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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA**

O.A. No.350/00 180 of 2019

1. PRAMOD KUMAR, son of Ram Lakhan Prasad, aged about 32 years, working as Inspector (Preventive Officer) in the Office of the Port Commissionerate, Kolkata, Customs House, 15/1, Strand Road, Kolkata-700001, residing at A/2B, Eden Tolly Lakeside, Tollygunge, Kolkata-700104.

2. MANISH RANJAN KUMAR, son of Mithilesh Prasad, aged about 29 years, working as Inspector (Preventive Officer) in the Office of the Commissioner of Customs (Airport & Administration), Kolkata, Customs House, 15/1, Strand Road, Kolkata-700001, residing at 2nd Floor (L/S), 57, Regent Colony, Tollygunge, Kolkata-700040.

3. NITESH RANJAN, son of Devendra Prasad Verma, aged about 32 years,

*NSD*

working as Inspector (Preventive Officer)  
in the Office of the Commissioner of  
Customs (Airport & Administration),  
Kolkata, Customs House, 15/1, Strand  
Road, Kolkata-700001, residing at Flat  
No.403, Ganesh Apartment, Belur-  
711227.

... APPLICANTS

V E R S U S

1. UNION OF INDIA through the  
Secretary to the Govt. of India, Ministry  
of Finance, Department of Revenue,  
North Block, New Delhi-110001.

2. THE CHAIRMAN, Central Board of  
Indirect Taxes & Customs, North Block,  
New Delhi-110001.

3. THE CHIEF COMMISSIONER OF  
CUSTOMS, Office of the Chief  
Commissioner of Customs, Customs  
House, 15/1, Strand Road, Kolkata-  
700001.

*WAL*

4. THE COMMISSIONER OF CUSTOM  
(Airport & Administration), Kolkata,  
Customs House, 15/1, Strand Road,  
Kolkata-700001.

... RESPONDENTS

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- 4 -

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH

O.A/350/180/2019  
M.A/350/95/2019

Date of Order: 12.02.2019

Coram: Hon'ble Mr. A.K. Patnaik, Judicial Member

Pramod Kumar & Others -vs- Revenue

For the Applicant(s): Mr. B. Chatterjee, Counsel

For the Respondent(s): Ms. P. Goswami, Counsel

ORDER ( O R A L )

A.K Patnaik, Member (J):

Heard Mr. B.Chatterjee, Ld. Counsel for the applicants. Mr. Chatterjee submitted that he has already sent copy of the O.A. along with annexures, to the Respondents.

2. As no-one appears on behalf of the Respondents and Ms. P.Goswami, Ld Counsel, who usually appears for the Union of India, is present in the Court, on my request, Mr. Chatterjee has served copy of the O.A. along with annexures, on her as I do not want the Official Respondents to go unrepresented. Heard Ms. P.Goswami, in extenso.

3. M.A.No. 95/2019 filed for joint prosecution of this case is allowed and disposed of.

4. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

“ a) An order holding that the deletion of the Saving Clause under special provision in the Recruitment Rules of 2016 which was in the Clause 4 of the Recruitment Rules of 2002 is arbitrary and cannot be sustained and accordingly the respondents may be directed to incorporate the said Clause in the Recruitment Rules of 2016;

b) An order quashing and/or setting aside the impugned Circular dated 20<sup>th</sup> September, 2018;

*Wd*

- c) An order directing the respondents to recall order/orders, if any, passed in terms of the impugned Circular dated 20<sup>th</sup> September, 2018;
- d) An order directing the respondents to grant all consequential benefits to the applicants in the event of any order is passed in the meantime in terms of the said Circular dated 20<sup>th</sup> September, 2018 after recalling the same;
- e) An order directing the respondents to produce/cause production of all relevant records;
- f) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper."

5. The case of the applicants, in nutshell, as submitted by Ld. Counsel is that applicants after due selection conducted by Staff Selection Commission were appointed as Inspectors (Preventive Officer) under the Commissionerate other than Kolkata Customs Zone/outside the Kolkata Zone and subsequently under the policy decision and as per provisions of the Circular dated 27<sup>th</sup> October, 2011 were transferred to Kolkata Customs Zone on compassionate ground on the terms and conditions stipulated in the said Circular dated 27<sup>th</sup> October, 2011 and after accepting the said conditions. All on a sudden by the impugned Circular dated 20<sup>th</sup> September, 2018 the status of the applicants who were transferred on compassionate ground to Kolkata Customs zone after 26<sup>th</sup> December, 2016 has been altered retrospectively and they are going to be reverted to their parent Zones. Being aggrieved, applicant No. 1 made representation on 23.10.2018 before the Respondent No. 2 seeking benefit of Order dated 09.10.2018 in O.A 1527 of 2018 which is pending for consideration.

6. Ms. Goswami, Ld. Counsel for the Official Respondents, vehemently opposed the submission made by Ld. Counsel for the applicants.

7. Ld. Counsel for the applicants fairly submitted that the applicants want to make comprehensive representation to be addressed to Respondent No.2 within a

*Wd*

period of two weeks from the date of receipt of copy of this order. He further prayed that a specific time frame be fixed to consider such representation.

8. Taking into account the arguments advanced by Ld. Counsel for both the parties, without entering into the merit of the matter, I dispose of this O.A. granting liberty to the applicants to make a comprehensive representation, annexing relevant documents and judgment, if any, before Respondent No.2 within a period of two weeks from the date of receipt of copy of this order and, in case, any such representation is preferred within a period of two weeks from the date of receipt of copy of this order then Respondent No.2 is directed to consider the same, as per the rules governing the field and communicate the result to the applicants in a reasoned and speaking order within a period of six weeks from the date of receipt of the said representation. I also make it clear that status quo as on date so far as continuance of the applicants in the present place of posting is concerned will be maintained for a period of two weeks from the date of such consideration and communication of order to the applicant.

9. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

10. Copies of this order be handed over to the Ld. Counsel for both the parties. Applicants are granted liberty to annex a copy of this order, along with their representation to be preferred before Respondent No.2.

(A.K.Patnaik)  
Member(J)