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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 536 of 2004

Jabalpur, this the 15th day of July, 2004

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

R.P. Meena, S/o. late Ganga Ram Meena,
aged about 49 years, Occupation : Addl.
Commissioner Central Excise, Raipur,
Raipur Commissionerate, Resident of
Raipur.

... Applicant

(By Advocate - Shri P.S. Nair, Sr. Adv. assisted with Shri
S.K. Nagpal)

V e r s u s

1. Union of India,
through : The Revenue Secretary
Department of Revenue, Ministry of
Finance & Company Affairs, Govern-
ment of India, North Block,
New Delhi.
2. The Central Board of Excise &
Customs represented by its
Chairman, North Block, New Delhi.
3. The Deputy Secretary to
Government of India, Department
of Revenue, Ministry of Finance,
North Block, New Delhi.
4. The Chief Commissioner of Central
Excise & Customs, Bhopal Zone,
Bhopal (MP).
5. The Commissioner, Customs & Central
Excise, New Central Excise Building,
Dhantari Road,

... Respondents

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

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

"i) to quash the impugned office order No. 93/
2004 issued by the respondent No. 3 vide reference
No. F. No. A-22012/JC/9/2004-Ad-II, dt. 9.7.2004
Annexure A-1 so far as it relates to the applicant,
declaring it as illegal, arbitrary and unconstitutional
by holding that he is entitled to be retained at
Raipur.

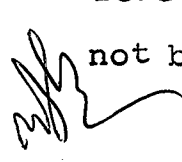
ii) to restrain the respondents No. 4 and 5
from relieving the applicant in pursuance of the
impugned order of transfer."

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2. Heard the learned counsel for the applicant and perused the records carefully.

3. The brief facts of the case are that the applicant is working as Additional Commissioner in Central Excise & Customs, Raipur. He has been transferred from Raipur to DG ICCE, Chennai, vide order dated 9th July, 2004. Alongwith the applicant 32 other officers have also been transferred. The learned counsel for the applicant has submitted that the applicant has not completed his normal tenure of 3 years at Raipur as he has been transferred to Raipur only one and a half years back. According to him his wife is a mentally retarded person and does not know any other language except Rajasthani. His wife is also undergoing some treatment at Raipur. Hence, it is not possible for the applicant to immediately move ^{to Chennai} and leave his wife alone at Raipur for getting medical treatment. In this regard, the applicant has submitted a representation to the respondents on 12th July, 2004, which has not yet been decided by the respondents.

4. Keeping in view the above facts, we feel that ends of justice would be met if we direct the respondents to consider and decide the representation of the applicant dated 12th July, 2004, by passing a speaking, detailed and reasoned order, within a period of six weeks from the date of receipt of copy of this order. ^{We do so accordingly.} The applicant is also directed to send a copy of this order alongwith the petition to the respondents within 15 days from the date of receipt of copy of this order. Till then the applicant will not be displaced from his present place of posting.



5. Accordingly, the Original Application is disposed of at the admission stage itself.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

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पृष्ठान्न सं ओ/न्या.....जवलपुर, दि.....

वतिदिदि अद्यो धितः--

- (1) सचिव, उच्च न्यायालय नगर एरमोदिगेशन, जवलपुर
- (2) आवेक श्री/श्रीमती/वृ.....के कारंसेल SK Nagpal
- (3) प्रत्यर्थी श्री/श्रीमती/वृ.....के कारंसेल
- (4) वंद्यस्त, कोषा, जवलपुर न्यायपीठ
सूचना एवं आवश्यक कार्यवाही हेतु

Rajendra
15/7/04

Adm.

Issued
On 15.7.04