Das Lala	AURANGABAD CX	CX VADODARA
186	B S Bhandari	MEERUT - II, MORADABAD	NACEN DELHI
187	Ulhas Harishchandra Parab	AURANGABAD CX	NACEN MUMBAI
188	Ranjan Kumar Goswami	DIBRUGARH CX	CUS KOLKATA
189	A. Kandaswamy	TIRUPATI CX	CUS (P) CHENNAI
190	P. Murugesan	COIMBATORE CX, POLLACHI	CX CHENNAI
191	Arjun Kishore Panda	BHUBANESHWAR - II, SAMBALPUR	DGCEI, JAMSHEDPUR
192✓	G. Machunlung Kamel	SHILLONG (PREV.) CUS, SHILLONG	CX KOLKATA
193	Abdur Rauf Naik	BOLPUR CX, ASANSOL	CUS KOLKATA
194	Rajveer Singh Rawat	VAPI CX	CX NAGPUR

195	P. C. Sakaria	BELGAUM CX,HUBLI	CX COCHIN
196	Chandrakant Shivnam Patil	PUNE - III,SOLAPUR	CX VADODARA
197	V. S. Sundera Rajan	TIRUNELVELI CX	CX CHENNAI
198	Jagdishchandra Thakordas Dabhi	BHOPAL CX SAGAR	CX VADODARA
199	R. Bhaskaran	CHENNAI - III,HOSUR	CX VIZAG
200	Bhagwan Singh Chauhan	JAIPUR CX	CUS DELHI
201	S. Raja	VAPI CX	CX BHOPAL
202	P. E. Meerza Waheed	DGRI,CALICUT	CX VIZAG
203	K. R. Raman	GUNTUR CX,VIJAYAWADA	CX COIMBATORE
204	Ashok Kumar Kothari	LUCKNOW CUS.,GORAKHPUR	CX JAIPUR
205	T. G. Allure	BELGAUM CX	CX VIZAG
206	Jitendra Pratap Singh	DG, CEI,VAPI	CUS MUMBAI - I
207	Rajni Kanta Mahapatra	HALDIA CX	CX BHUBANESHWAR
208	O. P. Mehar	INDORE CX,RATLAM	CX VADODARA
209✓	Indrajit Guha	DG, CEI,SHILLONG	CUS KOLKATA
210✓	Apalak Das	SHILLONG CX. & CUS. SHILLONG	CUS KOLKATA
211	R. Vishnu Das	COCHIN CX,THIRUVANANTHAPURAM,KOLLAM	CX COIMBATORE 'B' STATION
212	K.V.V.S. Prasad	CHENNAI CUS	DGRI, CHENNAI
213	Prabhjit Singh Gulati	CHANDIGARH CX	DGRI, DELHI
214	C.L. Dogra	CHANDIGARH CX	DGRI, JAMMU & KASHMIR
215	B.S. Meena	PATNA CUS. (P)	DGRI, JAIPUR
216	Prashant Kumar	AHMEDABAD CX	DGRI, AHMEDABAD

217	DR. T. Tiju	VIZAG CX	DGRI, MUMBAI
218	J.S. Shanshalwal	DG (VALUATION) MUMBAI	DGRI, MUMBAI
219	Basudev Batayal	DGRI, KOLKATA	KOLKATA CX
220	Sumit K. Das	DGRI, JAIPUR	DELHI CX
221	Pankaj Diwedl	DGCEI, GOA	DGCEI, KANPUR
222	L.M.D'Silva	DGCEI, BELGAUM	DGCEI, GOA
223	L. Vasu	VIZAG CX	DGCEI, CHENNAI
224	Bisvajit Sarkar	KOLKATA CX	DGCEI, KOLKATA
225	C.D. Johnson Rajkumar	KOLKATA CX	DGCEI, MADURAI
226	D. Ramaswamy	BHUBANESHWARCX	DGCEI, ROURKELA
227	John Bosco D'Souza	BANGALORE CX	DGCEI, BELGAUM
228✓	B.P. Sinha	DGCEI, KOLKATA	SHILLONG CX
229	A.P. Davis	DGCEI, CHENNAI	CHENNAI CUS. (P)
230	Deepti Jayaraj	COCHIN CX	CX RANCHI
231	Harish Kumar	T.O. CBEC	CUS DELHI
232	Bijoy Kumar Tiru	KOLKATA CUS	NACEN KOLKATA
233	Avinash Pushkarna	T.O. CBEC	CUS DELHI
234	DR. Ashok Aswal	NACEN HAZARIBAGH	DOPM, DELHI
235	Akhilesh Pandey	MEERUT CX	CX ALLAHABAD
236	R. K. Bansal	MUMBAI - I CUS	CX MUMBAI - I
237	Bachan Singh	MUMBAI - I CUS	CX MUMBAI - I
238	Jhamman Singh	MUMBAI - I CUS	CX MUMBAI - I
239	S.B. Akashi	MUMBAI - I CUS	CX MUMBAI - I

240	Ashish Srivastava	MUMBAI - I CUS	CX MUMBAI - I
241	K.S. Sandhu	MUMBAI - II CUS	CX MUMBAI - I
242	R.C. Bandodkar	MUMBAI - II CUS	CX MUMBAI - II
243	C.S. Mishra	MUMBAI - II CUS	CX MUMBAI - II
244	A Chandershekhar Reddy	MUMBAI - II CUS	CX MUMBAI - II
245	Hardeep Singh	MUMBAI - II CUS, RAIGAD	DELHI CX CLASS 'C' STATION
246	Ram Pratap	DG (Vig.), DELHI	CUS DELHI
247	S.C. Pushkarna	CESTAT, DELHI	CX DELHI
248	Partap Singh	DELHI CX	CESTAT, DELHI
249	Ashima Bansal	DELHI CX	CESTAT, DELHI
250	B.R. Parulkar	DG (Valu.) MUMBAI	CX MUMBAI - I
251	K.K. Katheria	DG (Valu.) MUMBAI	CX MUMBAI - II
252	Virendra Kumar - II	MUMBAI - II CX	DG (VALU.) MUMBAI
253	K. S. Mishra	MUMBAI - II CX	DG (VALU.) MUMBAI
254	K. Urukundappa	DGICCE, CHENNAI	CX CHENNAI
255	C. Mani	CESTAT CHENNAI	CUS CHENNAI
256	A. Murlidharan	CHENNAI CUS	DGICCE, CHENNAI
257	P. Raja Kumar,	KOLKATA CUS	DG (VIG.) CHENNAI
258	B. Mohan	DG, SAFEGUARDS, DELHI	DG. (VIG.), DELHI
259	R. K. Prashar	DELHI CX	DG. (VIG.), DELHI
260	P. K. Chattopadhyay	DGICCE, KOLKATA	DG. (VIG.), KOLKATA
261	S. K. Bose	KOLKATA CUS	DG. (VIG.), KOLKATA
262	Fateh Singh	DG. (VIG.), DELHI	CX DELHI

263	K. P. H. Paul Mohd.	DGRI TRICHY	CX COIMBATORE
264	M. Manivanan	NACEN CHENNAI	CUS CHENNAI
265	N. Venkata Raman	NACEN BANGALORE	CUS BANGALORE
266	Y. C. S. Swamy	NACEN BANGALORE	CUS BANGALORE
267	Reyaz Ahmed	KOLKATA CX (ST)	CX CHANDIGARH
268	I.C. Buda	DGICCE, KOLKATA	BHUBANESHWAR CX
269	Satyendra Mathuria	ON REJOINING THE DEPARTMENT AFTER RESIGNING FROM I.P.S.	DELHI CX
270	Sudhakar Mishra	PATNA CUS (P) SANAULI	CX LUCKNOW
271	Era Elango	CHENNAI CUSTOMS	CX COCHIN (NON SENSITIVE)
272	Mohd. Nazrul Islam	KOLKATA (SILIGURI) CX	CX RANCHI (NON SENSITIVE)
273	Arun Chopra	MUMBAI CUSTOMS	CX AHMEDABAD (NON SENSITIVE)
274	D. Samuel Surendran	DGCEI, CHENNAI	COIMBATORE CX (NON SENSITIVE)
275	A.S.Meenalochani	DG (VIG.) CHENNAI	CUS CHENNAI
276	T. R. Gajalashmi,	NACEN CHENNAI	CX CHENNAI

2. All the officers mentioned above should be relieved immediately and a compliance report to this effect should be sent by the Chief Commissioner concerned to the undersigned by 27.06.2005. This should be followed by a report containing status regarding assumption of charge by the transferred officers against their new post which should reach the undersigned by 11.07.2005

3..With this order, all representations for posting and transfers in the grade of Deputy Commissioner & Assistant Commissioner of Customs & Central Excise received to date stand disposed off

[R. K. Kalia]
Deputy Secretary to the Government of India

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*Attended
for advice*

- 41 -
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Annexure - F.

Original Application No. 127/2005

Date of Order : This the 13th day of June, 2005

The Hon'ble Sri Justice G. Sivarajan, Vice-Chairman

The Hon'ble Sri K.V. Prahladan, Administrative Member.

Smt. Kironmoyee Das
Working as Superintendent,
Central Excise, Amguri Range.

... Applicant

By Advocates Mr. J.L. Sarkar, Mr. A. Chakrabarty.

- Versus -

1. The Union of India represented by the
Secretary, Ministry of Finance,
Department of Customs and Central Excise,
New Delhi.

2. The Chief Commissioner,
Customs and Central Excise,
North Eastern Region, Shillong.

... Respondents

By Mr. A.K. Chaudhuri, Addl. C.G.S.C.

ORDER (ORAL)

SIVARAJAN. J. (V.C.)

The matter relates to transfer and postings of Officers in the
Grade of Superintendent Group 'B' of Central Excise and Customs
Department on rotation basis.

2. The applicant is working as Superintendent, Central Excise,
Anguri Range since March 2003. Her husband is also working in the

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-42- 2

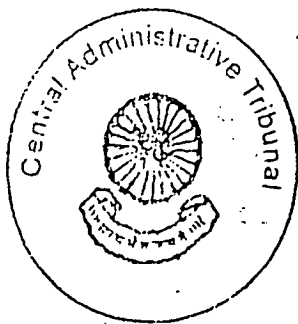
49

same department and is posted at Jorhat. The husband of the applicant while working as Superintendent at Sonari met with a road accident and had undergone surgery. Thereafter on the request of her husband she was posted at Jorhat with effect from June 2003. It is stated that the husband of the applicant is not yet completely cured and he still needs care and attention of the family members. The children of the applicant is studying in educational institutions at Jorhat and are in mid session.

3. The applicant is presently aggrieved by her transfer from Amguri Range in Assam to Dimapur Customs Division in Nagaland as per orders dated 3rd and 6th June, 2005.

4. It is stated that the transfer orders made in June 2005 is against all the accepted norms for transfer contained in Annexure - A and B of the application and are made only to oblige certain Superintendents out of turn and against the norms as could be seen from Annexure - D order itself. According to the applicant apart from the violation of the transfer norms even the well accepted policy of accommodating husband and wife in the same station is violated even though there was no public interest or exigencies of service other than to oblige certain employees. It is also stated that though a representation is filed there is no response.

5. We have heard Sri J.L. Sarkar, learned counsel for the applicant and Sri A.K. Chaudhuri, learned Addl. C.G.S.C. for the respondents. We are of the view that since the representation submitted by the applicant is pending before the second respondent this application can be disposed of at the admission stage itself.

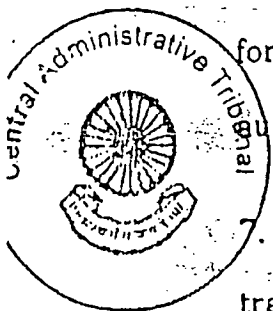


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6. Norms for transfer of Group 'B' Officers in North East are contained in Annexure - A. Further, so far as the Central Excise and Customs department is concerned the norms are stated in Annexure - B. As per Annexure - B a Superintendent is entitled to continue in the same station for 4 to 6 years continuously. The applicant, does not appear to have continuous service in the same station for 4 to 6 years but only 2 years and odd. That apart, the husband and wife being government employees working in the same department are entitled to be accommodated in the same station unless any public interest or exigency of service warrant otherwise (See Bank of India V Jagjit Singh Mehta AIR 1992 SC 519). If the transfer is made in public interest and for administrative reasons the Courts would not interfere since there will be complete chaos in the administration which would not be conducive to public interest. The proper course for the affected party is to file representation before the higher authority and it is for that authority to pass appropriate orders.

7. In the instant case the transfer orders shows that these transfers are not made in public interest or in the exigencies of Administration. Annexure - D order shows that the said order was the result of representations made by certain Superintendents. It is not clear whether any representations were invited from the Superintendents for transfer so as to say that no further representations will be entertained unless the officers join their new places of postings.

8. We, prima facie, feel that the impugned orders were passed without considering the guidelines rather, throwing the guidelines to



[Signature]

wind. We do not wish to state more since the application is being disposed of at the admission stage itself.

9. Since the applicant has filed a representation before the 2nd respondent the said authority will consider the same and pass appropriate orders keeping in mind the guidelines, the observation made hereinabove and in accordance with law within a period of one month from the date of receipt of this order. Since the applicant wants to supplement the representation she is directed to file additional representation with copy of the guidelines - Annexure A & B to the 2nd respondent within one week from today. This order will also be sent alongwith for compliance. If the applicant is not relieved till this day she will be retained in the present post till the disposal of the application as directed herein above.

The O.A. is disposed of as above at the admission stage itself.

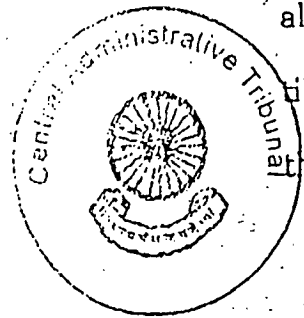
Sd/ VICE CHAIRMAN

Sd/ MEMBER (A)

TRUE COPY

Section Officer (J)
C.A.T. GUWAHATI BRANCH
Guwahati-781005

14/6



- 45 - Annexure - G 52

Annexure - G

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Applications No. 129/2005, 130/2005, 131/2005 and 136/2005.

Date of Order : This the 14th Day of June, 2005.

THE HON'BLE MR JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

1. Shri Gangadhar Das (O.A.129/2005)
2. Shri Nijit Kr. Nandi (O.A.130/2005)
3. Shri R.K.Kalita (O.A.131/2005)
4. Shri Madhu Sudan Tyagi (O.A.136/2005)

All the applicants are working as Superintendent under different ranges of Central Excise, Guwahati Applicants

By Advocate Shri J.L.Sarkar for all the Applicants.

Versus -

1. Union of India, represented by the Secretary, Ministry of Finance, Department of Customs & Central Excise, New Delhi.

2. The Chief Commissioner, Customs & Central Excise, North Eastern Region, Shillong. Respondents

By Mr A.K.Chaudhuri, Addl.C.G.S.C in O.A.No.129/05 & 130/05.
Mr M.U.Ahmed, Addl. C.G.S.C in O.A. No. 131/05 & 136/05

ORDER (ORAL)

SIVARAJAN J.(V.C)

In all these cases the applicants challenged the propriety of the transfer orders dated 3.6.2005 and 6.6.2005 issued by the Commissioner of Central Excise and Customs. Apart from their individual circumstances, according to them these orders are passed in patent violation of the accepted norms regarding transfer of Group B employees contained in Annexures A and B. It is the contention of the applicants that these orders have been issued with the sole purpose of obliging certain Superintendents by soliciting

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representations from them. It is also stated that persons like the applicants are not afforded an opportunity to make representations before the Commissioner in regard to their peculiar circumstances. It is stated that the applicant in O.A.No.130/2005 is undergoing treatment for serious ailments and in O.A.131/2005 the mother of the applicant is undergoing treatment for cancer and that there is only one Cancer Institute for treatment in Guwahati for the entire North East Region. It is their grievance that the applicants were never informed of the intention of the respondents to effect transfers and postings during the month of June contrary to the well accepted norms that transfers and postings of Group B officers will be effected only in the month of December or at the latest by 31st January of each year. It is also their contention that as per the norms prescribed in Annexure-A and B, particularly Annexure B where it is specifically stated that the normal tenure of Superintendent in a particular station is for a continuous period of 4 to 6 years and that without any valid reason the applicants, who have not completed more than 2 to 3 years have been transferred out from Guwahati to distant places without their volition.

2. I have heard Mr J.L.Sarkar, learned counsel appearing for the applicants and Mr A.K.Chaudhuri and Mr M.U.Ahmed, learned Addl.C.G.S.Cs for the respondents. Mr Sarkar pointed out that the impugned transfer orders cannot be sustained for the sole reason that these orders are passed in the month of June, when the children of the applicants are in the mid academic session of their studies. Counsel submits that these orders have been issued at this late hour only to oblige certain Superintendents in the department by getting representations from them. Counsel also submits that the transfer

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orders are passed in patent violation of the well accepted norms contained in Annexures A & B, which are made with mala fide

Intention. Counsel also drew my attention to the order dated 3.6.2005, from which it is seen that pursuant to representations made by more

than 20 Superintendents they have been transferred to places of their choice and it is stated that they are not entitled to TA/DA since the

transfers were made as per their requests. Counsel submits that no further proof is required to establish mala fides in the matter.

3. Mr A.K. Chaudhuri, learned Adl. C.G.S.C on the other hand submitted that there is no illegality in the transfer orders. The

guidelines issued in the form of executive orders will not stand in the way of the respondents effecting transfers in public interest or in the

exigencies of the administration. Standing Counsel also submits that this Tribunal will not interfere in transfer matters and it is for the

applicants, if they are aggrieved, to make representation before the respondents.

4. I have considered the rival submissions. A Division Bench of this Tribunal had occasion to consider the challenge to the very same

transfer orders in O.A.127/2005 and rendered judgment on 13.6.2005. Direction was issued to the respondents to consider the

representation made by the applicant therein in the light of the guidelines and also not to relieve her from the present place until the

representation is disposed of. The guidelines clearly show that the transfer orders are to be issued only in the month of December and as

far as possible before 31st January of each year and such a norm was fixed only to take care of the interest of the children of the officers

who are studying in educational institutions and not to affect their studies adversely. In these cases it is specifically averred by the

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applicants, that their children are studying in the educational institutions and they are in the mid academic session. That apart, Annexures A & B guidelines would show that Superintendents of the Customs and Central Excise department will normally have a continuous service in a particular station for 4 to 6 years. In these cases both the aforesaid norms are seen violated and the only reason for departing from the aforesaid well accepted norms I could gather from the impugned orders is that representations made by the certain Superintendents were considered and transfers are effected to suit their convenience. To put it differently there was no public interest nor any exigencies of service involved in these transfers. Though normally guidelines issued by way of executive orders may not have any binding effect in the absence of any public interest or administrative exigencies, the respondents are bound to make transfers and postings on the lines of the guidelines issued that to after due discussions, deliberations with the Association of employees. In the instant case it is seen that the applicants have made representations against the transfer/posting order dated 3.6.2005 and no interim orders have been passed thereon. In view of the alleged violation of the guidelines, particularly, those discussed hereinabove the concerned respondent, namely, the Chief Commissioner of Customs and Central Excise will consider the representations made by the applicants with reference to the guidelines (Annexures A & B) and the observations made hereinabove and take a decision thereon within a period of one month from the date of receipt copy of this order. If the applicants want to supplement the representations they are free to do so within a period of one week from today. The Chief Commissioner, Central Excise and Customs shall consider the

Encl.

Individual representations submitted by the applicants as directed above and pass a reasoned order. In the meantime, if the applicants have not so far been relieved from the respective post held by them they will be allowed to continue in the said post and same place until a decision is taken as directed above.

The O.As are disposed of accordingly.

The applicants will produce this order alongwith the additional representation to be made within one week from today to the respondents.

Sd/VICE CHAIRMAN

- 50 -

Annexure - H
SL. No. 158

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 142 of 2005

Date of Order: This the 15th day of June 2005.

The Hon'ble Justice Shri G. Sivarajan, Vice-Chairman

The Hon'ble Shri K.V. Prahladan, Administrative Member

Shri Gaigongdin Panmel
Additional Commissioner,
Customs Preventive Commissionerate,
N.E.R., Shillong.

....Applicant

By Advocates Mr J.L. Sarkar and Mr S. Nath.

- versus -

1. Union of India, represented by the
Secretary (Revenue),
Ministry of Finance,
Department of Revenue,
North Block, New Delhi.

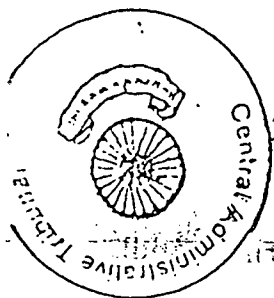
2. Central Board of Excise & Customs
(through its Chairman)
North Block, New Delhi.

3. Chief Commissioner,
Customs & Central Excise
Shillong Zone,
Crescens Building,
M.G. Road, Shillong-1.

4. Commissioner of Customs (P)
North Eastern Region,
Customs House,
110-MG Road, Shillong.

....Respondents

By Advocate Mr A.K. Chaudhuri, Addl. C.G.S.C.



Advocate
Mr. A.K. Chaudhuri

2 -51-

58

ORDER

SIVARAJAN. J. (V.C.)

The applicant is working as Additional Commissioner, Customs Preventive Commissionerate, N.E.R., Shillong since 18.3.2002. After completing three years of service in the North Eastern Region, pursuant to option called for by the Central Board of Excise and Customs, the applicant submitted option on 27.4.2005 (Annexure-C) for retention in the same station, i.e. Shillong for at least one year since his son is in the middle of the academic year. It is the grievance of the applicant that ignoring the said option, the applicant has now been transferred to Kolkata Commissionerate.

2. Mr J.L. Sarkar, learned counsel for the applicant, submits that since the applicant's son is studying at Shillong and is in the middle of the academic year he requested for his retention at Shillong itself at least for one year and without considering the said request the impugned order was passed.

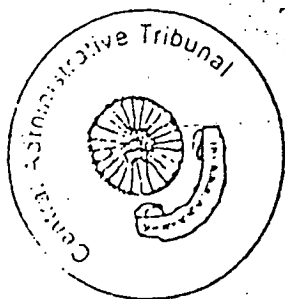
3. We have also heard Mr A.K. Chaudhuri, learned Addl. C.G.S.C. for the respondents.

4. Since the option exercised by the applicant in Annexure-C is not seen considered and since the impugned order was passed by considering the representations of various other persons, we are of the view that the respondents are to be directed to consider the case of the applicant also. For the said purpose, we direct the applicant to make a representation with reference to Annexure-C option within a period of ten days from today before the respondent No.1. If such a representation is filed the respondent No.1 will consider the same and pass appropriate orders within a period of six weeks thereafter. The

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applicant will produce this order alongwith the representation before the respondent No.1 for compliance. If the application is filed within the time specified above, the respondents will retain the applicant in the present place till the disposal of the representation directed to be filed hereinabove.

The O.A. is accordingly disposed of.



Sd/ VICE CHAIRMAN

Sd/ MEMBER (A)

Verified to be true and
correct copy

[Signature]
16.6.05
Section Officer (A)
C.A.T. GUWAHATI BRANCH
Guwahati 22.6.05

16/6/5

- 53 -

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.144 of 2005

Date of decision: This the 15th day of June 2005

The Hon'ble Justice Shri G. Sivarajan, Vice-Chairman

The Hon'ble Shri K.V. Prahladan, Administrative Member

Mr. Challienkhum Songate

S/o Hrangthankhum

Joint Commissioner

Central Excise, Shillong.

.....Applicant

By Advocates Mr J.L. Sarkar and Mr S. Nath.

- Versus -

1. Union of India, represented by the
 Secretary,
 Ministry of Finance,
 Department of Revenue,
 New Delhi.

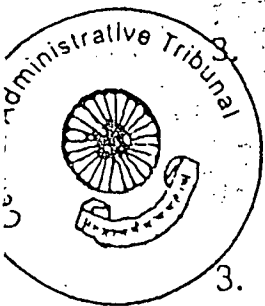
2. The Chairman
 CBEC,
 Department of Revenue
 North Block, New Delhi.

The Deputy Secretary (AD-II)
 CBEC,
 Department of Revenue,
 Ministry of Finance,
 Government of India, New Delhi.

3. The Chief Commissioner,
 Central Excise & Customs (East Zone)
 Shillong.

.....Respondents

By Advocate Mr M.U. Ahmed, Addl. C.G.S.C.



Shri M.U. Ahmed
Advocate

- 54 -

ORDER

SIVARAJAN. J. (V.C.)

The matter relates to the transfer and posting of Joint Commissioners in the Customs and Central Excise Department of the Central Government. The applicant is a Joint Commissioner, Customs Preventive Commissionerate, N.E.R. and posted at Shillong since October 2002. He is aggrieved by his transfer from Shillong to Kolkata as per order dated 10.6.2005 (Annexure-I). It is the case of the applicant that his children aged 5 years and 7 years are studying in Meghalaya State Police Public School, Shillong and that if the transfer is effected at this point of time it will adversely affect the education of his children. Further, it is stated that the applicant's wife is Group 'A' Central Government employee and is posted at Shillong and that the policy of the Government is to accommodate both husband and wife in the same station as far as practicable. It is also stated that the applicant had exercised his option to continue in the North Eastern Region for at least one more year and that by ignoring all these the respondents have passed the impugned transfer order only to oblige certain officers who had made representations for transfer to their place of choice.

2. We have heard Mr J.L. Sarkar, learned counsel for the applicant and Mr. M.U. Ahmed, learned Addl. C.G.S.C. for the respondents. It is not clear as to whether the respondents had offered an opportunity to make representation to all the officers in the post of Joint Commissioner. However, it is seen that the impugned orders are

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passed mainly on the basis of representations made by some of the Joint Commissioners.

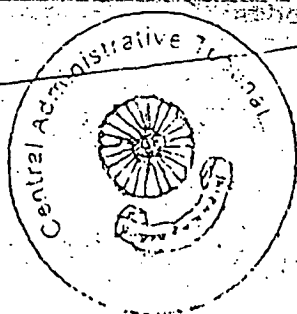
3. Taking into account all the circumstances we direct the applicant to make a detailed representation before the respondent No.1 for the relief sought for in this application within a period of ten days from today. If any such representation is filed the respondent No.1 will dispose of the same in accordance with law within a period of six weeks thereafter. If the applicant has not so far been relieved he would be allowed to continue in the present post till orders are passed on his representation to be filed as directed herein now. If the applicant does not file the representation in time, certainly the respondents are free to proceed according to law. The applicant will produce this order alongwith the representation for compliance.

The application is accordingly disposed of.

sd/ VICE CHAIRMAN

sd/ MEMBER (A)

certified to be true copy
प्रमाणित प्रतिलिपि



N. S. S.
16.6.05
Section Officer (J)

C.A.T. GUWAHATI RANCH
Guwahati. IXIS

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