

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,  
JABALPUR**

**Original Application No. 897 of 2005**

Jabalpur, this the 27<sup>th</sup> day of September, 2005

Hon'ble Shri M.P. Singh, Vice Chairman  
Hon'ble Shri Madan Mohan, Judicial Member

Somesh Tiwari, aged about 33 years,  
S/o. Shri Vinod Kumar Tiwari, R/o.  
H. No. 3, Type IV, Central Revenue  
Colony, Bharat Nagar, Shahpura, Bhopal,  
Presently posted as Deputy Commisssioner,  
of Central Excise, R/o. Bhopal, (MP). .... Applicant

(By Advocate – Shri M.K. Verma)

**V e r s u s**

1. Union of India, through Secretary,  
Ministry of Revenue, Central Excise  
& Customs, North Block, New Delhi.
2. Chairman, Central Board of Excise and  
Customs, North Block, New Delhi.
3. Member (P&V), Central Excise, Central  
Board of Excise and Customs, North  
Block, New Delhi. .... Respondents

**O R D E R (Oral)**

**By M.P. Singh, Vice Chairman –**

Heard the learned counsel for the applicant.

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

“8.2 to quash the punitive transfer order dated 22.8.2005 transferring the applicant from Bhopal to Tejpur in Shillong Zone in the interest of justice,

8.3 to hold the action of punitive transfer on part of respondents as bad in the eyes of law.”

3. The brief facts of the case are that the applicant who is working as Deputy Commissioner of Central Excise and Customs has been transferred from Bhopal CX to Shillong CX vide order dated 22<sup>nd</sup> August, 2005. In this regard he has submitted his representation on 29<sup>th</sup> August, 2005 (Annexure A-5) to the Chairman, Central Board of Excise and Customs, New Delhi stating his difficulty to move from Bhopal to Shillong. In this representation he has taken number of grounds such as he is suffering from drug reaction which affected his nervous system resulting in loss of sensation in hands and legs and also that he is suffering from skin reactions. He requires human support and which will be denied to him at Shillong in the absence of any of his relatives. He has also submitted that treatment for his illness is not available at Shillong. The learned counsel for the applicant submitted that he will feel satisfied if directions are given to the respondents to consider and decide the representation of the applicant dated 29<sup>th</sup> August, 2005 (Annexure A-5) and till the said representation of the applicant is decided by the respondents he be not disturbed from the present place of posting.

4. Accordingly, we direct the respondent No. 2 to consider and decide the representation of the applicant dated 29<sup>th</sup> August, 2005 (Annexure A-5) and take a decision by passing a speaking, detailed and reasoned order within a period of 4 weeks from the date of receipt of a copy of this order. Till the decision is taken by the respondent No. 2 on the representation of the applicant, he will 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 No. 2 immediately.

5. The Original Application stands disposed of at the admission stage itself with the aforesaid directions.

  
 (Madan Mohan)  
 Judicial Member

  
 (M.P. Singh)  
 Vice Chairman

“SA”