

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 588 of 2005

Jabalpur, this the 29th day of June, 2005

Hon'ble Shri Madan Mohan, Judicial Member

Ajit B. Awasthi, S/o. Dr. B.P. Awasthi,
Aged about 53 years, Assistant Commissioner
of Central Excise, Indore Office of Commissioner
of Central Excise and Customs, Manik Bag Palace,
Indore. Applicant

(By Advocate – Shri Akash Sharma)

Versus

Union of India, Secretary,
Ministry of Finance,
Department of Revenue, North Block,
New Delhi, Pin – 110 001. Respondent

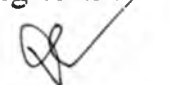
ORDER (Oral)

Heard the learned counsel for the applicant.

2. By filing this Original Application the applicant has claimed the following main relief :

“A) to quash the order dated 21.6.2005 (Annexure A-1) in the interest of justice.”

3. The brief facts of the case are that the applicant is working as Assistant Commissioner of Central Excise and Customs. By the impugned order dated 21st June, 2005 (Annexure A-1) he is ordered to be transferred from Indore to Shillong on malafide grounds. The daughter of the applicant is studying in Indore in the professional course of MMS and her transfer is not possible. The mother of the applicant is a heart patient and at any time her bypass surgery can be made. The learned counsel for the applicant argued that the applicant had joined in Indore office in 2003 and Indore is a Class-B station. According to the rules general tenure for stay



in a Class-B station is 4 years and he has completed only two years. He has filed OA No. 882/2003 which was decided and allowed by this Tribunal on 12th January, 2005. By this order the respondent became annoyed with the applicant and passed the impugned order. With regard to his transfer the applicant has made a representation to the respondent dated 22nd June, 2005 (Annexure A-6) and the same is still pending for consideration. The learned counsel for the applicant submitted that he will feel satisfied if directions are given to the respondent to consider and decide the said representation of the applicant and meanwhile the applicant is not disturbed from the present place of posting.

4. Accordingly, I feel that ends of justice would be met if I direct the respondent to consider and decide the said representation of the applicant dated 22nd June, 2005 (Annexure A-6) 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. I do so accordingly. Till the representation of the applicant is decided, the applicant shall not be disturbed from the present place of posting. The learned counsel for the applicant is directed to send a copy of this order as well as the copy of the petition to the respondent immediately.

5. In view of the above, the Original Application stands disposed of at the admission stage itself.

(Madan Mohan)
Judicial Member

"SA"

पृष्ठकल सं ओ/न्या.....जबलपुर, दि.....

पलिलिपि अयोधित:-

(1) सचिव, उच्च न्यायालय कार एडमिनिष्ट्रेशन, जबलपुर

(2) आवेदक श्री/श्रीमती/कु.....के काउंसल

(3) प्रत्यर्थी श्री/श्रीमती/कु.....के काउंसल

(4) वैयापल, कोपल, जबलपुर न्यायपीठ

सचन एवं आवश्यक कार्यवाही हेतु

उप सचिव

30/6/05

30/6/05

Arkaresh Kumar BARN
u. o. 2 with copy of