

30/10/00
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 1321/96.....

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet..... Pg.....1.....to.....?..... OA

2. Judgment/Order dtd. 30.7.196..... Pg.....x.....to.....?..... *Supreme Court*
AO

3. Judgment & Order dtd..... Received from H.C/Supreme Court

4. O.A..... 134/96..... Pg.....1.....to.....22.....

5. E.P/M.P..... Pg.....to.....

6. R.A/C.P..... Pg.....to.....

7. W.S..... Pg.....to.....

8. Rejoinder..... Pg.....to.....

9. Reply..... Pg.....to.....

10. Any other Papers..... Pg.....to.....

11. Memo of Appearance.....

12. Additional Affidavit.....

13. Written Arguments.....

14. Amendement Reply by Respondents.....

15. Amendment Reply filed by the Applicant.....

16. Counter Reply.....

SECTION OFFICER (Judl.)

Gohil
29/10/08

CENTRAL ADMINISTRATIVE TRIBUNAL
HEADQUARTERS

OA No.

134/96

MP No.

(OA)

RA No.

(OA)

CP No.

(OA)

Apil Debora S

APPLICANT(S)

VERSUS

Union of India Govt

RESPONDENT(S)

Mrs. M. Chanda Advocate for the applicant.

Mr. S. Ali, Sr. C.G.S.C. Advocate for the Respondents.

Office Notes

Court's Orders

The application is in
form and within time
C. F. of Rs. 50/-
deposited vide
IPOED No 34593/
Dated 23.6.96

30.7.96

Learned counsel Mr M. Chanda
for the applicant. Mr S. Ali, learned
Sr. C.G.S.C., for the respondents.

Mr Chanda prays for taking
up this O.A. unlisted on the ground of
urgency. Heard counsel for the parties.
Prayer allowed. The application is taken
up today for admission.

Dy. Registrar

30/7

The applicant, an Inspector of
Customs and Central Excise was transferred
from Sonari Range, Jorhat Central Excise
Division to Headquarters Office, Shillong
vide Establishment Order No.144/96 dated
19.7.1996. He has been ordered to be
relieved of his duty in the afternoon
of 31.7.1996 with a direction to report
in his place of posting with immediate
effect by order dated 23.7.1996 as conveyed
by memo No.C.No.II/3/1/ET/95/2946-53
dated 25.7.1996 of Assistant Commissioner,
Central Excise, Jorhat. Thereafter the
applicant has submitted a representation
dated 26.7.1996 to the Commissioner
of Central Excise, Central Excise
Commissionerate, North Eastern Region
Shillong, praying for retention at Sona
Range for another six months on ground
of his children's education. This representa-
tion has not been disposed of by
Commissioner. Under the circumstan-

30.7.96

the respondent No.2, Commissioner, Central Excise, Shillong, is directed to dispose of this representation of the applicant keeping in view the situation obtaining in his case and the transfer guidelines as embodied in the Circular No.F.No.A-35017/28/92-AD-III-B dated 30.6.1994. The representation should be disposed of as expeditiously as possible. Till disposal of the representation the respondents shall not implement the above mentioned release order dated 23.7.1996.

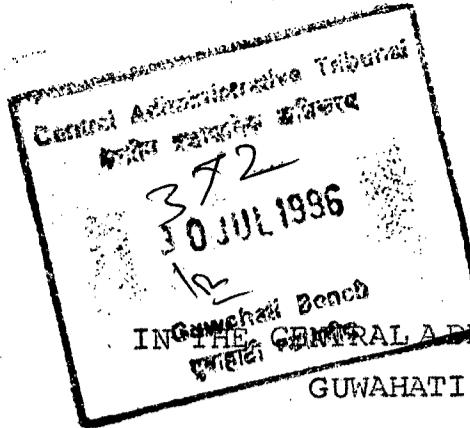
30.7.96
Copy of order issued
to the parties along with
the L/Advocates to the
parties vide D.No.

The application is disposed of as above.
No order as to costs.

Copy of the order may be furnished to the counsel for the parties. As requested by the counsel for the applicant copy of the order with copy of the application may be sent to the respondent No.2 by Speed Post at the cost of the applicant.

30/7
nkm

60
Member *30/7*



An Application under Section 19 of the Administrative Tribunals Act, 1985.

Filed in Court
on 30.7.96

Boro
Court Master

O.A. No. 134/96

Sri Ajit Debnath

-versus-

Union of India & Ors.

I N D E X

Sl.No.	Annexure	Particulars	Page No.
1	-	Application	1-12
2	-	Verification	13
3	1	Transfer and Posting Order dt. 19.7.96	14
4	2	Representation dt. 26.7.96	15-17
	3	Release Order dated 25.7.96	18
	4	Order dated 30.6.96 issued by the CBEC.	19-22

Filed By :

Ajita Debnath

Advocate

Date : 30-7-

Ajita Debnath

2. Particulars of the Applicant

2. Shri Ajit Debnath,
Inspector
Office of the Superintendent
Central Excise,
Sonari,
District, Sibsagar, Assam
P.I.N. 785690

..... Applicant

3. Particulars of the Respondents

1. The Union of India
through the Secretary to the Govt. of India
Department of Revenue,
Government of India
Ministry of Finance,
New Delhi.

2. The Commissioner,

Central Excise, Headquarter,
Govt. of India, Ministry of Finance
Department of Revenue,
Laitumkhrah,
Shillong.

3. The Assistant Commissioner,

Central Excise,
Jorhat

.... Respondents

3. Particulars for which this application is made.

This application is made against the transfer
order and posting order issued under Estt. Order No.144/96
dated 19.7.1996 whereby the applicant is transferred
from Sonari Range under Jorhat Division to the office

Ajit Debnath

of the Commissionerate, Central Excise, & Customs, Shillong. The prayer of the applicant for retention in the present place of posting till December 15th, 1996 i.e. for a period of 4 and half months as the transfer is made in the middle of the academic session of the daughters of the applicant who are studying in St. Joseph School, Sonari under the Board of Assam.

4. Jurisdiction of the Tribunal

The applicant declares that the subject matter of the instant application is within the jurisdiction of this Hon'ble Tribunal.

5. Limitation

The applicant further declares that this application is filed well within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

6. Facts of the case

6.1 That the applicant is a citizen of India and as such he is entitled to the rights and privileges and protection as guaranteed under the Constitution of India.

The applicant initially appointed under the Collectorate of Central Excise and Customs, Shillong as Inspector in the year 1984 and posted and posted at Sabrum Land Custom Station in South Tripura under

Amit Debnath

Tripura Division in the year 1984. Thereafter the applicant was transferred to Mono Bazar, Customs Preventive Post, South Tripura under Tripura Division in the year 1989. In the year 1989 the applicant was again transferred and posted to Sonari Range under Jorhat Central Excise Division. Thereafter the applicant is continued to serve there as Inspector under the Assistant Commissioner, Central Excise, Jorhat Division.

6.2 That your applicant all of a sudden received a transfer and posting order issued under Estt. Order No. 144/96 dated 19.7.96 issued by the Assistant Commissioner, Customs and Central Excise, Shillong whereby the applicant is transferred and posted from Jorhat Central Excise Division to Headquarter Office Customs and Central Excise, Shillong. In the said letter it is specifically ~~stated~~ stated that the applicant to be relieved on 31.7.96 (A.N) positively. The applicant is aggrieved only due to sudden transfer and posting in the middle of the academic session. As a result of his transfer in the middle of the academic session the applicant's daughter who are studying in St. Joseph School at Sonari will cause an irreparable loss towards the academic career. In St. Joseph School at Sonari used to follow the syllabus of Assam Board. Therefore it will cause irreparable loss towards the academic career of the applicant. As the final examination is going to be commenced in the month of first week of December, 1996 and the same likely to be completed by 15th December, 1996.

Ajit Deka

Therefore in the middle of the academic year this transfer of the applicant is likely going to affect adversely the academic career of the 2 daughters of the applicant namely Miss SHankari Debnath & Miss Maitreye Debnath who are studying in Class five and one respectively in the St. Joseph School. The applicant is very much will to carry out the transfer order but only due to the educational difficulties of his children like to continue to stay in the present place of posting till the final examination of his daughters are over. In all past occasions the applicant have carried out all the transfer and posting orders without any protest as a sincere and obedient Government servant. In the instant case also the applicant has no grievance regarding the transfer and posting order although he had opted for his posting in Deomali in Arunachal Pradesh only on the ground that there is one Ram Krishna Mission School at Deomali at Arunachal Pradesh. However since the authorities have decided to transfer and post the applicant at Headquarter, Shillong the applicant is duty bound to carry out the transfer and posting order but since the transfer and posting order is issued in the middle of the academic session of his daughters therefore finding no other alternative the applicant has approached this Hon'ble Tribunal with the prayer to allow him to stay in the present place of posting at upto December 15th 1996 so that the daughters of the applicant may appear in the final examination smoothly in the present educational Institue under St. Joseph School.

A copy of the transfer Order dated 19.7.96 is annexed herewith and the same is marked as Annexure-1.

Apri Debnath

6.3 That your applicant begs to state that he is hailed from Tripura and at Sonari no one is there in his family to look after them if the applicant is to carry out this transfer and posting order with immediate effect and in that event risk of security also involved as regard safety of the family members therefore considering the circumstances the Hon'ble Court be pleased to direct the respondents to allow the applicant to stay in the present place of posting at Sonari till December 15th, 1996. In this connection it may also be stated that no substitute is posted in the place of the present applicant therefore there will be no difficulty on the part of the administration to retain the applicant in the present place of posting for a period of 4 and half months considering the academic interest of the daughters of the present applicant.

6.4 That the applicant begs to state that he has only received the order of transfer and posting issued under Estt. Order No. 144/96 dated 19.7.96 on 25.7.96 and immediately thereafter the applicant submitted a representation before the Commissioner, Central Excise, Shillong through Assistant Commissioner, Central Excise, Jorhat Division on 26.7.96 where the applicant interalia prayed that for allow him to stay in the present place of posting for a perion of 6 months for smooth running of education of his daughters as ~~they are~~ they are going to appear in their final examination which is scheduled to be held in the last week of November or in the 1st week of December 1996. However the representation is forwarded to the

Anil Debnath

Commissioner, Central Excise, Shillong, the same to know from a reliable source the same, but the apprehension of the applicant is that the decision of the Commissioner Office may not be taken/completed within 31st July, 1996 whereas it is already directed in the transfer and posting order dated 19.7.96 that the applicant to be relieved on 31.7.96 positively. Therefore finding no other alternative in the compelling circumstances the applicant has approached this Hon'ble Court for protection and his rights and interests by allowing him to stay till December 15th, 1996 in the present place of posting only on the ground that the daughters of the applicant is going to appear their final examination in the first part of December, 1996. In this connection it may further be stated that the Assistant Commissioner, Central Excise, Jorhat also in the meantime has issued the order of release vide letter № under Memo No. C. No. II/3/1/ET/95/2946-53 dated 25.7.96 whereby the applicant is relieved from his duty in the afternoon of 31.7.96 with a direction to report for his duty to the Headquarter i.e. new place of posting at Shillong with immediate effect until further orders. Therefore under the circumstances the only remedy available with the applicants to approach this Hon'ble Tribunal.

A copy of the representation dated 26.7.96 and release order under memo dated 25.7.96 are annexed herewith and the same are marked as Annexure 2 and 3 respectively.

Appt. Secretary

6.5 That the applicant begs to state that the Central Board of Excise & Customs, New Delhi their letter No. F. No. A-35017/28/92-AD-III-B dated 30th June, 1994 issued a transfer guidelines regarind posting and transfer regarding Group B,C and D Officers in the attached and subordinate offices under Central Board of Excise and Customs wherein in Clause 8 of the said transfer and posting guidelines issued by the Board it is specifically stated that the general transfers should be effected at the end of the academic year and orders therefor should be issued sufficiently in advance. Orders issued otherwise should contain reaons on record. But in the instant case there is no mention in the transfer and posting order dated 19.7.96 that the present transfer of the applicant is in exigencies of service or for public interest or for any administrative reason. Therefore in the normal course when there is no exigencies the applicant ought to have given sufficient time for hsi transfer and posting in the Headquarter office at Shillong. The relevant portion of the order of the Central Board of Excise & Customs is quoted below :

" VIII. General

(i) General transfers should be effected at the end of the academic year and orders therefor should be issued sufficiently in advance. Orders issued otherwise should contain reasons on record".

Apil-~~1996~~97

Therefore the transfer of the present applicant made by the respondents in the middle of the academic session of his daughters is in total violation of the transfer and posting guidelines of the Central Board of Customs and Central Excise. Therefore the transfer of the applicant is liable to be set aside and quashed and the same has been issued whimsically, arbitrarily and malafide by the respondents.

6.6. That this application is made bonafide and for the ends of justice.

7. Reliefs sought for

Under the facts and circumstances the applicant prays for the following reliefs :

1. That the respondents be directed to cancel/modify or to set aside the transfer and posting order issued under Estt. Order No. 144/96 (Annexure-1) dated 19.7.96 to allow the applicant to stay in the present place of posting i.e. at Sonari Range, till ~~fixax~~ December 15, 1996.
2. *Chhanda Adhv.* That the ~~respondents~~ be directed to set aside the release order under Memo No.C.No. II/3/1/ET/95/2946-53 dated 25.7.96 issued by the Assistant Commissioner, Central Excise, Jorhat.

Arijit Debnath

3. That the respondents be directed to allow the applicant to continue to stay the applicant in the present place of posting at Sonari till December 15th, 1996 or the final examination of his daughters are over.
4. To pass any other order or orders as deemed fit and proper.

The above reliefs are prayin on the following amongst other -

- G R O U N D S -

1. For that the transfer and posting order issued under Estt. Order No. 144/96 dated 19.7.96 in the middle of the academic session of the daughters of the applicant.
2. For that the final examination of the daughters of the applicant is going to be commenced in the first part of December, 1996.
3. For that the Syllabus/course of the St. Joseph School is altogether different than that of the schools under Meghalaya Board.
4. For that the applicant received the transfer and posting order on 25.7.96 and submitted representation on 26.7.96 before the Commissioner which is now forwarded by the Asst. Commissioner, Jorhat and the same is likely to take sometime for decision.

Ajit Debnath

5. For that the release order has already issued by the respondents and the same has been received by the applicant on 25.7.96 and as per the release order the applicant is to be relieved on 31.7.96.
6. For that the transfer order is issued in total violation of the transfer guidelines issued by the Central Board of Excise and Customs, New Delhi on 30th June, 1996.
7. For that the transfer order is arbitrary, whimsical, malafide and the same is issued without considering the transfer guidelines of the Central Board of Excise and Customs New Delhi, dt. 30.6.964.
8. Interim Reliefs sought for :
Under the facts and circumstances the applicant prays for the following interim relief :
 1. That the transfer and posting order issued under Estt. Order No. 144/96 dated 25.7.96 and release order under Memo No. E.No. II/3/1/ET/95/2946-53 dated 25.7.96 be stayed till final disposal of the original application.The above reliefs are prayed on the grounds explained in paragraph 7 of this application.

Apil Lebnalt

9. Details of remedy exhausted :-

There is no other ~~other~~ scope or any other ~~other~~ remedy under any rule. There is no service rule in this respect and the Hon'ble Tribunal is the only remedy for the present applicant.

10. Matter not pending in any other Court/Tribunal

The applicant declares that he has not filed any other application before any other Court/Tribunal

11. Particulars of Postal Orders.

Postal Order No.	: 345931
Date of Issue	: 23-6-96
Issued from	: G.P.O.Guahati,
Payable at	: G.P.O., Guahati

12. Details of Index

An Index showing the particulars of documents is enclosed.

13. List of enclosures

As per Index

Ajit Debnath

V E R I F I C A T I O N

I, Shri Ajit Debnath, son of Shri Rajgobinda Debnath, resident of at present Sonari, aged about 38 years, working as Inspectors in the Central Excise Department, posted at Gorhat Division, Sonari do hereby declare that I have gone through this application and to hereby declare that the statement made in this application are true to my knowledge and belief and I have not suppressed any material facts in this application.

I sign this verification on this day i.e. 30th July, 1996 at Guwahati.

Ajit Debnath
Signature

CUSTOMS AND CENTRAL EXCISE : SHILLONG

~~Subject~~

ESTABLISHMENT ORDER NO. 144/1996

DATED SHILLONG THE 19TH JULY '96

Subject : Estt. Transfer and posting in the grade of Inspector - O/R.

The following transfer and posting in the grade of Inspector of Customs and Central Excise are hereby ordered with immediate effect and until further orders.

Sl.No.	Name	From	To
1	Sri Rex Hungyo	<u>Imphal Cus (Prev.)</u> Division	Inspectors (Sts. Br. <u>Jorhat C.Ex. Divn.</u>
2.	Shri Ajit Debnath	<u>Sonari Range</u> <u>Jorhat C.Ex. Divn</u>	<u>Hqrs. Office</u> <u>Shillong</u>

Shri Rex Hungyo Inspector and Shri Ajit Debnath, Inspector should be relieved on 31.7.96. (A.N.) positivly.)

Sd/- D. BHATTACHARYYA
ASSISTANT COMMISSIONER (HQRS.)
CUSTOMS AND CENTRAL EXCISE : SHILLONG

C. No. II(3)6/ET.III/14412-18(A) dated 19.7.96

Copy forwarded for information and necessary action to :-

1. The Addl. Commissioner (Tech), Hqrs. Office, Shillong.
2. The Deputy Commissioner (Cus. Prev), Hqrs. Office, Shillong.
3. The Sr. P.A. to Commissioner (Cus. Prev), N.E.R., Imphal.
4. The Assistant Commissioner of Cus (P), Imphal, Cus (Prev) Division. The copy meant for the concerned officer is enclosed.
5. The Assistant Commissioner of C.Ex, Jorhat C. Ex. Divn. The copy meant for the concerned officer is enclosed.
6. The Superintendent (Hqrs.), Hqrs. Office, Shillong.
7. Shri Ajit Debnath, Inspector, for compliance.
8. The P.A.O./C.A.O. of Customs and Central Excise, Shillong.
9. Accounts I & II/ET.II & TI/Confl. Br./CIU-cum-VIG Br.
10. The General Secretary, Group C Executive Officers' Assn., Customs and Central Excise, Shillong.
11. Guard file.

Sd/- D. BHATTACHARYAZ 19.7.96
Asst. Commissioner (Hqrs.) Customs and Central
Excise, Shillong.

Ajit Debnath

Amit
Debnath

To

The Hon'ble Commissioner of Central Excise,
Central Excise Commissionerate,
North Eastern Region, Shillong, Meghalaya.

Through

The Assistant Commissioner,
Central Excise, Jorhat Division.

Subject : Representation for further stay at Sonari
under ~~Commissionerate~~ compassionate
ground. - reg.

Madam/Sir,

With profound respect, I beg to refer Establishment Order No. 144/96 dated Shillong, the 19th July, 1996 communicated under CNO .II (3)6/Et.III/95/14412-18(A) dated 19.7.96 and subsequent relieve order dated 25.7.96 of the Assistant Commissioner of Central Excise, Jorhat communicated vide his letter C No. II/3/1/ET/95/2946-53 dated 25.7.96 and to seek compassion to save me from the courage of humiliation and insultation that meted out for a non-committed offence and stigma thereto was further propelled by the Assistant Commissioner's (HQRS) Customs and Central Excise, Shillong's order to transfer me to Shillong, HQRS. office from Sonari Range under Jorhat Division and to lay down the following grim facts for favour of your kind consideration.

- (1) That Madam, I was transferred from Agartala Division to Sonari Range under Jorhat Division in the month of April, 1989.
- (2) That Madam, I have been residing at Sonari since 1989 consisting of two children (Daughters) and wife. My children are studying in Class V and Class I respectively under Assam Board. -
- (3) That Madam. It is /pertinent to mention here that on 9.7.96 Superintendent (Technical), Superintendent (Anti-Evasion) Jorhat comprising of several Inspectors of Jorhat Division visited Sonari Range Office arising out from a seizure effected at Sibsagar by them when no officers were available in Sonari Range Office except one sepoy namely Sri Chana

*AB sented
② Mr
pw*

Moch. I was asked to attend Range office through the said sepoy Sri G.Moch who was sent by the Superintendent (Technical) and Superintendent (Anti-Evasion) Jorhat to my rented house, Accordingly, I complied with their instruction and attended Sonari Range Office and produced invoices of M/S Hasai Forest Product (Pvt.) Limited Kanubari, Arunachal Pradesh alongwith one declaration in connection with Transit Godown inspite of Superintendent's queirys which were taken by them with due respect.

(4) That Madam, on 11.7.96 knowing the facts Superintendent Sonari Range namely Sri Agnu Ram Das threatened me by saying that "you bloody, why you attended office on 9.7.96 as per direction of Superintendents of Jorhat while you are working under my control and why you have given the Invoices to them," Superintendent, Sonari Range further threatened me with dire consequences that he will ~~knowxme~~ see me and he will make arrangements for my transfer from Sonari and he will implicate me otherwise.

(5) That Mada.., being an Inspector of this Department as well as sub-ordinate to the Superintendent, I have done nothing but felt serious insultation due to the indjudicious remarks passed by the Superintendent, Sonari Range in presence of another officer namely Sri James ~~Quite~~ Quite, Inspector of Sonari Range if enquired, could easily be ascertained the facts.

(6) That Mada~~am~~, on 12.7.96, I came to know from the O/c, Sonari, P.S. who visited Range office, Sonari that a complaint was lodged by the Superintendent, Sonari ~~mat~~ x Range against me by giving entry in the F.R of P.S. Sonari, the reasons best know to the Supdt. Sonari.

(7) That Mada~~am~~, I presume that fabricated and connected report is given by my superior to harrass me with vindictive attitude and thus resulted in my transfer in the middle of a year which would cause tremendous torubles in maintaining education with regard to my daughters, as academic course of Meghalaya differs from the cause of Assam Board.

*Amrit
Chh
P.S.*

In the circumstances I fervently pray before your Judicioself kindly to allow me to stay further for six months at Sonari Range so that I amy not encounter with any troubles associated with my children's education and my children may appear in their forthcoming final examination scheduled to be held in the first part of December, 1996 for which act of your kindness I alongwith my family members shall remain ever thankful.

Yours faithfully,

Sd/- Ajit Debnath
Inspector, Central Excise,
Sonari Range, Jorhat Division
(under order of transfer)

Copy submitted to the :

1. The Assistant Commissioner of Central Excise, Jorhat in duplicate for favour of his kind action. He is kindly requested to forward the original copy meant for Hon'ble Commissioner, Shillong immediately with a request to re-consider the order of relieve already issued until any decision is received at this end from the Hon'ble Commissioner, Shillong.
2. The General Secretary, Executive Officer's Association, Shillong for favour of his kind action. He is earnestly requested to take up the matter with the appropriate authority immediately and to do the needful by issuing necessary order of stay for another eix months at Sonari Range so that I may not encounter with any troubles with regard to my children education in the middle of a year and my children may appear in the forthcoming examination scheduled to be held in December, 1996. His kind attention is also invited to the points as raised in para 3 to 7 in the representation and to take action against such vindictive attitude of authorities towards their sub-ordinates in order to maintain discipline and dignity of the Department.
3. The Secretary, Executive Officer's Association, Jorhat Division for favour of ~~hme~~ kind action. He is kindly requested to call an emergent meeting for immediate discussion on this issue due to the gravity of the matter and to pass such resolutions for immediate redressal.

Ajit Debnath
Sd/- Ajit Debnath 26.7.96
Inspector, Central Excise

OFFICE OF THE ASSISTANT COMMISSIONER : CENTRAL EXCISE
JORHAT

O R D E R

Dated Jorhat the 23rd July, 1996

In pursuance of the Assistant Commissioner (Hqrs.)
Customs & Central Excise, Shillong's Estt. Order No.
144/1996 dated Shillong the 19th of July '96 communicated
under endorsement C.No. II(3)6/ET-III/95/11412-18 (A) dated
19.7.96. Shri Ajit Debnath, Inspector, Central Excise,
Sonari Range is hereby relieved of his duty on the
afternoon of 31.7.96 with a direction to report to his
new place of posting at Hqrs. Office Shillong with immediate
effect and until further orders.

Sd/- J.N. BATHORY
Assistant Commissioner,
Central Excise, Jorhat.

C.No. II/3/1/ET/95/2946-53 Dated 25.7.96

Copy forwarded for information and necessary action

1. Sri Ajit Debnath, Inspector Central Excise, Sonari Range for compliance.
2. The Superintendent, Central Excise, Sonari Range. The copy of the order meant for Shri A. Debnath, Insp. is enclosed for delivery to him.
3. Asstt. Commissioner, (Hqrs.) Customs & Central Excise, Shillong with reference to above.
4. To the Cash/Bill/Store/ET-II/Conf. Central Excise, Divisional Office, Jorhat.

Enclo : One.

Sd/- J.N. Bathory 24.7.96
Assistant Commissioner,
Central Excise : Jorhat.

*After 1st
Office*

2
Annexure-4

F. No. A-35017/28/92-AD-III-B
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs

New Delhi, the 30th June, 1994

To

All Principal Collectors of
Central Excise and Customs.

All Director Generals/Narcotics Commissioner

All the Heads of Departments under
Central Board of Excise & Customs.

Subject : Transfer-Guidelines regarding posting and
transfers of Group 'B' 'C' and 'D' officers
in the attached & Subordinate offices under
Central Board of Excise and Customs.

Sir,

1. F. No. A 22015/20578-
Ad-III-B dt. 1.11.78.
2. E.No. A-22015/21/89-
Ad-III-B dt. 13.7.89.
3. F. No. A-35017/17/91-
Ad-III-B dt. 24.1.92
4. F. No. B-12014/4/92
Ad-III-B dt. 2.9.92.

In supersession of all previous
instructions, as indicated in
the margin, the following instruc-
tions/guidelines are issued in
consolidated form for regulating
the transfers and deputation of
Group B C and D officers in the
various attached and subordinate
offices under the Central Board
of Excise & Customs :-

I. Group 'B' and Group 'C' Officers :

(i) Period of stay at one station :

(a) Executive Officers : The period of stay of an
Officer at one station should normally be 4 years.
Transfers may be made earlier if administrative
requirements or compassionate grounds, so
necessitate.

(b) Ministerial Officers : While Ministerial officers
are also liable to transfer, like Executive
Officers, routine transfer of Ministerial Officers
from one station to another should be avoided.
However, Ministerial officers are liable to be
transferred from one charge to another at periodic
intervals.

Hestel
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dw
Contd.. P/2

II. Group 'D' staff :- Group 'DI' staff are also liable to be transferred anywhere within the Collectorate even though its jurisdiction extends to more than one State. However, frequent transfers of Group D staff should be avoided.

III. Postings of husband -wife teams at the same STATION :-

Guidelines contained in Department of Personnel & Training's Office Memorandum No. 28034/7/86-Estt (A) dated 03.4.86 may be followed subject to administrative requirements/exigencies.

IV. The tenure at sensitive charges and requirements, of "Cooling Off" period :-

(i) Officers posted in any of the following charges as mentioned below, on completion of his/her normal tenure, be posted to a formation/organisation/assignment other than those mentioned here below :-

- (a) Airports,
- (b) D.G.R.I.
- (c) D.G.A.E.
- (d) NCB/ED (FERA/EIB ETC.

The officers so posted in any of the aforesaid charges/organisation assignments will be required to complete the "Cooling OFF" period of not less than two years before being considered for re-posting to any of the aforesaid charges.

V. (A) The power to relax the cooling off period etc.

The power to relax the "cooling off" period for an officer with reference to the charges mentioned in para IV shall be exercised by the P.R. Collr./ Director General Concerned, in consultation with the Head of the Department of the Officer in question.

*After 1st
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Date*

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Annexure-4 (Contd.)

(b) The decision to extend the normal tenure :

The decision to extend the normal tenure etc. will be governed by the provisions of recruitment rules and the DPO&T's guidelines on the tenure/depuration/executive instructions of the Board as the case may be.

VI. Transfers of Office bearers of the recognised Associations of Central Government Employees.

In regard to the transfers of Office bearers of the recognised Unions/Associations the instructions contained in the Department of Personnel & Training's O.M. No. 27/3/69-Estt. (B) dated 8.4. 1969 should be observed strictly read with future amendments, if any.

VII. Notwithstanding the instructions contained in paragraphs (I), (II), (III), the Heads of the Department will have full authority/power to transfer an officer on administrative/compassionate grounds.

The Heads of the Department will also be the deciding authority as to what would constitute difficult posting depending on the local conditions and will be fully authorised to fix - tenure of posting of officers at those places, as deemed necessary for administrative requirements and exigencies of service.

VIII. General :

(i) General transfers should be effected at the end of the academic year and orders therefor should be issued sufficiently in advance. Orders issued otherwise should contain reasons on record.

(ii) Officers who are due to retire within two years or so, may not be transferred from their state/district or from the proximity of the station where they propose to settle down after retirement. Those who are posted away from such a station may, if they so request be brought to the proximity of that

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Annexure-4 (Contd.)

station within last one year or so of their service. All this will, however, be subject to administrative requirements.

(iii) For the purpose of transfer, the stay of an officer at a particular station should be computed with reference to the total period of his continuous stay at that station regardless of the different posts held by him there.

2. above instructions may please be followed scrupulously.

Please acknowledge the receipt of this letter.

Yours faithfully,

Sd/- R.K. MITRA)
UNDER SECRETARY

Central Board of Excise & Customs

Copy to recognised Association/Unions of Group 'B'
'C' and 'D' staff.

Sd/- Illegible

*Presented
R. K. Mitra
J. D. W.*