

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 357 of 2005

Jabalpur, this the 12th day of April, 2005

Hon'ble Shri Madan Mohan, Judicial Member

Central Excise Executive Officers Group 'B'
Superintendent's Association,

and 6 others.

.... Applicants

(By Advocate – Shri M.K. Verma)

V e r s u s

Union of India and 2 others.

.... Respondents

O R D E R (Oral)

By filing this Original Application the applicants have claimed the following main reliefs :

“8.1 to quash the order dated 31.3.2005 (Annexure A-4) in the interest of justice,

8.2 to hold that the respondent No. 3 do not have any authority or power to pass inter zone transfer order, in respect of Applicant Nos. 3 to 7 in the interest of justice. It may further be pleased to hold that the action of passing impugned order (Annexure A-4) is bad in the eye of law.”

2. The brief facts of the case are that the applicants Nos. 3 to 7 are effected by the impugned order passed by the respondent No. 3 transferring them to Nagpur Zone. There exists a zonal system in the department of Customs and Central Excise for better administration and maintenance of proper administrative set up. The Bhopal Zone comprising the State of MP & Chhattisgarh has been created by the Department of Customs and Central Excise giving administrative control to the Chief Commissioner of Central Excise. The Bhopal zone comprises of three Commissionerates namely Bhopal, Indore and Raipur. Similarly the



Nagpur zone also comprises of three Commissionerates namely Aurangabad, Nagpur and Nasik. The respondent No. 3 is the cadre controlling authority for the State of Chhattisgarh and Madhya Pradesh only. The respondent No. 1 has issued a letter dated 3rd February, 2003 by which the responsibilities are defined as regard to the Chief Commissioner of Central Excise (Annexure A-2). The respondent No. 3 has also formulated transfer guidelines for another Commissionerate dated 31.3.2005 transferring Group-B and Group-C officers within the Bhopal zone. Despite there being clear mandate of responsibilities for Chief Commissioner and description of two different zones, the respondent No. 3 has passed order dated 31.3.2005 transferring the applicants Nos. 3 to 7 to different zone i.e. Nagpur Zone.

3. Heard the learned counsel for the applicants and perused the pleadings and records.

4. The learned counsel for the applicants has argued that the applicants Nos. 3 to 7 have submitted a representation dated 6th April, 2005 (Annexure A-5) through their Association i.e. Central Excise Executive Officers Group-B Superintendent's Association and the same is still pending for consideration before the respondent No. 2. I perused the Annexure A-1 and in its serial No. 3 Bhopal zone is shown which includes three Commissionerates i.e. Bhopal, Indore and Raipur and at serial No. 18 Nagpur zone is shown which also includes three Commissionerates i.e. Nagpur, Nasik and Aurangabad. In annexure A-2 para 2(c) clearly states for "monitoring the implementation of the Board's instructions with regard to transfers". The learned counsel for the applicants further argued that no such instructions of the Board is sought for by the respondent No. 3 while passing the impugned order. I also perused the Annexure A-3 dated 31st March, 2005 which relates to the Bhopal zone only. The learned counsel for the applicants submitted that he shall be satisfied if the directions are issued to the respondent No. 2 to



consider and decide the representation of the applicants Nos. 3 to 7 dated 6.4.2005 within a stipulated period.

5. Accordingly, I feel that ends of justice would be met if I direct the respondent No. 2 to consider the representation of the applicants Nos. 3 to 7 dated 6.4.2005 (Annexure A-5) and also treat this OA as part of the representation and decide the same by passing a speaking, detailed and reasoned order within a period of one month from the date of receipt of a copy of this order after affording the opportunity of hearing to the applicants concerned. I do so accordingly. Till the disposal of the aforesaid representation of the applicants they shall not be disturbed from the present place of posting. The learned counsel for the applicants is directed to send a copy of this order as well as the copy of the petition to the respondent No. 2 immediately.

6. In view of the aforesaid, the Original Application stands disposed of at the admission stage itself.

7. The Registry is directed to supply the copy of memo of parties to the concerned parties while issuing the certified copies of this order.

(Madan Mohan)
Judicial Member

पृष्ठांकन सं ओ/वरा.....जबलपुर, दि.....

प्रतिक्रिया: स्वयं निम्नः—

(1) सचिव, रक्षा मंत्रालय, ११, लॉर्ड रोड, जयपुर

(2) अन्वेषण की/के दिनांक के पत्रावली

(3) प्रत्यर्थी श्री. के काउंसल

(4) ग्रंथपाल, दफ्तर, ...

सूचना एवं आवश्यक दस्तावेज़ी हेतु

ju उप रजिस्ट्रार

"SA"

Isaiah
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12.4.05