

(2020) 07 CAT CK 0042

In the Central Administrative Tribunal

Case No : Original Application No. 100, 849 Of 2020, Miscellaneous Application No. 100, 1116 Of 2020, 100, 1068 Of 2020 & 100, 1069 Of 2020

Rajendra Kumar Meena & Others

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 29-07-2020

Acts Referred:

Citation : (2020) 07 CAT CK 0042

Hon'ble Judges : L. Narasimha Reddy, J; Mohd. Jamshed, Member (A)

Bench : Division Bench

Advocate : Rajan K Singh, Rakesh Kumar, Hilal Haider

Final Decision : Disposed Of

Judgement

L. Narasimha Reddy, J

1. The applicants are working as Appraisers in the Customs Department of the Ministry of Finance. They are borne on the cadre of Chennai Zone. It is stated that they are on deputation to Delhi Zone, ever since 2018. Through an order dated 15.06.2020, the office of the Principal Commissioner of Customs, Customs General (Chennai-VIII) Commissionerate, transferred as many as 41 officers, and similar order was passed on 23.06.2020 transferring 12 officers. The applicants herein are transferred from Delhi Zone to their parent zone of Chennai.

2. This OA is filed challenging the orders of transfer of the applicants. The grounds pleaded by the applicants are mainly referable to the health conditions of themselves or their family members. The applicants have also taken a plea that the ordinary period of probation is 3 years and they have been transferred before the expiry of that period. It is also stated that some of the members of their family are facing serious health problems and in one of the cases, his wife is in advance stage of pregnancy.

3. The OA was listed on three occasions to enable the respondents to file counter reply. It is represented that the counter reply is under preparation.

4. We heard Shri Rakesh Kumar representing Mr. Rajan Singh, learned counsel for the Applicant and Ms. Ashwariya Dobal representing Mr. Halal Haider, learned counsel for the Respondents.

5. The transfer of the applicants is not an isolated one and it is a part of a major shuffling. It may be true that the applicants are on deputation and their transfer is ordered before the completion of the ordinary tenure. Much, however, would depend upon the exigency of service and the need of the department. In this case, the so called deputation is to another zone of the same department. As long as it is not disputed that the applicants are borne on the zone of Chennai, they cannot object to the transfer to that very zone. Therefore, we are not impressed by the arguments that the order is contrary to any administrative instructions.

6. The applicants plead that either some of them or their family members are facing serious health problems, and it would be difficult for them to move to Chennai, where Covid-2019 pandemic is in its viral form.

7. It may be true that the Covid-2019 pandemic has resulted in dislocation of the regular functioning of several officers and free movement of citizens. At the same time, the concerned authority has to take a decision depending upon the facts, which are borne out on record. It is not at all advisable for us to record any finding, in this behalf. The applicants can make a representation and the concerned authority may be required to examine the same, at the earliest possible.

8. We, therefore, dispose of the OA directing that-

(a) It shall be open to the applicants to submit a representation together with the documents, if any, to the Chief Commissioner of Customs, Chennai-VIII, ventilating their grievance;

(b) The Chief Commissioner of Customs, Chennai-VIII, in turn shall pass orders on the representations within a period of one week from the date of receipt of the representations;

(c) Till the expiry of 15 days from today, the applicants shall not be relieved from the existing places; and

(d) Depending upon the nature of orders, which the Chief Commissioner of Customs may pass on the representations, the applicants shall take further steps.

9. The MAs also stand disposed of. There shall be no order as to costs.