

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI 5

ORIGINAL APPLICATION NO: 93/94

MISC. PETITION/ REVIEW APPLICATION/CONT. PETITION NO.

..... Sree B. Pegu ..... APPLICANT(S)  
versus

..... NET. XDS ..... RESPONDENT(S)

16.5.94

Heard learned counsel

Mr A.S. Choudhury on behalf of the  
two applicants, Shri Boloram Pegu  
and Shri Amup Kr Gogoi, Inspectors  
of Central Excise Anti Evasion,  
Central Excise Division, Jorhat.

Perused statement of grievances and  
reliefs sought for in this applica-  
tion. In support of the grievances  
in the application, Mr Choudhury  
refers to the Establishment Order  
No.131/89 dated 30.6.1989 concerning  
rotation of posting of Inspectors of  
Central Excise within the same  
station (Annexure-3). Also heard  
learned Addl. C.G.S.C. Mr G. Sarma.

Issue notice on the respond-  
ents by Registered Post to show cause  
by 30.6.1994 as to why this  
application should not be entertained  
(admitted) for scrutiny and grant  
relief to the applicants by quashing  
the impugned transfer orders  
concerning them.

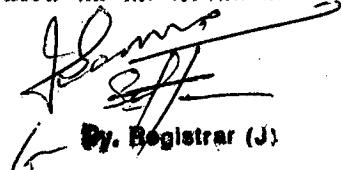
Heard counsel of the parties  
on the interim relief prayer. Both the  
applicants have been transferred vide  
impugned Establishment Order No.127/94  
dated Shillong the 5.5.1994 (Annexure-  
within the same station (Jorhat) from  
Anti Evasion to A.P.R.O. and Valuation  
Branch respectively, and in their  
places, respondents No.6 and 7, namely  
Shri D.N. Doley and Smt Ninamani Phukan

This application is in  
form and within time.

C. F. of Rs. 50/-  
deposited vide

IPO/ED No. 862/620

Dated 13/5/.....

  
By. Registrar (J)

16.5.94

(Sl.No. 5 and 2 respectively) have been transferred from A.P.R.O. and Valuation Branch respectively. We consider it just and expedient to pass an order of status quo till disposal of the show cause referred to above. Accordingly we order that status quo in respect of the offices held by these four officers <sup>as on</sup> ~~today~~ shall be maintained.

Intimate all concerned immediately.

*Chagor*  
Vice-Chairman

*De*  
Member

Office to inform official respondents No.4 and 5 telegraphically at the cost of the applicant.

Copy of the order may be ~~xxx~~ furnished to the counsel for the parties. nkm

By Order:

*26/5/94*

As requested by Advocate,  
Copy of order issued to *M/615*  
the respondent No. 4,5 by  
Speed Post ~~and~~ ~~laminated~~  
~~of~~ ~~before~~ ~~vide~~ ~~Memo~~  
No 2408-09 dt. 16.5.94

*Bon*  
DPS

Copies of order communicated  
vide Memo No. 1989-96  
dt. 16.5.94

Replies are received  
on 18.5.94 & issued vide  
No. 2108-14 dt. 23.5.94

*Am  
19/5*

Notices duly served on  
Reps. No. 4, 5 & 7.

OFFICE NOTE

DATE

COURT'S ORDER

30.6.94

Heard learned counsel Mr I. Hussain on behalf of applicants Shri Boloram Pegu and Shri Arup Kr. Gogoi. Perused statements of grievances and relief's sought for in this application. Mr Hussain submits for admission of this application and continuation of the interim relief granted on 16.5.94 till disposal of this application. Sr C.G.S.C Mr S. Ali submits that the two applicants have no case as they were transferred in the same station (Jorhat) from Anti Evasion to A.P.R.O and Valuation Branch respectively in the office of the Assistant Collector, Central Excise, Jorhat Division.

The applicants have impugned the Establishment Order No.127/94 dated Shillong, the 5.5.1994 (Annexure-2) on the ground that it was contrary to the Establishment Order No.131/89 dated 30.6.89. This order dated 30.6.89 relates to rotation of posting of Inspectors in different fields to give working opportunity. This arrangement made by the authority and Executive Officers' Association may conflict with rules of transfer of Inspectors in different fields within the same station. Deviation from such arrangement for administrative convenience cannot be regarded as breach of condition of service of Inspectors of the Central Excise. This also may obstruct the discretion of the authority to transfer Inspector from one table to other for administrative reasons. We hold that transfer order of this nature cannot

contd...

## OFFICE NOTE

## DATE

## COURT'S ORDER

30.6.94 be assailed on ground of arrangement under the order dated 30.6.89.

Therefore, we find no justification to entertain this application. The transfer order is not malafide. Accordingly this application is not entertained and rejected.

Interim order dated 16.5.94 is vacated.

*Sugan*  
Vice-Chairman

*60*  
Member

Copy of this order may be furnished to the counsel of the parties.

By order

*QUS 30.6.94*

PG

18.7.94

Copy of order dtd. 30.6.94 issued to all concerned by Regd. Post and their counsel, vide D/No. 2976 to 2985 dt. 19.7.94

*QUS*