

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI. 5

ORIGINAL APPLICATION NO: 92/94

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

..... *Shri B. Regu* APPLICANT(S)
versus

..... *NOT PDS* RESPONDENT(S)

16.5.94

Heard learned counsel

Mr A.S. Choudhury on behalf of the two applicants, Shri Boloram Pegu and Shri Anup Kr Gogoi, Inspectors of Central Excise Anti Evasion, Central Excise Division, Jorhat. Perused statement of grievances and reliefs sought for in this application. 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 respondents 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. Deley and Smt Ninamani Phuka

This application is in form and within time.

C. F. of Rs. 50/-

deposited vide

IPO/BD No. 862/620

Dated 13/5/94

[Signature]
6 Dy. 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 ^{as on} held by these four officers today shall be maintained.

Intimate all concerned immediately.

Shagun
Vice-Chairman

Go
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
the respondents No. 4 & 5 by
Speed Post ~~and courier~~
~~of Pritish Video Memo~~
No 2408-09 dt. 16.5.94

*Bon
DP*

Copies of order communicated
vide Memo nos. 1989-96
dt. 18.5.94

Requisites are received
on 18.5.94 + cond vide
no. 2/08-14 dt. 23.5.94

17/5

Notices duly send on
Repd. 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 reliefs 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 (Jorha) 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 30.5.89.

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.

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

By order

30.6.94

pg

Sagar
Vice-Chairman

De
Member

18.7.94

Copy of order dtd. 30.6.94
issued to all concerned by
Regd. Post and their counsel
encl. D/No. 2976 to
2385 dtd. 19.7.94

[Signature]