

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00355/2018

Date of Order: This, the 12th day of October 2018

**THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER
THE HON'BLE MR. N. NEIHSIAL, ADMINISTRATIVE MEMBER**

Shri Bidhu Bhushan Karmakar
Assistant Commissioner (in Situ)
CGST & Central Excise
Guwahati Commissionerate
Bhangagarh, Guwahati- 5.

...Applicant

By Advocates: Mr. S. Nath & Mr. G.J. Sharma

-Versus-

1. The Union of India
Represented by the Secretary to the Government of India
Department of Revenue
Ministry of Finance, New Delhi - 110001.
2. The Chairman
Central Board of Excise and Customs
Ministry of Finance
Department of Revenue
North Block, New Delhi - 110001.
3. The Chief Commissioner
Customs, Central Excise and Service Tax
N. E. Region, Shillong Zone
Crescence Building, M. G. Road, Shillong - 793001.
4. The Commissioner
Central GST and Custom
Office of CGST Commissionerate
G. S. Road, Guwahati – 5.

...Respondents

ORDER (ORAL)**MANJULA DAS, JUDICIAL MEMBER:**

Mr. S. Nath, learned counsel for the applicant mentioned this case and was accordingly taken up today as unlisted.

2. The applicant has preferred the instant O.A. under Section 19 of the Administrative Tribunal Act, 1985 seeking a direction upon the respondents to allow him to continue against any of the existing vacancy of Assistant Commissioner at Guwahati under the Guwahati CGST Commissionerate till the end of academic session of his daughter who is studying in Class XII at Guwahati in modification of the impugned order No. A-22013/05/2017-Ad.II dated 26.05.2017 and No. C-18011/17/2017-Ad.II dated 09.10.2018 whereby the applicant has sought to be transferred from Shillong Central Excise Zone to Delhi Central Excise.

2. At the outset of moving the instant O.A., Mr. S. Nath, learned counsel appearing on behalf of the applicant submits that against the impugned transfer order No. C-18011/17/2017-Ad.II dated 09.10.2018, the applicant submitted a detailed representation on 10.10.2018 which is still pending disposal.

Accordingly, Mr. Nath prays for a direction upon the respondents to dispose of the pending representation within a time frame and till disposal of the representation, the operation of impugned order No. A-22013/05/2017-Ad.II dated 26.05.2017 and No. C-18011/17/2017-Ad.II dated 09.10.2018, so far the applicant is concerned, may be stayed.

3. By accepting the prayer made by the learned counsel for the applicant and without going into the merit of the case as well as without hearing the respondents' side, we direct the respondent authority to consider and dispose of the pending representation dated 10.10.2018 within a period of two months from the date of receipt copy of this order by taking into note the facts and circumstances of the case of the applicant that-

- (i) Applicant's one daughter is in mid academic session;
- (ii) Applicant has only 2 years 3 months service for superannuation ;
- (iii) Applicant's wife is suffering from Osteopenia and restricted movement and undergoing treatment with "BonMax" (life saving drugs) in Downtown Hospital, Guwahati.

4. It is made clear that, whatever decision to be arrived by the Respondent Authorities, shall be reasoned and speaking and shall be communicated to the Applicant forthwith.

5. Till disposal of the representation, operation of the impugned Office Order No. 149/2018 under F. No. C-18011/17/2017-Ad.II dated 09.10.2018 which was issued in modification of the impugned order under F. No. A-22-13/05/2017-Ad.II dated 26.05.2017 shall remained stayed, so far the applicant is concerned.

6. O.A. stands disposed of accordingly at the admission stage itself. No order as to costs.

(N. NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)

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