

CENTRAL ADMINISTRATIVE TRIBUNAL

CHANDIGARH BENCH

O.A No.060/00087/2014 Date of decision: 31.01.2014

CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MR. UDAY KUMAR VARAM, MEMBER (A)

1. Yogamber Singh S/o Sh. Gabbar Singh, Havaldar
2. Balam Singh S/o Sh. Kundan Singh, Havaldar.
3. Banwari Lal S/o Sh. Dhundi Ram, Havaldar
4. Dalip Singh S/o Sh. Sunder Singh, Havaldar

All working in the office of Custom Preventive Commissionerate (CPC), The Mall, Amritsar.

...APPLICANTS

BY ADVOCATE: Sh. Sanjiv Pandit.

VERSUS

1. Union of India through its Secretary, Ministry of Finance, Department of Custom & Central Excise, North Block, New Delhi.
2. Chief Commissioner, Custom & Central Excise, Chandigarh Zone, Central Revenue Building, Plot No. 19, Sector 17-E, Chandigarh.
3. Additional Commissioner (CCU), Custom & Central Excise, Chandigarh Zone, Central Revenue Building, Plot No. 19, Sector 17-E, Chandigarh.

...RESPONDENTS

BY ADVOCATE: Mr. Deepak Agnihotri

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ORDER (ORAL)HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

1. Heard.
2. By means of the present Original Application, the applicants have prayed for quashing the order dated 28.01.2014 vide which they have been transferred from Custom Preventive Commissionerate, Amritsar to C&CE-J&K.
3. In support of the relief claimed, learned counsel for the applicant made a statement at the bar that for the relevant benefit, the applicants have made a joint representation dated 29.1.2014 to the respondents, which has not yet been replied to till date, perhaps due to paucity of time. Invalidation of the impugned order is sought on the grounds that the same is against Para 3 of the Transfer Guidelines (Annexure A-6) issued by the respondents wherein certain privileges have been given to office bearers of the Associations. That apart, he also submitted that the transfer is during mid term which would adversely affect the studies of the children of the applicants.
4. However, the learned counsel for the applicant made a statement at the bar that applicants would be satisfied if a direction is given to respondents to decide their representation in a time bound manner and till such time operation of the impugned order may also be stayed.

5. Though there is no need to issue notice to the respondents, however, Mr. Deepak Agnihotri, Senior Standing counsel for UOI, who is having advance notice, puts in appearance on behalf of the respondents. He does not object to disposal of the O.A. in the requested manner. He, however, prays that the authorities may be granted some time to decide the issue.
6. Considering the consensual arrangement agreed between the parties and without commenting upon the merits of the case, the present O.A is disposed of with a direction to the competent authority amongst the respondents to take a view on representation dated 29.1.2014 (A-7) by passing a speaking order, supported with reasons as per law and rules within a period of 7 days from the date of receipt of a certified copy of this order. Orders so passed be duly communicated to the applicants. Till such decision is taken, the operation of impugned order be kept in abeyance.
7. With observations and directions as above, this O.A. stands disposed of with no orders as to costs.

(UDAY KUMAR VARMA)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Place: Chandigarh.
Dated: 31.01.2014

HC*