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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 Commissionrate, Resident of  
Raipur.

... Applicant

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

Versus

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,  
Dhamtari 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."

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<sup>to Chennai</sup> 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.

*[Handwritten signature]*

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

(Madan Mohan)  
Judicial Member

*M.P. Singh*  
(M.P. Singh)  
Vice Chairman

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पूँजीकरण सं. ओ/न्या..... जल्लपुर. दि.....  
प्रतिटिनिधि अवृद्धिता:-

- (1) सचिव, उच्च व्यायालय गार एवं दिवारान, जल्लपुर
- (2) आवेदक श्री/श्रीमती/यु. के कार्बसल SK Nagpal
- (3) प्रत्यर्थी श्री/श्रीमती/यु. के कार्बसल
- (4) व्यवसाय, दोषा, जल्लपुर न्यायालयीन

सूचना एवं आवश्यक कार्यवाही हेतु  
*Chandras*  
उप सचिव  
15/7/64

*Issued*  
On 15/7/64