

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD**

**Original Application No.21/837/2019**

**Date of Order: 16.09.2019**

Between:

1. Raghavendra Nag,  
S/o. Late Shri Sukhlal Nag,  
Age 33 years, Group B,  
Occ: Superintendent of Central Tax,  
O/o. Superintendent of Central Tax,  
Sangareddy Range, Sangareddy Division,  
Medchal Commissionerate,  
R/o. 1-1-380, Manemma Enclave,  
Gandhi Nagar, Hyderabad.
2. Aparna Singh Gautam, W/o. Ravindra Singh Gautam,  
Age 36 years, Group B,  
Occ: Superintendent of Central Tax,  
O/o. Superintendent of Central GST,  
Gajularamaram Range, Jeedimentla Division,  
Medchal Commissionerate, Hyderabad,  
R/o. Flat No. 305, AG's Pioneer Towers,  
Tirumalagiri – 500015.
3. B. Sumanth Kumar,  
S/o. B. Shankar, Group B,  
Aged about 40 years,  
Occ: Superintendent,  
O/o. The Deputy Commissioner of Central Tax,  
8-2-77/3, Jeedimetla GST Division, Hyderabad,  
R/o. H. No. 1-1-230/15/1, Chikkadpally,  
Hyderabad – 500 020.
4. Raju Kumar,  
S/o. late Shri Raghunath Prasad,  
Age – 41 years, Group B,  
Occ: Superintendent of Central Tax,  
O/o. Deputy Commissioner Sangareddy Division,  
Medchal Commissionerate (on loan basis),  
From Audit II Commissionerate,  
R/o. Flat No. 106, 'C'- block,  
Concrete Destina, Sudarshan Nagar,  
Serilingampally, Hyderabad – 500 019.

... Applicants

And

1. The Union of India,  
Rep. by its Secretary,  
Ministry of Finance,  
North Block, New Delhi – 110 001.
2. The Chairman,  
CBIT, North Block,  
New Delhi – 110 001.
3. The Chief Commissioner of Central Tax,  
Hyderabad Zone, GST Bhavan,  
1<sup>st</sup> Floor, Opp. L.B. Stadium,  
L.B. Stadium Road, Basheerbagh,  
Hyderabad, Telangana – 500 004.
4. The Principal Commissioner (CCA),  
Central Tax and Customs,  
Hyderabad GST Commissionerate, GST Bhavan,  
2<sup>nd</sup> Floor, Opp. L.B. Stadium,  
L.B. Stadium Road, Basheerbagh,  
Hyderabad.

... Respondents

Counsel for the Applicants	...	Mr. M.V. Krishna Mohan
Counsel for the Respondents	...	Mr. Pavan Maitreya, Advocate For Mr. R.V. Mallikarjuna Rao, Sr. PC for CG.

***CORAM:***

***Hon'ble Mr. B.V. Sudhakar, Member (Admn.)***

***ORDER***

***{As per B.V. Sudhakar, Member (Admn.)}***

2. Applicants are challenging the decision of the respondents in transferring the applicants to Visakhapatnam Zone vide Establishment Order (GO) No. 95/2019, dt. 29.08.2019.
3. Brief facts of the case are that the applicants were selected as Inspectors by Staff Selection Commission in 2006. They have joined the Department during the years 2009-2010. Applicants were promoted as Superintendents of Central Excise on adhoc basis after completing 8

years of regular service based on the DPC held on 09.08.2018 and 10.08.2018. Thereafter, respondents have issued an alert list for transferring the applicants on 06.02.2019 wherein their names were shown at Sl. Nos. 4, 6, 7 & 11. Without preparing any seniority list, respondents have proposed the transfer. Consequently, applicants have represented on 13.02.2019. As the representation was not considered and when the respondents were trying to proceed with the alert list dt. 06.02.2019, the applicants herein along with some other persons filed OA No. 312/2019 challenging the said alert list and this Tribunal disposed of the said OA on 01.04.2019 directing the respondents to consider the representations submitted. On 03.05.2019, respondents indicated that they would consider the request of the applicants as per IZT Policy of 2015. However, without adhering to the same, respondents issued Order No. 65/2019 dt. 03.06.2019 transferring the applicants and some others to Visakhapatnam zone and the same, when challenged in OA No. 507/2019, was set aside by this Tribunal while directing the respondents to pass a fresh order duly taking into account the policy framed in the year 2015 without any amendment. Despite the same, the present impugned order dt. 29.08.2019 has been issued transferring the applicants to Visakhapatnam zone. Aggrieved, the OA is filed.

4. The contentions of the applicants are that without finalization of the seniority list, transferring the applicants is unfair. Transfers have to be effected as per the Inter-Zonal Transfer Policy of 2015, which speaks about transferring junior officers and also those officers who have been

promoted based on cadre restructuring. Applicants also state that they have worked in Vizag zone on earlier occasion for periods ranging from 4 to 6 years and thereafter, they were brought back to Hyderabad. Without the cooling off period being over, transferring them to Vizag is unreasonable.

5. Heard both the counsel and perused the pleadings on record.

6. Applicants on being promoted have been transferred from Hyderabad to Vizag zone. Contention of the applicants is that transfer order has been issued without finalizing the seniority list. Besides, Inter-zonal transfer policy of 2015 has not been properly followed. Further, they claim that they have worked in Visakhapatnam in the past and that they are now re-transferred to Visakhapatnam from Hyderabad without the cooling off period being abided by. Learned counsel for the respondents submitted the orders of Coordinate Bench of this Tribunal dt. 09.09.2019 wherein, in respect of identical case, when an interim order was sought to suspend the order of transfer, a Division Bench of this Tribunal negated the prayer. Learned counsel for the applicants submitted that the aspect of cooling off period has not been touched upon in the said order and therefore, the same need to be examined.

7. In view of the above, applicants are directed to make fresh representations to the respondents, within a week of the receipt of this order, stating the new grounds and any other reason as to why they have

to be retained at Hyderabad and on receipt of the said representations, within 8 weeks, respondents are directed to dispose them off in terms of the extant instructions and policy guidelines on the subject. Till the disposal of the representations by issuing a speaking and reasoned order, if the applicants apply for eligible leave, same may be granted and salary due be paid to the applicants.

With the above directions, OA is disposed of, with the concurrence of the learned counsel for both sides, at the admission stage itself. There shall be no order as to costs.

**(B.V. SUDHAKAR)**  
**MEMBER (ADMN.)**

Dated, the 16<sup>th</sup> day of September, 2019

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