



Central Administrative Tribunal Principal Bench

OA No. 3372/2019

This is the 22nd day of November, 2019

**Hon'ble Mrs. Vijay Lakshmi, Member (J)
Hon'ble Mr. Pradeep Kumar, Member (A)**

1. Manmeet Singh Ahluwalia,
Aged 36 years, Group 'A',
S/o Shri Ashok Singh Ahluwalia,
Deputy Commissioner of Customs (Under
Transfer),
Inland Container Depot (Exports), Tuglakabad,
Central Board of Indirect Taxes and Customs,
Department of Revenue,
Ministry of Finance,
New Delhi-110019.

Currently residing at :

Qr. No. A-2D, Type-IV,
Central Government Residential Quarters,
Vatika Apartments,
New Delhi-110064.
Mob. No. 999973 ...Applicant

(BY Advocate : Sh. Prateek Tushar Mohanty)
Versus

1. Union of India through
The Secretary
Department of Revenue,
Ministry of Finance,
North Block,
New Delhi-110001.
2. The Chairperson,
Central Board of Indirect Taxes and Customs,
Department of Revenue,
Ministry of Finance,
North Block,
New Delhi – 110001



ORDER (ORAL)

Hon'ble Mrs. Justice Vijay Lakshmi, Member (J):

Sh. Prateek Tushar Mohanty, learned counsel represented the applicant and Sh. Ashok Kumar, learned counsel represented the respondents.

2. The applicant in the present OA is aggrieved by the order dated 22.10.2019 (Annexure A-1) passed by Ministry of Finance whereby he has been transferred to District Jodhpur, Rajasthan, with immediate effect.

3. The consequential relieving order dated 19.11.2019 (Annexure A-2) has also been challenged by means of this OA.

4. We have heard learned counsel for both the parties and have perused the record. Learned counsel for the applicant has contended that the impugned transfer order dated 22.10.2019 is *prima-facie* violative of the transfer/placement guidelines of 2018, regarding Officers of Indian Revenue Service (Customs and Central Excise), which itself is evident from the list of Officers due for transfer in 2019 (Annexure A-3) in which the name of applicant does not find place. It has also been contended



that impugned transfer order is bad in law as the applicant has been relieved from the present place of posting without considering his representation dated 30.10.2019 (Annexure A-8). Learned counsel for the applicant has submitted that he confines his prayer only for a direction on the basis of humanitarian grounds and the department be directed to consider his representation, which is already pending before department. It has also been prayed that meanwhile the impugned transfer order be stayed.

5. Learned counsel for the respondents has vehemently opposed the prayer made by the applicant by drawing our attention to the impugned order dated 22.10.2019 in para 2 of which it is clearly stated that no representation shall be entertained before they joined at their new place of posting.

6. The contention of the learned counsel for the respondents is that the applicant be first directed to join his place of posting and then to make representation.

7. Considering the facts and circumstance of the case, no useful purpose will be served in keeping this OA pending and we dispose it off at the admission stage itself.



8. Accordingly, we direct the applicant to immediately join his duty at the new place of his posting (Jodhpur) where he has been transferred. We further direct that after joining his duty, if the applicant submits a fresh representation before the respondent ventilating all his grievance, the respondent no.2 shall consider his representation and shall pass a reasoned and speaking order within a period of three weeks from the date of receipt of a copy of this order.

9. Accordingly, the OA is disposed of. There shall be no order as to costs. As prayed, a copy of the order be given to the applicant **dasti**.

(Pradeep Kumar)
Member (A)

(Justice Vijay Lakshmi)
Member (J)

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