

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (JUDL.)

6.7.2015

FORM NO. 4
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :
ORDERSHEET

1. ORIGINAL APPLICATION No : 180 / 2009
2. Transfer Application No : ----- / 2009 in O.A. No.-----
3. Misc. Petition No : ----- / 2009 in O.A. No.-----
4. Contempt Petition No : ----- / 2009 in O.A. No.-----
5. Review Application No : ----- / 2009 in O.A. No.-----
6. Execution Petition No : ----- / 2009 in O.A. No.-----

Applicant (S) : Shri Litkhotlang Mate

Respondent (S) : Union of India and ors.

Advocate for the : Mr. M. Chanda,
{Applicant (S)} Mr. S. Nath & Ms. C. Dutta

Advocate for the : -----
{Respondent (S)} CGSC.

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed/C. F. for Rs. 50,- deposited vide P. No. <u>3964/5098</u> Dated <u>23.7.05</u></p> <p><u>8.9.09</u> Dy. Registrar <u>8/9/09</u></p> <p><u>8.9.09</u> 7 (seven) copies of application with envelopes received for issue notices to the Respondents No 1 to 7 - Copy served. Extra charge for Respondents No. 6 & 7 deposited vide Receipt No. 2946 dt. 8.9.09.</p> <p><u>8/9/09</u></p>	<p><u>09.09.2009</u></p> <p>/PG/</p>	<p>Heard learned counsel for the parties.</p> <p>For the reasons recorded separately, this O.A. is dismissed. No costs.</p> <p><u>(M.K. Chaturvedi)</u> Member (A)</p> <p><u>(M.R. Mohanty)</u> Vice-Chairman</p>

11/09/2009

Copy of judgment order along with
~~not~~ Notice
dtd 09/09/2009 send to
the D/section for
issuing to the Applicant
and Respds. by Regd post.
Free copies of both
side of standing counsel
by hand.

D/No. 1219-1226 ~~Don~~
Dtd. 11/9/09 11/9/09

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

.....

O.A.Nos. 180 of 2009

DATE OF DECISION: 09 -09-2009.

Shri Litkhotland Mate

.....Applicant/s
Mr M.Chanda, S.Nath & Mrs. U.Dutta.

.....Advocate for the
Applicant/s

-Versus -

Union of India & Ors.

.....Respondent/s

Mr. Mr K.Das, Addl.C.G.S.C


.....Advocate for the
Respondent/s

CORAM

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR M.K.CHATURVEDI, ADMINISTRATIVE MEMBER

1. Whether reporters of local newspapers may be allowed to see the judgment ? Yes/No
2. Whether to be referred to the Reporter or not ? Yes/No
3. Whether their Lordships wish to see the fair copy of the judgment ? Yes/No.


Vice-Chairman/Member (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI :

O.A. No. 180 of 2009

Date of Decision : 9th day of September, 2009.

HON'BLE MR. MANORANJAN MOHANTY, VICE-CHAIRMAN
HON'BLE MR. MADAN KUMAR CHATURVEDI, ADMINISTRATIVE
MEMBER

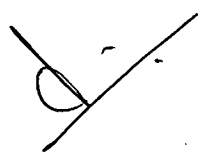
Sri Litkhotland Mate
Son of Late Hemngan Mate
Superintendent Gr. 'B'
Customs Preventive Force and LCS
Moreh, Manipur – 795131.

.....Applicant

By Advocates : Mr. M. Chanda, S. Nath & Mrs U. Dutta

-Versus-

1. The Union of India
Represented by the Secretary
To the Govt. of India
Ministry of Finance
Department of Revenue
North Block, New Delhi-110001.
2. Central Board of Excise & Customs
Govt. of India
Through its Chairman, North Block
New Delhi-110001.
3. The Chief Commissioner
Customs & Central Excise,
Shillong Zone,
3rd Floor, Crescens Building,
M.G. Road, Shillong-793001.
4. The Commissioner,
Customs Preventive, NER,
M.G.Road, Shillong – 793001.
5. Deputy Commissioner,
Customs Division, Imphal,
P.O. Imphal, Manipur – 795001.
6. Shri B.B. Adhikary,
Deputy Commissioner,



Imphal Customs Division,
P.O. Imphal, Manipur – 795001.

7. Shri R.K. Darendra Singh,
Superintendent,
Imphal Customs Division,
P.O. Imphal, Manipur – 795001.

.....Respondents

By Advocates : Mr K. Das, Addl. C.G.S.C.

ORDER

MADAN KUMAR CHATURVEDI, MEMBER(A)

The Applicant is aggrieved against the jettisoning of the additional charge of Customs Preventive Force (CPF), which he was holding at Moreh.

2. We have heard the rival submissions of Mr M.Chanda, learned counsel appearing for the Applicant and Mr K.Das, learned Addl. Standing counsel appearing for the Respondents.

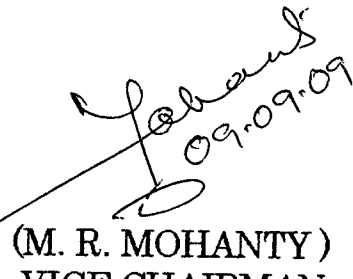
3. Applicant is working as Superintendent Grade B in the Department of Customs and Central Excise. He was posted at Moreh vide order dated 28.04.2009. At the time of joining he was given the charge of CPF and additional charge of Land Customs Station (LCS); both at Moreh. Now, by order No.07/2009 dated 03.09.2009, the charge of CPF/Moreh has been jettisoned and he has been posted only as in charge of LCS/Moreh in the Grade of Superintendent. It cannot be construed as a case of transfer. The Applicant was simply relieved of the charge of one of the establishment at Moreh. In our opinion there exist no cause/grievance for adjudication.



4. In the circumstances, we find that this application is inutile and futile and should suffer summary rejection. Ex consequenti, we hold that there is no merit in the application, as such we dismiss the same at the admission stage itself. No costs.

5. Send copies of this order to the Applicant and all the Respondents (along with the copies of this O.A) and free copies be supplied to Advocates of both side.


(M. K. CHATURVEDI)
ADMINISTRATIVE MEMBER


(M. R. MOHANTY)
VICE CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

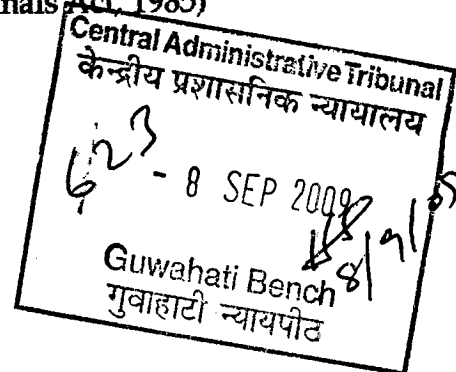
(An application under Section 19 of the Administrative Tribunals Act, 1985)

O. A. No. 180 /2009

Shri Litkhotlang Mate

-Vs-

Union of India and Others.



SYNOPSIS OF THE APPLICATION

Applicant is working as Superintendent, Gr. 'B' in the department of Customs and Central Excise and he is now posted at Customs Preventive Force (for short CPF) with the additional charge of Land Customs Station (for short LCS), Moreh under the Imphal Customs Division, Imphal in the state of Manipur. He was transferred from the office of Central Excise, Shillong to the office of Asstt. Commissioner, Customs, Imphal vide order dated 03.03.2009. Accordingly he joined in the office of Asstt. Commissioner, Customs, Imphal. After his joining at Imphal he was posted at Moreh CPF vide order dated 28.04.2009 and the applicant joined at Moreh CPF on 30.04.2009. However, after completion of only 4 months at the present place of posting he has been sought to be transferred from Moreh CPF to LCS Moreh vide impugned order dated 03/04.09.2009 in violation of transfer guidelines and without any administrative exigency or public interest.

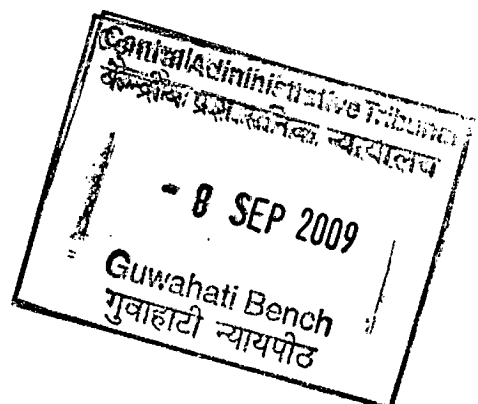
LIST OF DATES

- 1983- Applicant was initially appointed as Inspector in the department of Central Excise and Customs.
- 20/21.11.06- Transfer policy 2006 was issued by the respondent No. 3. In terms of the clause 7 of the said transfer policy applicant is entitled to be posted at Moreh CPF till completion of his fixed tenure of 2 years.
(Annexure- 1)
- 03.03.2009/05.05.2009- Applicant was transferred from the office of Central Excise, Shillong to the office of Asstt. Commissioner, Customs, Imphal.
- 24.04.2009- Applicant was relieved from the office of the Assistant Commissioner, Central Excise, Shillong to join Imphal Customs Division.
(Annexure- 2)
- 28.04.2009- Assistant Commissioner, Customs Division, Imphal posted the applicant at CPF, Moreh with the additional charge of LCS, Moreh.
(Annexure- 3)

- 30.04.2009- Applicant reported for duty as Superintendent, CPF, Moreh with the additional charge of LCS, Moreh. (Annexure- 4A)
- 07.05.2009- Applicant forwarded his joining report. (Annexure- 4)
- 01.08.2009- Applicant went to Divisional office, Imphal to hand over monthly reports and return.
- 02.08.2009- Sunday. Applicant could not meet any of the officials.
- 03.08.2009- Applicant could not meet any official due to general strike at Imphal. He remained confined at Hotel at Imphal due to strike up to 05.08.09.
- 05.08.2009- Applicant telephonic call from Shillong regarding sickness of his daughter and decided to go to Shillong. He handed over monthly report and his four days leave cum station leave application to one Tax Assistant
- 06.08.2009- Applicant went to Shillong to attend his sick daughter.
- 19.08.2009- Applicant submitted Leave Application for the period of his absence from 06.08.2009 to 18.08.2009. (Annexure- 5)
- 19.08.2009- Applicant submitted his joining report. (Annexure- 6)
- 20.08.2009- Deputy Commissioner, Customs Division, Imphal asked the applicant to explain his unauthorized absence. (Annexure- 7)
- 22.08.2009- Applicant submitted his explanation. (Annexure- 8)
- 03/04.09.2009- Respondent No. 5 has issued the impugned transfer and posting order, whereby the applicant is sought to be transferred from Moreh CPF & LCS to LCS, Moreh that is from one sensitive posting to another sensitive posting just after completion of 4 months at Moreh CPF & LCS. (Annexure- 9)
Hence this Original Application.

PRAYERS

1. That the Hon'ble Tribunal be pleased to set aside and quash the impugned Order No. 07/2009 dated 03.09.2009 bearing C.No.II (3) 1/ET/ACI/CUS/08-09/3220-25 dated 03.09.2009/4.9.2009 (Annexure- 9) so far the applicant is concerned.
2. That the Hon'ble Tribunal be pleased to direct the respondents to allow the applicant to continue in his present place of posting i.e. at Moreh CPF till completion of 2 years fixed tenure.
3. Costs of the application.

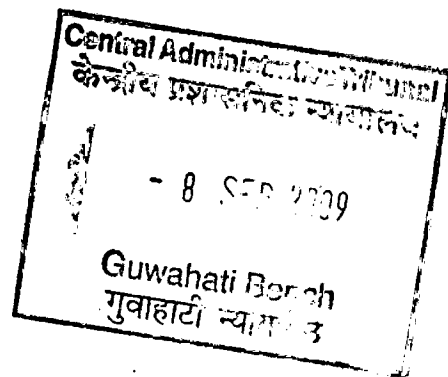


4. Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for:

During pendency of the application, the applicant prays for the following interim relief: -

1. That the Hon'ble Tribunal be pleased to stay operation of the impugned Order No. 07/2009 dated 03.09.2009 bearing C.No.II (3) 1/ET/ACI/CUS/08-09/3220-25 dated 03.09.2009/4.9.2009 (Annexure- 9) till disposal of the original application.
2. That the Hon'ble Tribunal be pleased to direct the respondents that pendency of this Original Application shall not be a bar to the respondents to provide the relief as prayed for.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

Title of the case : O.A. No. 180 /2009

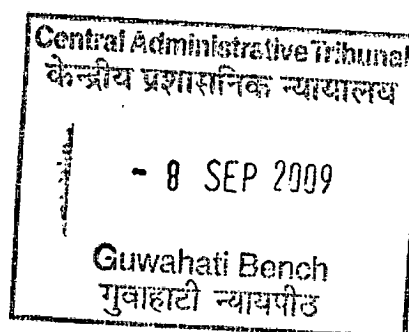
Shri Litkhotlang Mate. : Applicant.

-Versus-

Union of India & Ors. : Respondents.

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Filed by:

Mutta
Advocate

Date: - 08.09.09

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

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

O.A. No. 180 /2009

BETWEEN:

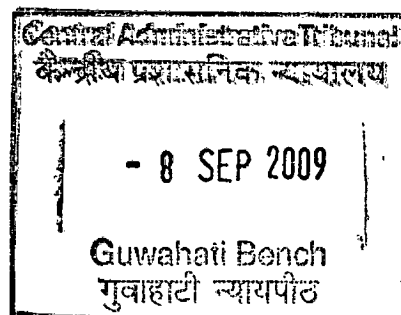
Shri Litkhotlang Mate.

Son of Late Hemngan Mate
Superintendent Gr. 'B',
Customs Preventive Force and LCS
Moreh, Manipur- 795001. 795131

.....Applicant.

-AND-

1. The Union of India,
Represented by the Secretary to the
Government of India,
Ministry of Finance,
Department of Revenue,
North Block, New Delhi-110001.
2. Central Board of Excise and Customs,
Govt. of India,
Through it's Chairman, North Block,
New Delhi-110001.
3. The Chief Commissioner
Customs and Central Excise,
Shillong Zone,
3rd Floor, Crescens Building,
M.G. Road, Shillong- 793001.
4. The Commissioner,
Customs Preventive, NER,
M.G. Road, Shillong- 793001.
5. Deputy Commissioner,
Customs Division, Imphal
P.O- Imphal, Manipur- 795001.
6. Shri B.B. Adhikary,
Deputy Commissioner,
Imphal Customs Division,
P.O- Imphal, Manipur- 795001.
7. Shri R.K. Darendra Singh,
Superintendent,
Imphal Customs Divison,
P.O- Imphal, Manipur- 795001.



..... Respondents.

Litkhotlang Mate

Filed by the Applicant
Through U. Sultana, advocate
on 08.09.09

DETAILS OF THE APPLICATION

1. Particulars of the order (s) against which this application is made:

This application is made against the impugned Order No. 07/2009 dated 03.09.2009 bearing C.No.II (3) 1/ET/ACI/CUS/08-09/3220-25 dated 03.09.2009/4.9.2009 (Annexure- 9), whereby the applicant is sought to be transferred from Customs Preventive Force and Land Customs Station, Moreh to Land Customs Station, Moreh just after completion of 4 months at Customs Preventive Force, Moreh in total violation of professed norms laid down in transfer policy before completion of the fixed tenure.

2. Jurisdiction of the Tribunal:

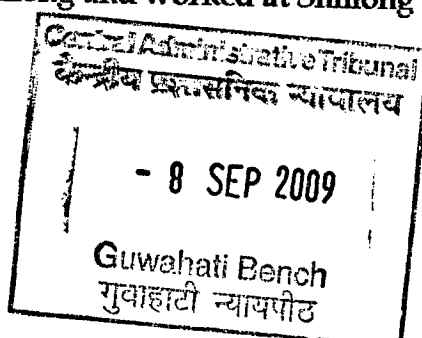
The applicant declares that the subject matter of this application is well within the jurisdiction of this Hon'ble Tribunal.

3. Limitation:

The applicant further declares that this application is filed within the limitation prescribed under Section- 21 of the Administrative Tribunals Act 1985.

4. Facts of the case:

- 4.1** That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.
- 4.2** That the applicant is a Group -B Officer, in the department of Customs and Central Excise and now working as Superintendent Customs Preventive Force (for short CPF) with the additional charge of Land Customs Station (for short LCS), Moreh under the Imphal Customs Division, Imphal in the state of Manipur.
- 4.3** That the applicant was initially appointed as Inspector in the department of Central Excise and Customs in the year 1983. While serving as Inspector he was selected as Air Customs Officer on deputation and posted at Mumbai International Airport during the year 1999 to 2000. Thereafter he was promoted as Superintendent, Gr. 'B' in the year 2000 and posted at Headquarter Office, Shillong and worked at Shillong up to April, 2009.



Littichothang date

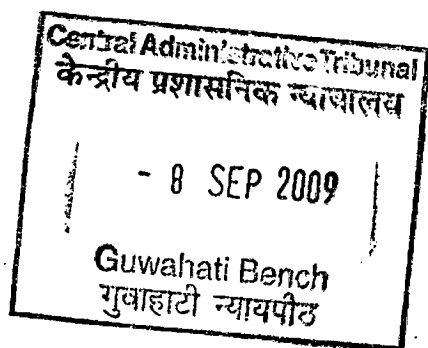
4.4 That it is stated that office of the Chief Commissioner, Central Excise and Customs, Shillong Zone, NER circulated the New Transfer Policy in respect of Gr. 'B', 'C' and 'D' officer of the Office of the Dibrugarh Commissionerate vide letter No. C. No. II (3) 16/CCU/SH/2006/588 dated 20/21.11.06. In terms of the New Transfer Policy 2006 a Gr. 'B' Officer is liable to be transferred on completion of 2 years of tenure while posted in a sensitive station. The relevant provision laid down in Clause 7 of the guideline for transfer and posting in respect of Gr. 'B' officers of Customs and Central Excise, NER 2006 is quoted below:

"7. Tenure in sensitive posting shall not exceed two years and one year for hard posting. Officers in non sensitive posting shall also be rotated on completion of two years. Except for reasons to be recorded in writing no officer shall be rotated from one sensitive to another sensitive posting."

Moreover, the 'Transfer Policy' and guidelines has been framed with the view of intention to provide equal opportunity to all officers in Customs and Central Excise department which would be evident from para 2 of the Transfer Policy of Superintendent 2006. The relevant portion is further quoted below for perusal of the Hon'ble Court:

"2. The guidelines aims to:

- a. Ensure minimum dislocation of officers in lines with the recent Department of Expenditure instruction for reducing expenditure on transfer.
- b. Give equal opportunity to all officers in Customs, Central Excise and Service Tax.
- c. Effective and proportionate distribution of available human resources in all the formations with a view to bring out the potential of the officers to the highest level in performing their duties."



On a mere reading of the guidelines, it appears that the guidelines of transfer and posting has been formulated also with a view of intention to

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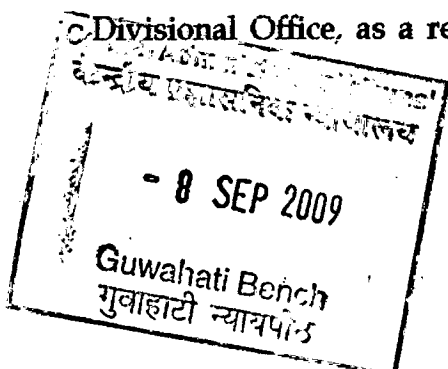
bring out the potential of the officers to the highest level in performing their duties.

Copy of the New transfer policy 2006 is enclosed herewith as for perusal of Hon'ble Tribunal Annexure- 1.

- 4.5 That the applicant states that while working as Superintendent, Central Excise in the office of Assistant Commissioner of Central Excise, Shillong Division he was transferred and posted to the Customs Division, Imphal, Manipur vide Office Order No. 01/2009 dated 03.03.2009 communicated under C.No. II (3)7/ET-III/2005/12369 dated 05.03.2009. However, applicant was relieved from the office of the Assistant Commissioner, Central Excise, Shillong vide order bearing C.NO. II (3)2/SH.CEX.DIV/2003/309-16 dated 24.04.2009 with the direction to report to his new place of posting at Imphal Division. Accordingly applicant reported for duty at the office of Asstt. Commissioner of Customs, Imphal. Thereafter the Assistant Commissioner, Customs Division, Imphal vide order No. 01/2009 dated 28.04.2009 communicated vide letter No. C. No. II (3)1/ET/ACI/Cus/08-09/1750 dated 29.04.2009 posted the applicant at Customs Preventive Force, Moreh with the additional charge of LCS, Moreh. Accordingly applicant reported for duty as Superintendent, CPF, Moreh on 30.04.2009 (F/N) and his joining report was forwarded to the Assistant Commissioner, Customs Division, Imphal vide letter bearing C. No. II/ET/1/MOR/CUS/07/56 dated 07.05.2009.

Copy of the relieve order dated 24.04.2009, transfer order dated 28.04.2009 and joining report dated 30.04.09 along with forwarding letter dated 07.05.09 are enclosed herewith and marked as Annexure- 2, 3, 4A and 4.

- 4.6 That your applicant while working as Superintendent, C.P.F, Moreh he went to Imphal on 01.08.2009 (Saturday) with official work such as submission of monthly reports and returns etc. However, 01.08.2009 and 02.08.2009 being holidays (Saturday and Sunday), applicant visited Divisional Office for submission of monthly reports etc. on 03.08.2009 but due to 48 hours general strike called by several organizations of Manipur there were no official in the Divisional Office, as a result he could not hand over the monthly reports.



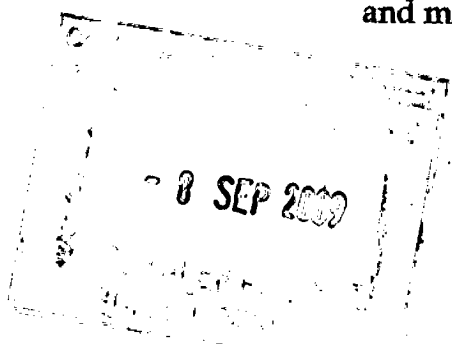
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Thereafter, in order to meet with Shri B.B. Adhikary, Deputy Commissioner, applicant went at his residence but found that Shri B.B. Adhikary left for Silchar. It is stated that due to general strike of 48 hours at Imphal applicant was compelled to remain confined at a hotel at Imphal for three consecutive days from 03.08.2009 to 05.08.2009. On the night of 05.08.2009 applicant received an urgent telephonic call from his residence at Shillong regarding illness of his daughter. Accordingly, applicant applied for four days casual leave-cum-Station leave application and handed over the same along with monthly reports and returns to Shri Ibohal, Tax Assistant. However, due to serious illness of his daughter, applicant could not join duty on time and submitted a formal Earned Leave Application covering the whole period of his absence that is, from 06.08.2009 to 18.08.2009.

Copy of the leave application dated 19.08.2009 and joining report dated 19.08.09 are enclosed herewith and marked as Annexure- 5 and 6 respectively.

- 4.7 That the Deputy Commissioner, Customs Division, Imphal vide his letter bearing No. C.NO. II (39)5/Misc./Corr/CUS/ACI/08-09/3196 dated 20.08.2009 asked an explanation from the applicant regarding his unauthorized absence. In the letter dated 20.08.2009 the Deputy Commissioner stated that the Commissioner of Customs (Preventive), NER, Shillong expressed his displeasure that the applicant was not found available at the station in the 1st week of August, 2009 and on 18.08.2009 when he tried to convey some important directions. Therefore, as per the telephonic direction of the Commissioner of Customs (Prev.), NER, Shillong applicant was asked to explain why his absence from station without permission should not be treated as unauthorized and why disciplinary action should not be initiated against him. Accordingly applicant was directed to submit his seizure performance since his joining in the Unit and to explain his reason for his absence within a period of 3 days.

Copy of the letter dated 20.08.2009 is enclosed herewith and marked as Annexure- 7.

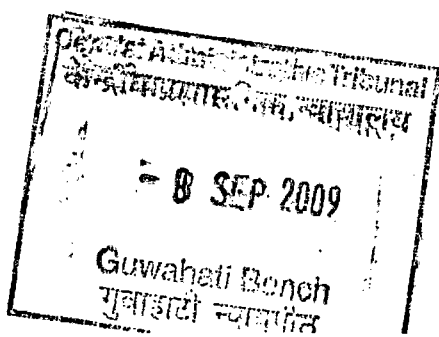


Liticholung Math

4.8 That the applicant after receipt of the letter dated 20.08.2009 submitted his explanation vide letter dated 22.08.2009 addressed to the Deputy Commissioner, Customs Division, Imphal, explaining in details the reason for his absence from duty without station leave. In his reply dated 22.08.09 the applicant explained elaborately the compelling circumstances under which he went on leave and submitted his casual leave-cum-station leave application to Shri Ibobal, Tax Assistant on 06.08.2009 in the office of Deputy Commissioner, Customs, Imphal. In his reply dated 22.08.2009 applicant stated that he went to Imphal on 01.08.2009 (Saturday) with official work such as submission of monthly reports and returns etc. However, 01.08.2009 and 02.08.2009 being holidays (Saturday and Sunday), applicant visited Divisional Office on 03.08.2009 but due to 48 hours general strike called by several organizations of Manipur there were no official in the Divisional Office, as a result he could not hand over the monthly reports. Applicant also stated that due to general strike of 48 hours at Imphal he was compelled to remain confined at a hotel at Imphal for three consecutive days from 03.08.2009 to 05.08.2009. On the night of 05.08.2009 applicant received an urgent telephonic call from his residence at Shillong regarding illness of his daughter. Accordingly, applicant applied for four days casual leave-cum-Station leave application and handed over the same along with monthly reports and returns to Shri Ibobal, Tax Assistant. However, due to serious illness of his daughter, applicant could not join duty on time and submitted a formal Earned Leave Application covering the whole period of his absence that is, from 06.08.2009 to 18.08.2009. Applicant also submitted his seizure performance since his joining duty at CPF/LCS, Moreh along with his reply dated 22.08.2009.

Copy of the letter dated 22.08.2009 is enclosed herewith and marked as Annexure- 8.

4.9 That most surprisingly the respondent No. 5 (Deputy Commissioner, Customs Division, Imphal) has issued the impugned transfer and posting order bearing letter No. C.NO.II (3) 1/ET/ACI/CUS/08-09/3220-25 dated 03/04.09.2009 with the approval of the Commissioner, Customs (Prev), NER, Shillong. By the said impugned transfer and posting order applicant



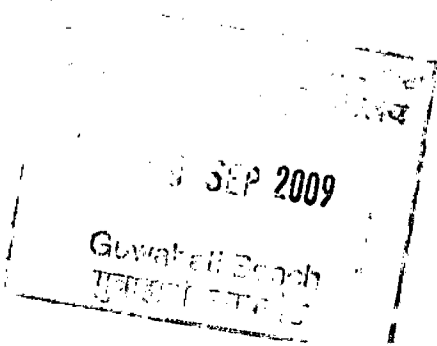
Litthothang Math

is sought to be transferred from Moreh CPF & LCS to LCS, Moreh that is from one sensitive posting to another sensitive posting just after completion of 4 months at Moreh CPF & LCS. By the said impugned order dated 03/04.09.2009 one Shri R.K. Darendra Singh who has newly joined at Division Office, Imphal has been posted at the place of applicant i.e. at CPF, Moreh.

Copy of the impugned transfer order dated 03/04.09.2009 is enclosed herewith for perusal of the Hon'ble Court and marked as Annexure- 9.

4.10 That it is stated that as per transfer policy, 2006, the applicant is entitled to continue in the present place of sensitive posting till completion of 2 years of fixed tenure whereas applicant has completed just 4 months at the Moreh, CPF. Be it stated that in terms of the transfer policy, 2006 both of Moreh, CPF and Moreh, LCS are treated as sensitive posting and except for reasons to be recorded in writing no officer shall be rotated from one sensitive to another sensitive posting whereas applicant has been transferred from one sensitive posting to another sensitive posting without showing any reason that too after completion of 4 months of time at Moreh, CPF. It is stated that the applicant joined at CPF Moreh with the additional charge of LCS, Moreh only on 30.04.2009 and during his functioning at Moreh, the numbers of seizure cases and seizure value has gone very high than the previous year. As such in terms of the New Transfer Policy 2006, the applicant has acquired a valuable legal right for continuation in the CPF, Moreh till completion of his 2 years tenure. As such the said impugned transfer order dated 03/04.09.2009 so far it is concerned to the present applicant has been issued in total violation of professed norms laid down in the transfer policy and on that score alone the impugned transfer and posting order dated 03/04.09.2009 is liable to be set aside and quashed so far the applicant is concerned.

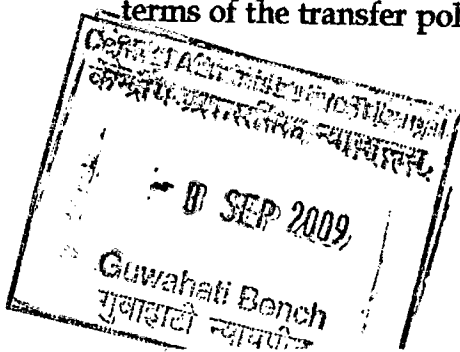
4.11 That it is stated that the respondent No. 7, Shri R.K. Darendra Singh who has newly joined at Division Office, Imphal has been sought to be accommodated in place of the applicant at CPF, Moreh at the instance of



Littho Chhang Mats

respondent No. 6 who has influenced the respondent No. 4 to approve the transfer and posting of the respondent No. 7 in place of the applicant with a malafide intention in total violation of transfer policy. Be it stated that the impugned transfer and posting order dated 03/04.09.2009 of the applicant has been issued at the instance of the respondent No. 8 in collusion with Shri B.B. Adhikary, Deputy Commissioner, as such Shri B.B. Adhikary, Deputy Commissioner has been impleaded by name as party respondent No. 6.

- 4.12 That it is stated that the respondent No. 5 vide his letter dated 20.08.2009 sought an explanation from the applicant regarding his unauthorized absence from duty. Applicant in his reply dated 22.08.2009 submitted in details the compelling circumstances under which he left the station without sanctioned leave and the said reply is still pending with the respondent No. 5. But most surprisingly the respondent No. 5 without any administrative exigency or any public interest issued the impugned transfer and posting order dated 03/04.09.2009 transferring the applicant from the Moreh CFA to Moreh LCS. It can be presumed that the respondent No. 5 on the basis of alleged unauthorized absence of the applicant issued the impugned transfer and posting order dated 03/04.09.2009 that too without any inquiry. As such the impugned transfer and posting order dated 03/04.09.2009 is punitive in nature and the said order is liable to be set aside and quashed.
- 4.13 That it is stated that there is no administrative exigency to transfer the applicant in violation of the professed norms laid down in the transfer policy. But the respondent No. 5 on extraneous consideration issued the transfer and posting order dated 03/04.09.2009 without any justifiable reason. It is further stated that the respondents are duty bound to comply with the guidelines contained in the aforesaid transfer policy and deviation in the said guideline is not permissible when there is no administrative exigency.
- 4.14 That it is stated that the applicant has acquired a valuable and legal right in terms of the transfer policy, 2006 to continue in the present place of posting



Litichanay Math

till completion of fixed tenure of 2 years. As such it is a fit case for the Hon'ble Tribunal to interfere with the impugned transfer and posting order dated 03/04.09.2009 and to pass appropriate order/interim order staying the operation of the impugned transfer and posting order dated 03/04.09.2009 so far the applicant is concerned otherwise it will cause irreparable loss and injury to the applicant.

4.15 That it is stated that during the short period of posting of the applicant at Moreh CPF the cases of seizure and seizure value have exceeded in comparison to that of previous years. As such there cannot be reasonable ground to transfer the applicant from Moreh CPF to Moreh LCS on the basis of inefficiency on the part of the applicant.

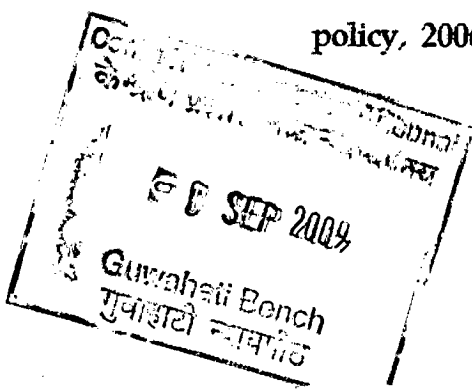
4.16 That your applicant further begs to state that he could not submit any representation against the impugned transfer and posting order dated 03/04.09.2009 but approached the Hon'ble Tribunal apprehending his release at any moment. It is specifically stated that no release order has been issued or charges also not yet handed over till filing of this Original Application and the applicant is continuing in his present place of posting. Therefore the Hon'ble Tribunal be pleased to pass appropriate interim order staying operation of the impugned order dated 03/04.09.2009 and further be pleased to set aside and quash the impugned transfer and posting order dated 03/04.09.2009 so far it is concerned to the applicant.

4.17 That this application is made bona fide and for the cause of justice.

5. Grounds for relief (s) with legal provisions:

5.1 For that the impugned order of transfer and posting dated 03/04.09.2009 has been passed by the Respondent No. 5 at the instance of Respondent No. 4 in colourable exercise of power without any public interest or administrative exigency, as such the same is liable to be set aside and quashed so far it is concerned with the applicant.

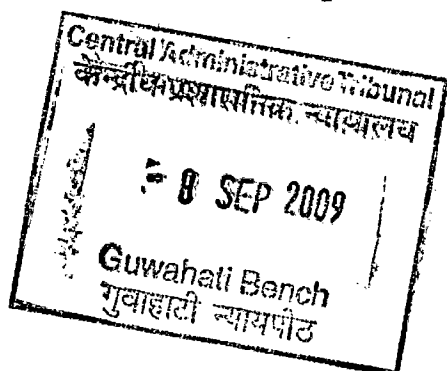
5.2 For that the impugned transfer and posting order dated 03/04.09.2009 has been issued in total violation of professed norms laid down in transfer policy, 2006 and on that score alone the impugned transfer and posting



Litakholang Maiti

order dated 03/04.09.2009 is liable to be set aside and quashed so far the applicant is concerned.

- 5.3 For that impugned order of transfer and posting dated 03/04.09.2009 has been issued just after completion of 4 months in the present place of posting whereas as per transfer policy applicant is entitled to complete 2 years fixed tenure at present place. As such the impugned order dated 03/04.09.2009 is highly arbitrary, illegal, unfair and the same has been passed with a malafide intention in order to accommodate the respondent No. 7 in place of the present applicant before completion of the fixed tenure without having any administrative exigency or public interest, as such the impugned transfer and posting order dated 03/04.09.2009 is liable to be set aside and quashed so far the applicant is concerned.
- 5.4 For that it can be presumed that the impugned transfer and posting order dated 03/04.09.2009 is punitive in nature, as such the said order is liable to be set aside and quashed.
- 5.5 For that the impugned order dated 03/04.09.2009 in respect of applicant has been issued in violation of clause 7 of the transfer policy, 2006, as such the said order is liable to be set aside and quashed so far the applicant is concerned.
- 5.6 For that the respondent No. 7 has newly joined at Customs Division, Imphal, as such passing of the impugned order dated 03/04.09.2009 to accommodate the respondent No. 7 in place of the present applicant is highly arbitrary, illegal and contrary to the transfer policy and on that score alone the impugned order dated 03/04.09.2009 is liable to be set aside and quashed so far the applicant is concerned.
- 5.7 For that the impugned transfer order dated 03/04.09.2009 so far the applicant is concerned has been issued at the instance with the respondent No. 6 in collusion with the respondent No. 4 without having any administrative exigency, as such the said impugned order is liable to be set aside and quashed so far the applicant is concerned.



Lalthotheng Malle

5.8 For that apprehending immediate release pursuant to the impugned transfer and posting order dated 03/04.09.2009 the applicant has approached this Hon'ble Tribunal against the impugned order of transfer and posting dated 03/04.09.2009.

6. Details of remedies exhausted.

That the applicant declares that he has exhausted all the remedies available to and there is no other alternative remedy than to file this application.

7. Matters not previously filed or pending with any other Court.

The applicant further declares that he had not previously filed any application, Writ Petition or Suit before any Court or any other Authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

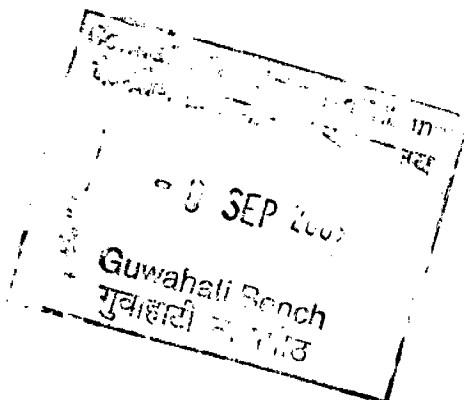
8. Relief (s) sought for:

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief (s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

8.1 That the Hon'ble Tribunal be pleased to set aside and quash the impugned Order No. 07/2009 dated 03.09.2009 bearing C.No.II (3) 1/ET/ACI/CUS/08-09/3220-25 dated 03.09.2009/4.9.2009 (Annexure- 9) so far the applicant is concerned.

8.2 That the Hon'ble Tribunal be pleased to direct the respondents to allow the applicant to continue in his present place of posting i.e. at Moreh CPF till completion of 2 years fixed tenure.

8.3 Costs of the application.



Littholthang Math

8.4 Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. **Interim order prayed for:**

During pendency of the application, the applicant prays for the following interim relief: -

9.1 That the Hon'ble Tribunal be pleased to stay operation of the impugned Order No. 07/2009 dated 03.09.2009 bearing C.No.II (3) 1/ET/ACI/CUS/08-09/3220-25 dated 03.09.2009/4.9.2009 (Annexure- 9) till disposal of the original application.

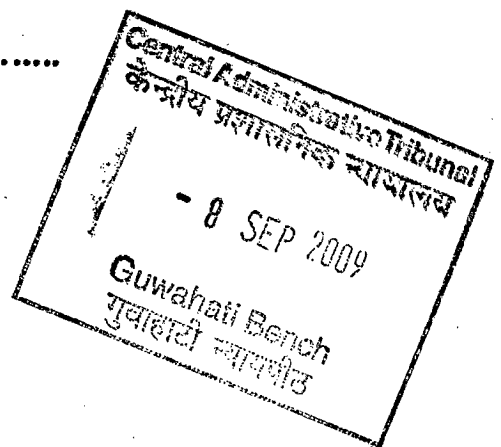
9.2 That the Hon'ble Tribunal be pleased to direct the respondents that pendency of this Original Application shall not be a bar to the respondents to provide the relief as prayed for.

10.

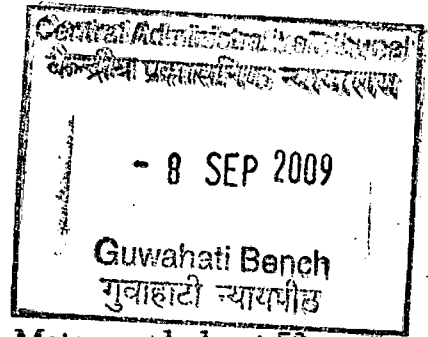
11. **Particulars of the I.P.O**

- | | | |
|------|---------------|--------------------|
| i) | I.P.O No. | : 396 415098 |
| ii) | Date of issue | : 23.07.09. |
| iii) | Issued from | : G.P.O, Guwahati. |
| iv) | Payable at | : G.P.O, Guwahati. |

12. **List of enclosures** :
As given in the index.



Litthotheny Moti

VERIFICATION

I, Shri Litkhotlang Mate, Son of Late Hemngan Mate, aged about 52 years, working as Superintendent Gr. 'B', CPF and LCS, Moreh, Manipur, applicant in the instant Original Application, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 7th day of September, 2009.

Litkhotlang Mate



OFFICE OF THE CHIEF COMMISSIONER
CENTRAL EXCISE & CUSTOMS
SHILLONG ZONE
NORTH EASTERN REGION

3rd Floor, Crescens Building, MIG Road, Shillong - 793001,
Phone: 0364-2500131. Fax: 0364-2224747.

E-mail: - ccshillo@excise.nic.in EDECS :- (zone18)

C.No. II (3) 16 CCUSH/2006/S 88

Dated: - 20th November 2006

21 NOV 2006

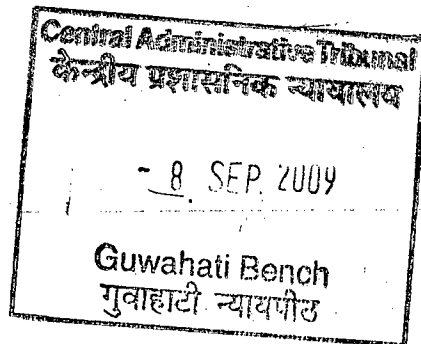
To,

The Commissioner,
Central Excise,
Shillong/ Dibrugarh.

The Commissioner,
Customs (Preventive),
N.E.R., Shillong

The Commissioner (Appeals)
Central Excise
Guwahati.

The General Secretary,
Group "B" "C" & "D" Ministerial/
Executive Association.



Sir/Madam,

Subject: - New Transfer Policy from Group "B" to "D" Officers-
Regarding

I am directed to enclose herewith New Transfer Policy 2006 as the same
has been finalized for information and necessary action.

Encl :- as above.

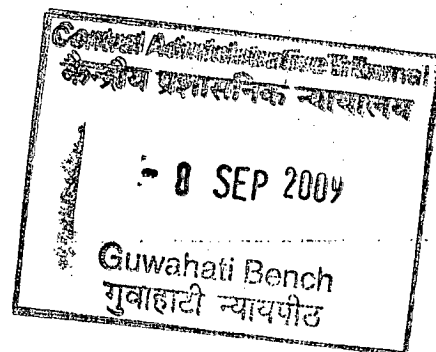
Yours faithfully,

(J.R.H. DIENGDOH)
ASSISTANT COMMISSIONER

Attested
Mita
adr

GUIDELINES FOR TRANSFER AND POSTING IN RESPECT OF GROUP -B (EXECUTIVE & MINISTERIAL) GROUP-C (EXECUTIVE & MINISTERIAL) AND GROUP-D OFFICERS OF CUSTOMS AND CENTRAL EXCISE IN THE NORTH EASTERN REGION.

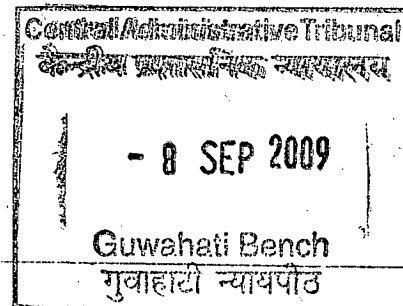
1. This may be called general guidelines for posting of Executive Officers in the grade of Superintendents and Inspectors working in the North Eastern Region.
2. The Guidelines aims to:-
 - a. Ensure minimum dislocation of officers in lines with the recent Department of Expenditure instruction for reducing expenditure on transfer.
 - b. Give equal opportunity to all officers in Customs, Central Excise and Service Tax.
 - c. Effective and proportionate distribution of available human resources in all the formations with a view to bring out the potential of the officers to the highest level in performing their duties.
3. Inter Commissionerate placement shall be done by the Chief Commissioner of Customs and Central Excise, North Eastern Region. The posting of the officers within the Commissionerate up to the Range/ CPF/LCS level shall be done by the respective commissioners within 5(five) working days of the A.G.T. This has been decided considering the geographical constraints which includes two tiers or three tier transfer orders.
4. Option for posting is to be exercised by the 31st October and posting order shall be issued by the 15th December. All officers are to be released latest by 31st January or on completion of the officers' children's academic sessions, if their ward is within class 12 standard - which ever is later.
5. All postings may be graded as, (1) sensitive, (2) Non-sensitive, (3) Hard Posting. List of classification of all the posts is enclosed. This list may be re-looked once a year.
6. While considering an officer for transfer, S/he shall be transferred to the nearest possible station while keeping in mind the overall guidelines.
7. Tenure in sensitive posting shall not exceed two years and one year for hard posting. Officers in non sensitive posting shall also be rotated on completion of two years. Except for reasons to be recorded in writing no officer shall be rotated from one sensitive to another sensitive posting.
8. A person shall not be posted to a place where he has worked earlier unless there are no optees for that Station.
9. The Normal tenure in Customs and Central Excise formations may be minimum six years. This period may be extended or reduced on administrative grounds. On completion of two years in Dibrugarh Commissionerate, an officer is to be transferred out if a request is made to that effect.
10. For posting to Dibrugarh and other places where no optees are available, the vacancies shall be filled up by taking officers from the following categories in that order :-
 1. Newly recruited officers.
 2. Officers promoted from one rank to another.
 3. Officers returning from deputation.
 4. Officers who have their hometown in and around that particular station.
 5. Officers who have completed maximum tenure in any particular station.
 6. It has also been decided to give as far as possible posting at a place of choice to the officers who have completed their tenure at Dibrugarh.



11. Transfer from one place to another shall be made on the basis of station seniority and after completion of tenure of posting.
12. In places where an officer is willing to continue and if no option is exercised by other officers, the incumbent may be allowed to continue provided there are no administrative grounds for s/he to discontinue.
13. (i) During AGT the case of representation is to be considered first. If an officer is to be transferred as the result of representation by the other officer s/he should be rotated as per his option or to the nearby station.
- (ii) All representations shall be submitted through proper channel with a copy to the respective Associations.
- (iii) Representation shall be considered only for choice of station or place and not for specific posting.
- (iv) If representations are considered on compassionate ground, the officer/s shall be given non-sensitive posting for the extended period of stay for which representation has been considered.
14. Guidelines on posting of husband and wife and officers with only two years for retirement shall be as per the policy issued by the Department of Personnel and Training from time to time.
15. Officers repatriated from deputation shall report to the Chief Commissioner's Office and postings of such officer/s shall be decided by the Chief Commissioner. Except for exceptional cases, posting on loan basis shall be avoided as far as practicable.
16. Posting on promotion shall be as per exigency of the administration.
17. In exceptional cases for which reasons is to be recorded in writing administration may deviate from the above guidelines while considering an officer for transfer.
18. Due to uneven distribution of posting in customs, central excise and service tax in different areas it is not found feasible to have zones within the Chief Commissioner's Zone, as this will defeat the aim of equal opportunity to work in the three formations.

GROUP 'B' AND 'C' MINISTERIAL OFFICERS ASSOCIATION

1. All ministerial officers are liable to be transferred within the Zone. Routine transfer of Ministerial Officers from one station to another shall be avoided. However on administrative ground or on promotion/vacancy and representations, Gr. 'B' & 'C' Ministerial officers are liable for transfer from one station to another station.
2. Gr. 'B' and 'C' Ministerial officers shall be rotated from Customs to Central Excise and vice versa after every 5 to 6 years.
3. All ministerial officers shall be rotated from one charge to another within the same station after every 3 years.

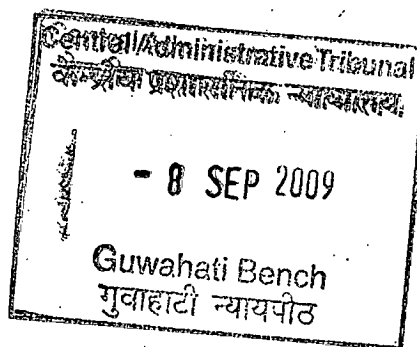


GROUP 'D' OFFICERS

1. Though Gr. 'D' staff are also liable to be transferred anywhere within the Zone, frequent transfer of Gr. 'D' staff shall be avoided.
2. Transfer and Posting of Gr. 'D' within the Commissionerate shall be done from the respective Head Quarters of the three Commissionerates.
3. Tenure of posting in border area/ field position shall be for two years extendable by another one year. while considering the options for border area posting preference will be given to those who have never been posted to such areas on Seniority.
4. Except for posting to sensitive/ border areas, Gr. 'D' Officers will normally be posted nearest to their Hometown.
5. If a situation arises where there are no options for a particular area, administration will take its own decision as is convenient for Administration.

GR. 'C' DRIVERS ASSOCIATION

1. Gr. 'C' Drivers are liable to be transferred within the zone, however routine transfer from one Station to another shall be avoided as far as practicable.
2. Tenure of posting for Gr. 'C' Drivers in a particular Station other than Borders/Sensitive areas will be for 4-6 years.
3. Tenure of posting to Border/sensitive posts will be for a period of 2 years.
4. Gr. 'C' Drivers will be rotated from Customs to Central Excise and vice versa after every 4 to 6 years depending on administrative convenience.



LIST OF SENSITIVE, NON-SENSITIVE AND HARD POSTINGCentral Excise Commissionerate:-1. Sensitive Posts :-

- a) Byrnihat Range - I
- b) Byrnihat Range - II
- c) Guwahati Range - I
- d) Guwahati Range - II
- e) Guwahati Range - III
- f) Guwahati Range - IV
- g) Guwahati Range - V
- h) Guwahati Range - VII
- i) Hqrs. Anti-Evasion Branch
- j) Anti-Evasion Branch (Division)
- k) Audit Branch
- l) E O U S
- m) Personnel Section
- n) Vigilance Section

2. Hard Posts :-

- a) Diphu Range
- b) Imphal Range
- c) Aizawl Range

3. Non-Sensitive Posts :-

All the remaining posts in the Commissionerate/All Divisional Hqrs. And Ranges:

B. Shillong Customs (Preventive) Commissionerate:-1. Sensitive Stations:-

i. Agartala:-

- a) Agartala-LCS and Dhaka Bus Service
- b) Bishalgarh CPF
- c) Srimantapur LCS
- d) Sonamura CPF

ii. Aizawl:-

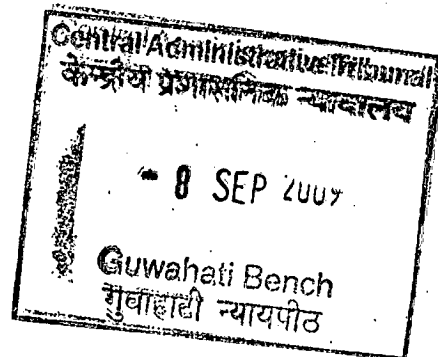
- a) Seling PP
- b) Champhai-Zokhawthar LCS/CPF

iii. Dhubri:-

- a) Ghasuapara LCS
- b) Mahendraganj LCS

iv. Dimapur:-

- a) Dimapur CPF



v. Guwahati Division:-

- a) ICD Anjangaon
- b) LGBI Airport

vi. Imphal:-

- a) Pallel CPF
- b) Moreh LCS
- c) Moreh CPF

vii. Karimganj:-

- a) Silchar CPF
- b) K.S.F.S LCS
- c) Sularkandi LCS

viii. Shillong:-

- a) Dawki LCS
- b) Borsora LCS
- c) Pynursla CPF

2. Sensitive Post:-

i. Hqrs. Office, Shillong:-

Hqrs. Preventive Unit.

ii. Divisions:-

All Divisional Preventive Force.

2. Hardship Post:-

i. Agartala:-

- a) Sabroom CPF
- b) Khowaighat LCS & PP
- c) Dholaighat LCS

ii. Aizawl:-

Demagiri LCS

iii. Dibrui:-

- a) Ullapani LCS
- b) Halisar LCS

iv. Dimapur:-

Nampeng LCS



GOVERNMENT OF INDIA
OFFICE OF THE ASSISTANT COMMISSIONER OF CENTRAL EXCISE
SHILLONG DIVISION : OLD PEAK HOTEL COMPLEX, M.G. ROAD
SHILLONG-793001

RELIEVE ORDER

Dated 24.4.2009

In pursuance of Chief Commissioner Office Order No. 01/2009 dated 3rd March, 2009 communicated under C.No. II(3)7/ET-III/2005/12369-82 dated 5th March, 2009 and order No. 9/2009 dated 5th March 2009 of the Commissioner of Customs Preventive NER, Shillong communicated under C.No. II(3)3/Hqrs.Estt/SH 209/7002 - 8036 dated 5th March, 2009, Shri. L.L. Mate, Superintendent is hereby relieved of his duty w.e.f. 24.4.2009 (A/N) with a direction to report to his new place of posting at Imphal Division.

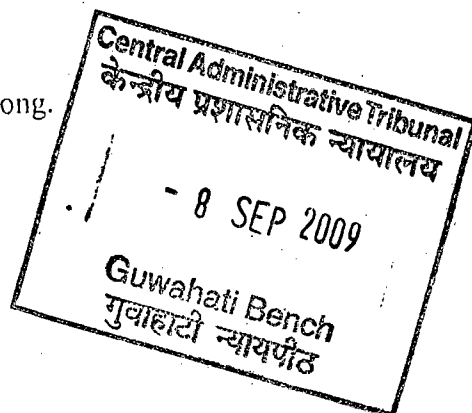
(APALAK DAS)
 ASSISTANT COMMISSIONER

C.NO. II(3)2/SH.CEX.DIV/2003 / 309-16

Dated 24.4.2009.

Copy forwarded for information and necessary action to :-

1. The Chief Commissioner, Customs and Central Excise, Shillong.
2. The Commissioner, Central Excise, Shillong.
3. The Commissioner, Customs Preventive NER, Shillong.
4. The Joint Commissioner(P&V) Central Excise, Shillong.
5. The P.A.O Customs and Central Excise, Shillong.
6. The A.C.A.O. Central Excise, Shillong
7. The Assistant Commissioner, Customs Division Imphal.
8. Shri L.L. Mate, Superintendent for compliance



— hpr Lav —
 (APALAK DAS)
 ASSISTANT COMMISSIONER

*Attended
 Adita
 Adv*

FAX NO. :

Sep. 07 2009 01:21PM P1

ATTORNEY GENERAL MR. MANIK CHANDRA



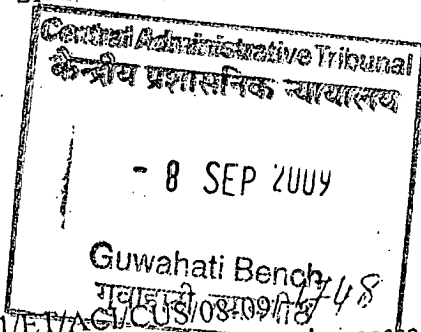
Govt. of India
Office of the Assistant Commissioner of Customs
Imphal Customs Division, Imphal- 795 001, Manipur

ORDER NO. 01/2009 Dated, 28 April, 2009

The following transfer and posting in the grade of Superintendent is hereby ordered with immediate effect and until further orders.

Sl.No.	Name of the officer	From	To
1	Sri S. Kilong	CPF & LCS Moreh	Adjudication Branch of Division Office, Imphal
2	Sri L.L.Mate	Newly joined at Imphal	CPF, Moreh with additional charge of LCS, Moreh

Sri S. Kilong, Superintendent stands relieved on 30.4.2009 (AVN).



(B.B. ADHIKARY)
Assistant Commissioner,
Imphal Customs Division

Dated, 28.4.2009

C.NO.II(3)1/ET/AG/CUS/08/09/18

Copy forwarded for information and necessary action to

1. The Commissioner of Customs (Prev), NER, Shillong.
2. The Joint Commissioner (P&V), Central Excise, Shillong.
3. Superintendent, Moreh CPF/ Adjudication Branch
4. Sri _____, Superintendent for compliance

(B.B. ADHIKARY)
Assistant Commissioner,
Imphal Customs Division

Attested
Dutta
Ach

OFFICE OF THE SUPERINTENDENT
CUSTOMS PREVENTIVE FORCE ;; MOREH

C.No.II/ET/1/MOR/CUS/07/56

Dated: 7/05/09

To:

The Assistant Commissioner,
Customs Division,
Imphal.

Sir,

Subject: Forwarding of joining report in respect of Shri.L.L.Mate,
Superintendent, CPF/LCS, Moreh- Regarding.

Enclosed please find herewith the copy of the joining report submitted by
the undersigned. for your kind information and necessary action.

Encls: As stated above
01(one) sheet

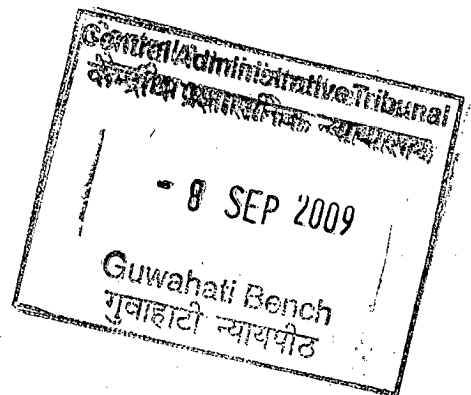
Yours faithfully:

L.L.Mate
07/05/09

(L.L.MATE)
SUPERINTENDENT
CUSTOMS PREVENTIVE FORCE
MOREH

*Attested
Auth
Adw*

O/C



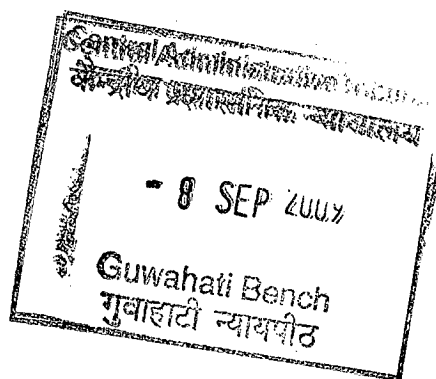
To

The Assistant Commissioner,
Customs Division Imphal.

Sir,

Joining Report.

Consequent upon my transfer to Mzech CPF & LCS vide order no. 01/2007 Dated 28/4/09 (announced vide CM. II(3)/ET/ACI/CWO/08-09/1750 Dated 20th April 2009, I do hereby submit my joining Report today on 30th April 2009 (F/N).



Attached
With
Adv

Yours faithfully,
L.L. MATE
30/4/09
(L.L. MATE)
SUPERINTENDENT, LCS & CPF
MZECH.

ANNEXURE- 4A

(Typed copy)

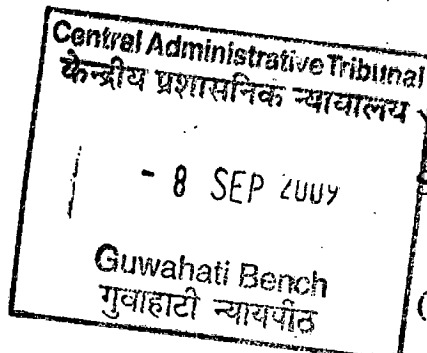
To,

The Assistant Commissioner,
Customs Division, Imphal.

Sir,

Joining Report

Consequent upon my transfer to Moreh CPF & LCS vide Order No. 01/2009 dated 28/4/09 communicated vide C.NO. II (3) 1/ET/ACI/CUS/08-09/1750 dated 29th April, 2009, I do hereby submit my joining report today on 30th April, 2009 (F/N).



Yours faithfully

Sd/-

30/4/09

(L.L. MATE)

SUPERINTENDENT, LCS & CPF
MOREH.

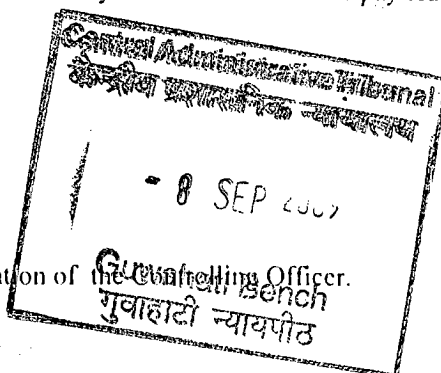
*Attested
Dutta
Adh*

FORM OF APPLICATION FOR LEAVE

NOTE :- ITEM-I & II MUST BE FILLED IN BY ALL APPLICANT WHETHER GAZETTED OR NON-GAZETTED

1. Name of applicant :- L. L. MATE
2. Leave rules applicable :- As applicable.
3. Post Held :- SUPERINTENDENT
4. Department Post Office & Section :- C. P. F. MOREH.
5. Pay :- 20,000.00 + 5,100.00
6. House rent allowance, Conveyance allowances or other compensatory allowances drawn in the present post :-
7. Nature and period of leave applied for and date from which required :- E.L. from 06.08.09 to 18.08.09
= 13 days.
8. Sunday & Holiday, if any, proposed to be prefixed/suffixed to leave :- NIL
9. Ground on which leave is applied for :- Urgent domestic work (sickness of daughter).
10. Date of returned from last leave and the nature and period of that leave :- As per record.
11. I proposed do not propose to avail myself of leave travel concession for the block years. during the issuing leave
12. (a) I undertake to refund the difference between the leave salary drawn during leave on average/Pay/Commission leave and that admission during leave on half average/pay/half pay leave, which would not have been admissible had the provision to F.R. 81 (b) (ii)/ rule-ii (c) (iii) of the revised leave rules, 1993 had not been applied in the event of my retirement from service at the end or during the currency of the leave.
(b) I undertake to refund the leave salary drawn during leave not due' which would not have been admissible had F.R.81 © Rules II (D) of the revised leave rules, 1993 not been applied. In the event of my voluntary retirement or resignation from service at any time until I earn half pay leave not less than the amount of leave not availed of by me.

Dated :- 19/08/09

13. Remarks and/or recommendation of the Controlling Officer.
गुवाहाटी न्यायपीठ

Date :-

Signature of applicant.

Designation :

Signature :

Designation

CERTIFICATE REGARDING ADMISSIBILITY OF LEAVE

14. Certified that(nature of leave)
for from to is
admissible under rule of the Central Civil Service (leave) Rules, 1972.

Signature (with date)

Designation.

15. Orders of the authority competent to grant leave.

Signature (with date)

Designation.

* If the applicant is drawing any compensatory allowance, it should also be indicated in the orders on the leaving.

Affected
With
Adm

To:

The Deputy Commissioner
Lushai Division
Imphal

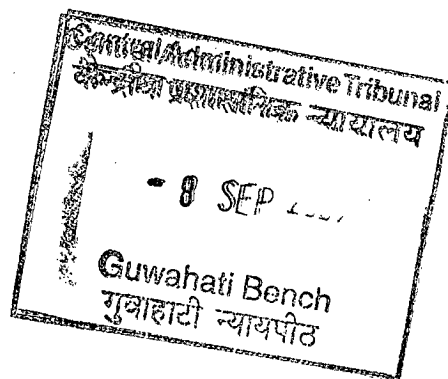
Sub: Joining Report

Sir,

I hereby report myself for duty today the 19th Aug. 2009 after availing earned leave w.e.f 6th Aug. 2009 to 18th Aug. 2009.

I may mention that I proceeded on 4 days casual leave on 6th Aug. 2009, however, due to serious sickness of my daughter, I could not join on time. I, therefore, request you to kindly convert my period of absence to Earned leave for which I am submitting a formal Earned leave application covering my whole period of absence.

Thanking you.



Yours faithfully

L. L. MATE
19/08/09

(L. L. MATE)

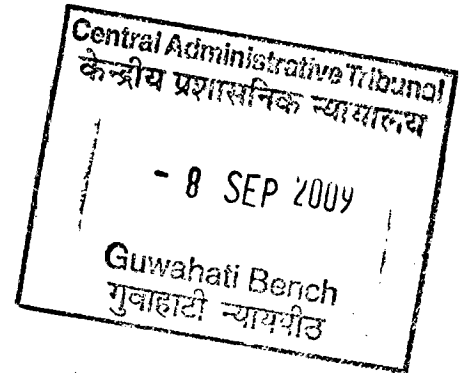
Superintendent

CUSTOMS PREVENTIVE FORCE, Moreh

ANNEXURE-6

(Typed copy)

To,
The Deputy Commissioner,
Customs Division,
Imphal.



Sir,
Joining Report

I hereby report myself for duty today the 19th Aug, 2009 after availing earned leave w.e.f. 6th Aug, 2009 to 18th Aug 2009.

I may mention that I proceeded on 4 days casual leave on 6th Aug, 2009, however, due to serious sickness of my daughter, I could not join on time. I therefore, request you to kindly convert my period of absence to Earned Leave for which I am submitting a formal Earned leave application covering my whole period of absence.

Thanking you.

Yours faithfully

Sd/-

19/08/09

(L.L. MATE)

Superintendent
Customs Preventive Force, Moreh

Attached
With
Adv



**Government of India
Ministry of Finance
Department of Revenue
Office of the Deputy Commissioner
Customs Division: :Imphal**

C.NO.II(39)5/Misc/Corr/CUS/ACI/08-09

3196

Dated:- 20/8/2009

To

Shri L.L. Mate,
Superintendent CPF Morch.

Subject:- Unauthorised absence.

It has been observed with great displeasure by the Commissioner of Customs (Preventive), North Eastern Region, Shillong that you were not found available at the station in 1st week of August 2009 and again on 18.08.09 when he tried to convey some important directions.

Being posted in a sensitive place, in-charge of the station should have greater responsibility and invariably required prior station leave permission.

You were found absent without proper leave and station leave permission for a couple of days. Keeping away from the station without arrangement for substitute in-charge is viewed seriously by the Commissioner which constitute an act of lacking of devotion to duty on your part.

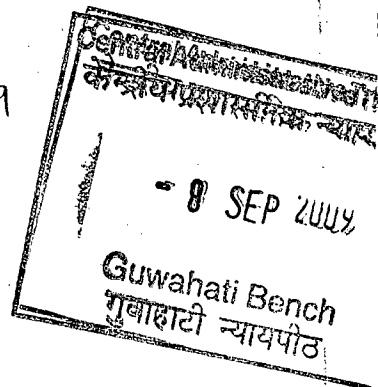
Therefore, as per telephonic direction by the Commissioner of Customs (Prev.), North Eastern Region, Shillong you are hereby asked to explain why your absence from station without permission should not be treated as unauthorized and why disciplinary action should not be initiated against you.

You are also directed to submit your seizure performance since your joining in the Unit.

Your explanation should reach the undersigned within 3 (three) days time.

Attested
With
A.M.

(B.B. Adhikary)
Deputy Commissioner
Customs Division : Imphal.



**OFFICE OF THE SUPERINTENDENT
CUSTOMS PREVENTIVE FORCE::MOREH**

C.No.VIII(48)I/MISC/MOR/CUS/2002/183

Dated :22-08-2009

To,

The Deputy Commissioner,
Customs Division,
Imphal.

Sir,

Subject:- Unauthorised absence-Explanation regarding.

Kindly refer to your letter under C.No.II(39)5/Misc/Corr/CUS/ACI/08-09/3196 Dated 20.08.2009 on the above subject.

In this connection, I beg to state the reasons for my absence from station herein below for favour of your kind perusal and necessary action.

That Sir, on 01-08-2009(Saturday), I went to Imphal on Official duty for visiting Divisional Office to deliver Monthly Reports & Returns, to collect Wages of Casual Workers and to discuss the proposed replacement of Tin roofing of CPF Office, Moreh.

Saturday and Sunday being holidays, I visited Divisional Office on 03-08-2009. However, there was nobody in the Divisional office due to 48 Hrs bandh called by the 'Apunba Lup', a conglomerate of several organizations of Manipur, in protest against the alleged fake encounter at BT Road, Imphal on 23-7-09 which resulted in the death of a pregnant woman named Th. Rabina and one alleged ex-UG cadre named Sanjit. It may be mentioned that the issue of fake encounter erupted after Tehelka, newsmagazine published photos of Sanjit before and after his death in the company of Police Commandoes.

That Sir, the 48 Hrs general strike called by the Apunba Lup was followed by indefinite Public Curfew imposed by the Manipur Govt. As a result, I was confined to a Hotel in M.G.Avenue, Imphal for three consecutive days from 03-08-09 to 05-08-09.

In the meantime, on the night of 05-08-09, I got an urgent telephonic message from my family who are based in Shillong. Although public curfew was still in force, restricting movement of the public, I learnt that Imphal Airport was operational and movement up to the Airport was possible. Therefore, I applied for four days Casual Leave-cum-Station Leave application which, along with Monthly Reports and Returns, was delivered to Shri Ibohal, Tax Assistant. However, due to serious sickness of my daughter in Shillong, I could not join duty on time. I have therefore submitted a formal Earned Leave application covering the whole period of my absence, that is, from 06-08-09 to 18-08-09.

Seizure Performance since joining the Unit**Period:** May, 2009 to August 2009(upto 23.8.09)**Total No. of Cases :** 12**Seizure Value :** (A) Currency/NDPS : Rs. 11,97,670/-

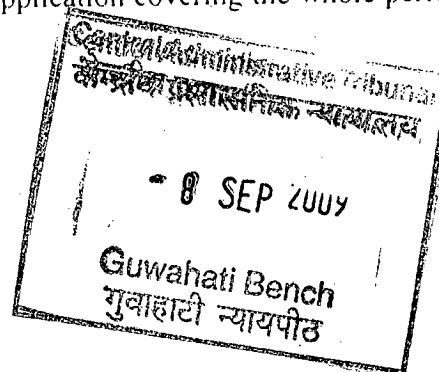
(B) Misc. goods. : Rs. 5,83,801/-

TOTAL : Rs. 17,81,471/-

Encls: ① Joining Report - 1. Sub.

② E.L. Application - 1. Sub.

Attested
Dutta
ASW



Yours faithfully,

(Signature)
22/08/09
(L.L.MATE)
SUPERINTENDENT
CPF/LCS::MOREH



Govt. of India
Office of the Deputy Commissioner of Customs
Imphal Customs Division, Imphal- 795 001, Manipur

ORDER NO. 07/2009 Dated, 3rd September, 2009

The following posting in the grade of Superintendent is hereby ordered with immediate effect and until further orders.

Sl.No.	Name of the Officer	From	To
1	Sri R.K.Darendra Singh	Newly joined at Divn.office.Imphal	CPF, Moreh
2	Sri L.L.Mate	Moreh CPF & LCS	LCS, Moreh

This issues with the approval of the Commissioner of Customs (Prev). NER, Shillong.

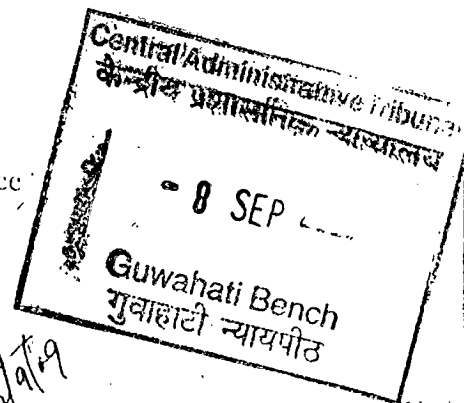
(B.B.ADHIKARY)
Deputy Commissioner,
Imphal Customs Division

C.NO.II(3)1/ET/ACI/CUS/08-09/ 3220-25

Dated, 3.9.2009
4.9.09

Copy forwarded for information and necessary action to

1. The Commissioner of Customs (Prev), NER, Shillong.
2. The Joint Commissioner (P&V), Central Excise, Shillong.
3. Superintendent, Moreh CPF/ LCS
4. Sri L. L. Mate, Superintendent for compliance
5. Bill Section.



(B.B.ADHIKARY)
Deputy Commissioner,
Imphal Customs Division

Affected
Butta
Ash