

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

O.A.NO. 060/00937/2018 Date of order:- 13.8.2018

Coram: **Hon'ble Mr. Sanjeev Kaushik, Member (J)**
Hon'ble Mrs.P. Gopinath, Member (A).

Padam Kumar Dhawan, Inspector Group B, non-gazetted, CPD Jammu, r/o H.No.3098, Sector 38, UE, Chandigarh Road, Ludhiana-141 010.

.....Applicant.

(By Advocate :- Mr. S.S.Bedi)

Versus

1. The Chief Commissioner, CCPU, Delhi, New Customs House Near IGI Airport, New Delhi-110 037.
2. Chief Commissioner, Good & Service Tax Chandigarh Zone, Central Revenue Building, Plot NO.19, Sector 17-C, Chandigarh-160017.
3. The Commissioner, Customs (Preventive) Commissionerate, The Mall, Amritsar-143 001.
4. The Assistant Commissioner, CPD, Jammu-180011.

...Respondents

O R D E R (Oral).

Sanjeev Kaushik, Member (J):

The present OA is directed against the transfer order dated 1.8.2018 whereby the applicant has been transferred from CPD Jammu to CPD Leh.

2. The applicant has taken various grounds for quashing the impugned order. He argues that the applicant was working at Ludhiana and was transferred vide order dated 11.4.2018 to Jammu

CPD with additional charge of CPS Jammu. He was relieved from Ludhiana on 1.5.2018. But due to his medical condition, he could not join as he is taking treatment from civil hospital, Ludhiana. He made representation dated 17.5.2018 requesting therein to cancel his transfer to J& K and he may be retained at Ludhiana on medical grounds. When he got no result to his representation, he immediately joined his duties on 28.5.2018 at Jammu. Due to death of his father-in-law, he submitted leave application from 2.7.2018 to 16.7.2018. Thereafter, due to exertion, the applicant was unable to attend office and he again applied extension of leave till 27.7.2018. Applicant submitted an application for extension of leave upto 3.8.2018. During that period, the respondents passed the impugned order dated 1.8.2018, whereby he was transferred from CPD Jammu to CPD Leh. It is the case of the applicant that he was relieved from his duties on 2.8.2018. He again made representation dated 2.8.2018 (Annexure A-11), but to no avail.

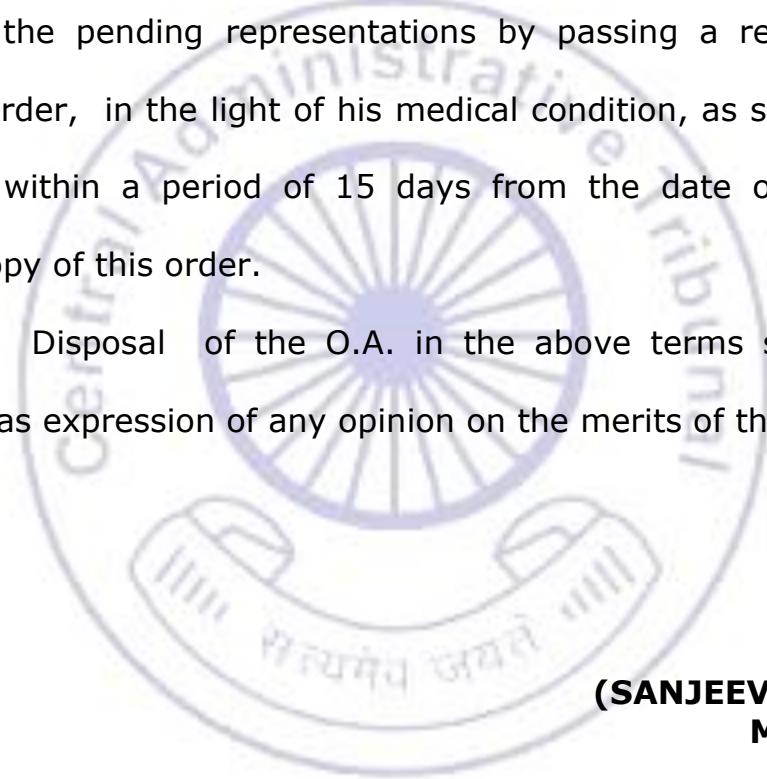
3. Learned counsel for the applicant vehemently argued that due to medical grounds, particularly when the applicant is suffering from heart disease and taking treatment from DMC Ludhiana, he is not fit to be posted at high altitude area Leh. In this regard, he also made representations, but the same have not been answered till date. He also submitted that impugned transfer order is in violation of para 5.2 of the policy namely Transfer/placement guidelines for Group 'B' Gazetted and Non-Gazetted Executive Officers (Inspectors and Superintendents)(Annexure A-12). Therefore, he submitted that the impugned order is bad in law. He, however, made a statement at the bar that he would be satisfied if a direction is issued to the respondents to decide his pending representations. He also

submitted that the applicant is also continuing on medical leave till date.

4. Considering the short prayer, as noticed herein above, we do not want to issue notice to the respondents, as the applicant is simply making a prayer to decide his pending representations, and as such, instant O.A can be disposed of with a direction to competent authority to take a final view on the same.

5. In the light of above, we dispose of present O.A in limine with a direction to the competent authority amongst the respondents to decide the pending representations by passing a reasoned and speaking order, in the light of his medical condition, as stated by the applicant, within a period of 15 days from the date of receipt of certified copy of this order.

6. Disposal of the O.A. in the above terms shall not be construed as expression of any opinion on the merits of the case.


(SANJEEV KAUSHIK)
MEMBER (J)

(P.GOPINATH)
MEMBER (A).

Dated:- August 13, 2018.

Kks