

**Central Administrative Tribunal
Principal Bench**

OA No. 3203/2017

New Delhi, this the 14th day of September, 2017

Hon'ble Mr.V.Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)

Jitender Kumar Sharma
Aged about 32 years, Group-C, Post- Inspector,
S/o Sh. Ramesh Chand Sharma,
R/o RZE-145, New Roshan Pura Extn.,
Najafgarh, New Delhi-110043.

... Applicant

(By Advocate: Sh. Sachin Chauhan)

Versus

1. Union of India through its Secretary,
Department of Revenue,
North Block,
New Delhi-110001.
2. Chairman,
Central Board of Excise & Customs,
North Block, New Delhi-110001.
3. Chief Commissioner,
GST Delhi Zone, Delhi.
4. Chief Commissioner,
Central Excise, Customs & Service Tax,
Vadodara Zone, Vadodara.
5. Member (Admin, CBEC Board)
Central Board of Excise & Customs,
North Block, New Delhi-110001.

... Respondents

(By Advocate: Sh. Rishabh Sahu and Shri Sultan Choudhary)

ORDER (ORAL)

Mr. V. Ajay Kumar, Member (J)

Heard Shri Sachin Chauhan, learned counsel for applicant and Shri Rishabh Sahu, learned counsel, on receipt of advance notice for the respondents.

2. The applicant who is presently working as Inspector under the Vadodara Zone under the respondent No.4 has filed the OA seeking the following reliefs :-

- (i) To direct the respondents to consider the cases of the applicant for inter-commissionerate transfer on spouse grounds from Vadodara Zone to Delhi Zone at the earliest as per DOPT instructions of Office memorandum F.No.28034/9/2009-Estt.(A) dated 30.09.2009 and Circular F.No. A.22015/23/2011-Ad.III.A dated 27.10.2011 issued by Govt. of India, Ministry of Finance, Department of Revenue, Central Board of Excise and Customs.

Or/And

- (ii) Any other relief which this Hon'ble court deems fit and proper may also be awarded to the applicant."

3. It is submitted that the applicant made a number of representations including Annexure-A/2 representation dated

03.02.2016, ventilating his grievances. However, respondents have not passed any order thereon till date.

4. It is seen that the Annexure-A/2 representation is addressed to the Chief Commissioner, Vadodara Zone, Vadodara, whereas the applicant's counsel himself admits that the competent authority to transfer a particular employee from one Commissionerate to another Commissionerate is the Chairman, CBDT, New Delhi, and that is why the instant OA is maintainable before this Principal Bench at New Delhi, though he is working at Vadodara as on today and though the Annexure A/2 representation is made to the Additional Commissioner of Vadodara, for onward forwarding through proper channel.

5. In the circumstances, the OA is disposed of without going into the merits of the case, by directing the respondents to decide the Annexure-A/2 representation of the applicant, by passing a reasoned and speaking order within a period of 90 days from the date of receipt of a certified copy of this order, in accordance with law. No costs.

6. Let a copy of the OA be enclosed to this order.

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member (J)

'rk'