

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

O.A. No. 021/0480/2019

Date of order : 09.09.2019

Between:

1. G.SURESH KUMAR
S/o G.Satya Rao (late),
Age:45 years,
Occupation: Inspector of Customs,
AE Section, Hyderabad GST Commissionerate,
2. M.A.SALEEM,
S/o M.A. Jabbar. (late),
Age:49 years,
Occupation: Inspector of Customs,
O/o Falaknama Division,
Hyderabad GST Commissionerate,
3. NASIR AHMED,
S/o Akhter Ahmed,
Age:46 years,
Occupation: Inspector of Customs,
O/o Mehdiapatnam Division,
Hyderabad GST Commissionerate,
4. T.RAJENDER KUMAR,
S/o T.Ramdhari Singh,
Age:50 years,
Occupation: Inspector of Customs,
O/o Secunderabad Division,
Secunderabad GST Commissionerate,
5. L. PRABHAKAR,
S/o L.Sailu,
Age:49 years,
Occupation: Inspector of Customs,
O/o Uppal Division,
Secunderabad GST Commissionerate,
6. B. KRISHNA RAO,
S/o B.Muthyalu,
Age:42 years,
Occupation: Inspector of Customs,
O/o Banjara Hills Division,
Hyderabad GST Commissionerate,
7. D. NOOR SINGH NAIK,
S/o Kishtu Naik,
Age:47 years,
Occupation: Inspector of Customs,
O/o Saroornagar Division,
Ranga Reddy GST Commissionerate,

8. MOHD. MOINUDDIN,,
S/o Mohd. Chand Hussain,,
Age:47 years,
Occupation: Inspector of Customs,
O/o Musheerabad Division,
Secunderabad GST Commissionerate,
9. SHIVASHANKAR REDDY
S/o m v Rami Reddy,,
Age:46 years,
Occupation: Inspector of Customs,
O/o Begum Bazar Division,
Hyderabad GST Commissionerate,
10. G VENKATESH RAO,
S/o G.Sahadev,
Age:50 years,
Occupation: Inspector of Customs,
O/o Charminar Division,
Hyderabad GST Commissionerate,
11. E. VENKATESHWER RAO,
S/o Chennam Naidu,
Age:45 years,
Occupation: Inspector of Customs,
O/o Ameerpet Division,
Hyderabad GST Commissionerate,

Applicants

A N D

1. Union of India represented by its
Chief Commissioner Central Tax,
Hyderabad GST Commissionerate,
Hyderabad,
2. The Principal Commissioner, Central Tax,
Hyderabad GST Commissionerate & Cadre
Controlling Authority (CCS), Hyderabad,

... Respondents

Counsel for the applicant : Mr. K. Sudhakar Reddy,

Counsel for the respondents : Mrs. K.Rajitha, Sr. CGSC

C O R A M :

THE HON'BLE MR .JUSTICE L NARASIMHA REDDY, CHAIRMAN

THE HON'BLE MRS. NAINI JAYASEELAN, MEMBER (A)

ORAL ORDER

(PER HON'BLE Mr. JUSTICE L.NARASIMHA REDDY, CHAIRMAN)

Applicants herein and about 17 Inspectors in Hyderabad GST Commissionerate, were transferred to Visakhapatnam and Hyderabad, as the case may be, through order dated 06.05.2019. Applicants were transferred to Visakhapatnam.

2. This OA is filed challenging order of transfer mainly contending that even while several juniors to applicants who were named in the alert list published on 06.02.2019, are being continued, they have been transferred. Another contention raised by applicants is that though the seniority is one of the factors to be taken into account, for affecting transfers, present transfers are effected even before their seniority is finalized.

3. Respondents filed counter affidavit opposing the OA. It is stated that though some Inspectors were named in the alert list, eight of them had to be retained at Hyderabad since they are sportsmen and their presence is essential in view of the forthcoming Inter State Tournament. It is also stated that applicants have completed their term at the present station.

4. Heard Mr. K.Sudhakar Reddy, learned counsel for applicants and Mrs. K.Rajitha, learned senior standing counsel for respondents.

5. There is a practice of publishing alert list in the Department indicating names of officers who became due for transfer. Names of all the applicants herein figured in the alert list dated 06.02.2019. Consequential order of transfer was issued on 06.05.2019. Two grounds are urged by applicants challenging the order:-

(i) First is about retention of 8 Inspectors who were named in the alert list, at Hyderabad only. Basically, this plea cannot be accepted as the 8 officers are not made parties to the OA. Respondents stated categorically in the counter affidavit that those Inspectors are players of Basket Ball, Volley Ball and Foot Ball and they have been retained at Hyderabad Zone, in view of the ensuing All India Civil Services RSB 2019-20, Volleyball Federation Cup, 2019. Applicants did not dispute this aspect.

(ii) Second contention advanced by applicants is that seniority list for the post of Inspector has not been finalized yet in Hyderabad Zone. Preparation of seniority list has absolutely nothing to do with the issue of transfers. Guidelines to be followed for transfers are clear in this purport and much would depend upon the stay of an employee at a particular station and necessity of transfer to other place.

6. It is brought to our notice that out of 11 applicants herein, 9 have already joined at the stations where they have been transferred. Remaining two stated that they made representations by citing grounds of the old age of their parents. Though we would have considered the feasibility of directing respondents to dispose of those representations, it is not possible to choose that option at this stage, since the order of transfer

passed way back in May 2019 and we cannot put seal of approval for the unauthorized absence of these two persons.

7. OA dismissed at the admission stage.

8. There shall be no order as to costs.

(NAINI JAYASEELAN)
MEMBER(A)

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

vsn

