CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH

O.A.No.5/2019

Dated Friday, the 04th day of January, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

&

Hon'ble Mr.P.Madhavan, Judicial Member

M.Pari,
No.5 C, 8th Cross Middle,
Briyant Nagar, Tuticorin 628 008 **...Applicant**

By Advocate M/s V.Parthiban

Vs.

1.Union of India,
Rep., by Chairperson,
Central Board of Excise & Customs,
North Block, New Delhi 110 001.

2.The Principal Chief Commissioner of
GST & Central Excise, 26/1,
Mahatma Gandhi Road,
Nungambakkam, Chennai 600 034.

3.The Chief Commissioner of Customs
(Preventive), Trichy 620 001. **...Respondents**

(Order: Pronounced by Hon'ble Mr.R.Ramanujam, Member(A))

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

> "To call for the records relating to the faming of the impugned order vide letter C.No.II/03/26/2018-Estt dated 13.08/2018 issued by the second respondent and quash the same in so far as it is not in conformity with the guidelines issued by the CBEC and the transfer policy in force and the guidelines issued by the third respondent and direct the respondents to retain the applicant till May 2020 as Superintendent of Customs, at Customs House Tuticorin and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice."

2. The applicant is aggrieved that his representation for retention at Tuticorin had been accepted only up to AGT-2019 whereas according to him, he had been posted at Tuticorin on 20.04.2016 and with a normal tenure of four years, he had a right to continue at Tuticorin till April 2020. However, the impugned order denies him the right and only a partial relief has been granted to him by retaining him up to AGT -2019.

3. The applicant had filed OA 710/2018 before this Tribunal which was disposed of by an order dated 14.06.2018 permitting him to make a representation to the competent authority against the inclusion of his name in the "Alert list" within one week. Upon such representation, the respondents were to consider the matter in accordance with their transfer policy and pass a reasoned and speaking order.

4. A plain reading of Annexure A-10 impugned order dated 13.08.2018 would make it clear that it is a reasoned and speaking order and the point regarding entitlement of four years tenure has been duly answered by referring to the transfer policy issued by 3rd respondent by administrative order No.1/2015 dated 03.07.2015 wherein it is stated that the maximum period of service for Inspectors/Superintendents posted to TCH shall be four years. Learned counsel for the applicant would like us to read the word “maximum” as 'normal' or 'minimum' which is not possible. If the applicant had any personal inconvenience on account of transfer ahead of the maximum period of four years, it is for him to make an appropriate request to the competent authority and for the competent authority to consider. As such, this is not a fit case for this Tribunal to interfere.

4. OA is disposed of with the above observations.

(P.MADHAVAN) **(R.RAMANUJAM)**
MEMBER(J) **MEMBER (A)**

04.01.2019

M.T.