

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00191/2018

Date of Order: This, the 26th day of November 2018

THE HON'BLE MR. N. NEIHSIAL, MEMBER (A)

Shri Prasan Kumar Naik
Assistant Director
Enforcement Directorate
Govt. of India
House No – 20, Bye lane No – 1
Rajgarh Road, Guwahati – 781003.

...Applicant

By Advocate: Mr. S. Nath

-Versus-

1. The Union of India
Represented by Secretary to the
Government of India, Ministry of
Finance, Department of Revenue
New Delhi – 110001.
2. The Director
Enforcement Directorate
6th floor, Lok Nayak Bhavan
Khan market, New Delhi – 03.
3. The Joint Director
Enforcement Directorate
Mumbai Zonal Office – I
4th floor, Kaiser – I – Hindi Bldg
Near New Customs House
Ballard Pier, Mumbai – 400001.

...Respondents

By Advocate: Mr. R. Hazarika, Addl. CGSC

ORDER (ORAL)**N. NEIHSIAL, MEMBER (A):**

Being aggrieved with the action of the respondent authority, the applicant has preferred the instant O.A. under section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

- “8.1 That the Hon’ble tribunal be pleased to direct the respondent No. 2 transfer the applicant at Zonal Office of the Directorate, Mumbai, against existing vacant post, in the light of the Govt. of India’s O.M dated 14.12.1983, which was subsequently extended by the O.M, dated 01.12.1988, O.M dated 22.07.1998 as well as in terms of transfer policy, 2015.
- 8.2 That the respondent No. 1 may be directed to conduct an enquiry in respect of the implementation of the Transfer/Placement Guidelines for Officers of the Enforcement Directorate 2015 by the Directorate and find out the facts and to take necessary action.
- 8.3 Cost of application.
- 8.4 Any other relief or reliefs as the Hon’ble tribunal may deem fit and proper, including the cost of the case.”

2. It was submitted by Mr. S. Nath, learned counsel appearing on behalf of the applicant that applicant is working as Assistant Director in the Enforcement Directorate, Dept of Revenue, Ministry of finance, Govt. of India. He is presently posted at Guwahati Zonal Office of the Directorate where he

joined on 29.02.2016 (F.N) on his transfer from Mumbai in compliance with the transfer order dated 08.02.2016. According to Mr. Nath, applicant has completed his fixed tenure of 2 years posting in N.E Region.

3. Mr. Nath further submits that by filing this O.A., applicant is praying for a direction upon the respondents to consider his choice posting at Zonal Office of the Directorate, Mumbai, against existing vacant post, in the light of the Govt. of India's O.M dated 14.12.1983, which was subsequently extended vide O.M, dated 01.12.1988, O.M dated 22.07.1998 and transfer policy 2015 of the department. In terms of transfer policy, 2015 of the respondent department, the applicant is entitled to choice place of posting on completion of 2 years of posting in N.E Region.

4. Mr. Nath further submits that son of the applicant is reading in Class XII at Mumbai and there are vacant posts at Zonal Office of the Directorate, Mumbai. As such, there will be no difficulty on the part of the respondents to transfer the applicant at Mumbai against any of the existing vacancy. Mr. Nath fairly submits that one incumbent namely Shri R.K. Ghosh, Assistant Director was given posting at the station as per his choice after immediate completion of the tenure. Further one

incumbent namely Sri Niraj Kumal Katyal, Assistant Director of Enforcement who did approach this Tribunal on completion of his fixed tenure of two years at Guwahati was transferred at his choice place at Delhi in view of the order dated 11.06.2014 passed by this Tribunal in O.A. NO. 040/00195/2014.

5. Mr. Nath contends that applicant has been submitted several representations since his joining at Guwahati with a request to transfer him from Guwahati Zonal Office to Mumbai. Mr. Nath has drawn attention of this Bench to the last detailed representations dated 19.01.2018 as well as 06.04.2018 (Annexure – A10 & A11) respectively and submits that said representations are pending till date. Accordingly, learned counsel prays that let the respondent authority be directed to decide the pending representations by considering the case of the applicant favourably at early.

6. On the other hand, Mr. R. Hazarika, learned Addl. CGSC representing the respondents submits that he is not aware as to whether there are vacant posts at Zonal Office of the Directorate, Mumbai or not. At best, he has no objection if the prayer made by the learned counsel for the applicant is considered by this Tribunal by directing the respondent

authority to entertain the pending representations within a time frame.

7. In view of the above, by accepting the prayers made by the learned counsel for both the parties and without going into the merit of the case, this Court feels it just and proper to issue a direction upon the respondent authority more particularly respondent No. 2, Director, Enforcement Directorate, New Delhi to dispose of pending last representations dated 19.01.2018 as well as 06.04.2018 (Annexure – A10 & A11) respectively and consider the case of the applicant favourably, subject to the availability of vacancies at Zonal Office of the Directorate, Mumbai, within a period of thirty days from the date of receipt copy of this order.

8. It is made clear that, whatever decision to be arrived by the Respondent Authorities more particularly respondent No. 2 should be a reasoned and speaking and shall be communicated to the Applicant forthwith.

9. O.A. stands disposed of with no costs.

**(N. NEIHSIAL)
MEMBER (A)**

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