

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.204/2018

Ahmedabad, this the 09th day of March, 2018

Subodh Kumar
Son of Late Shri Gauri Shankar Sharma
Aged 48 years (DOB being 05.2.1970)
Presently serving as Preventive Officer (on deputation basis) in O/o. The Development Commissioner, Kandla Special Economic Zone, Gandhidham and
Presently residing at Qtr. No.Type.III/14, KASEZ Colony, Kutch, Gujarat..... Applicant
(By Advocate : Shri M.S. Rao)

VERSUS

1. Union of India
To be represented through its Secretary to the Govt. of India,
Department of Revenue,
Ministry of Finance,
Government of India, North Block,
New Delhi 110001.
2. Central Board of Excise & Customs
(Through its Chairman, CBEC
Department of Revenue,
Ministry of Finance,
Government of India, North Block,
New Delhi 110001.)

3. The Chief Commissioner
Central Goods & Service Tax and Central Excise
Ranchi Zone, Patna,
O/o. The Chief Commissioner of CGST & CX
'Central Revenue' Building (Annexe)
1st Floor, Bir Chand Patel Path
Patna – 800 001.
4. The Commissioner of Central Goods & Service Tax
& Central Excise, Patna-I
O/o. The Chief Commissioner of CGST & CX
'Central Revenue' Building (Annexe)
3rd Floor, Bir Chand Patel Path
Patna – 800 001.
5. The Development Commissioner
KASEZ Gandhidham
O/o. The Development Commissioner,
Kandla Special Economic Zone, (KASEZ)
Ministry of Commerce and Industries
Govt. of India
Gandhidham, Kutch 370 230.
Gujarat. Respondents

O R D E R – ORAL

Per : Hon'ble Shri J.V.Bhairavia, Member (J)

Heard Shri M.S.Rao, learned counsel for the applicant.

2. In the instant OA, the applicant has challenged the legality of the communication/letter No.II(13)1-Conf/Dep/ KASEZ/ CCO/RZP/17/771 dated 17.1.2018 by the office of the Chief Commissioner, Central Goods & Service Tax and Central Excise, Patna addressed to the Development Commissioner, Kandla Special Economic Zone, Gandhidham, Kutch by which it was informed that the office of the respondent No.3 vide their letter dated 03.3.2017 had issued 'No Objection Certificate' in respect of the applicant for posting him in Kandla SEZ as Preventive officer on deputation basis. The Chief Commissioner, CGST & CX, Patna-I Commissionerate vide letter dated 05.01.2018, being disciplinary authority of the applicant had initiated vigilance inquiry against him. Accordingly, 'No objection Certificate' issued by the office of the Chief Commissioner, Patna stands withdrawn and requested to repatriate the applicant immediately with a direction to report of his Parent Commissionerate i.e. Patna-I Commissionerate.

3. Learned counsel for the applicant, Shri M.S.Rao submitted that the letter dated 17.1.2018 of the respondent

No.3 was provided under the provisions of Right to Information Act, 2005 to his wife vide Communication dated 20.2.2018 and the same was received on 24.2.2018.

4. The applicant is apprehending that he will be repatriated at any time to his Parent Commissionerate, Patna as per the decision/order dated 17.1.2018.

5. It is submitted by the applicant was appointed on deputation on 12/13-4-2017 at Kandla. SEZ, Gandhidham, Kutch and he joined his duty on 15.5.2017. According to him, the term for deputation period is three years and the deputation of the applicant is ordered to be regulated in accordance with the instructions contained in DoPT O.M. dated 17.6.2010 as amended from time to time. According to the condition No.9 of the instruction issued vide O.M. dated 17.6.2010 for Premature Reversion of Deputationist to Parent cadre, the Deputationist could be returned after giving an advance notice of at least three months to the lending department and the employee concerned.

6. In the present case, the applicant has not received any advance notice for premature reversion to his parent cadre. Therefore, *prima facie*, the proposed action of the respondents to repatriate the applicant to his parent cadre is against the terms of service condition.

7. At this juncture, the counsel for the applicant, Shri M.S.Rao submits that the applicant seeks permission to withdraw this application with a liberty to make appropriate representation to the concerned respondents including to his Parent Commissionerate.

8. In view of the above submissions, the OA is disposed of at the admission stage itself by directing the applicant to submit his representation/ application within one week from today to the concerned competent authority against the decision for his premature repatriation and the respondents are directed to consider it as expeditious as possible. In the meantime, till the disposal of the representation/ application of the applicant is decided, the respondents are directed not to take any coercive steps or actions with regard to repatriation of

the applicant from his posting on deputation at Kandla SEZ, Gandhidham. It is made clear that this Tribunal has not entered into merits of the case and the respondents are at liberty to take their decision on the representation of the applicant as per existing rules and instructions issued from time to time by the competent authority.

9. The OA stands disposed of with the above direction. No order as to costs.

10. Dasti of this order is permitted.

(J.V.Bhairavia)
Member (J)

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