

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2017

CORAM

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN
AND

THE HONOURABLE Mr. JUSTICE M.V.MURALIDARAN

W.P.No.25122 of 2013
and
MP.Nos.1 and 2 of 2013

Mr.A.Cletus

... Petitioner

Versus

1.Union of India rep by
The Chairman,
Central Board of Excise & Customs,
North Block, New Delhi - 110 001.

2.The Member (P&V)
Central Board of Excise & Customs,
North Block, New Delhi - 110 001.

3.The Union Secretary to Government of India
Ministry of finance,
Department of Revenue,
Central Board of Excise & Customs,
North Block, New Delhi - 110 001.

4.The Registrar,
Central Administrative Tribunal,
City Civil Court Buildings, Chennai - 104.

... Respondents

RAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the order made in O.A.No.784 of 2013 dated 26.08.2013, passed by the 4th respondent, quash the same and consequently direct the respondents 1 to 3, to either retain the petitioner in Coimbatore region or to accommodate him in any suitable post at Chennai.

For Petitioner	: Mr.L.Chandrakumar
Respondents 1 to 3	: No Appearance
R4	:Tribunal

O R D E R

(Order of the Court was made by K.K.SASIDHARAN,J.)

This Writ Petition is directed against the order dated 26.08.2013 in O.A.No.784 of 2013 dismissing the Original Application filed by the petitioner, challenging the order dated 15.5.2013 issued by the 3rd respondent, transferring him from Tiruchirappalli to Kolkatta.

2. The learned counsel appearing for the petitioner submitted that the petitioner would be satisfied in case the observation made by the Tribunal with regard to his conduct in evading the order of transfer is expunged. According to the learned counsel, the petitioner obeyed the transfer order and joined duty at Kolkatta and thereafter, he was re-transferred to Chennai.

3. None appeared on behalf of the respondents.

4. The issue before the Tribunal was, as to whether the Central Board of Excise and Customs was right in issuing the order of transfer whereby and whereunder the petitioner was transferred from Tiruchirappalli to Kolkatta. There was no need to make observation with regard to the conduct of the petitioner while deciding the original application challenging the transfer order. We are, therefore, of the view that the observation contained in paragraph No.7 of the order of the Tribunal, with regard to the conduct of the petitioner is unwarranted. We, therefore, expunge the said observation which reads as under:

"We find that the applicant, who is an officer of the rank of Joint Commissioner, has chosen to unauthorisedly absent himself from duty upon coming to know of his transfer to Kolkatta and has apparently attempted to evade the orders to be served on him which conduct is unbecoming of his rank and against the service ethics. Even while praying for interim relief from this Tribunal, the applicant has chosen to suppress the fact that he had already been relieved from his post at Trichy."

The Writ Petition is allowed to the limited extent indicated above. No costs. Consequently, connected MPs are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

suk

To

1.The Chairman,
Union of India
Central Board of Excise & Customs,
North Block, New Delhi - 110 001.

2.The Member (P&V)
Central Board of Excise & Customs,
North Block, New Delhi - 110 001.

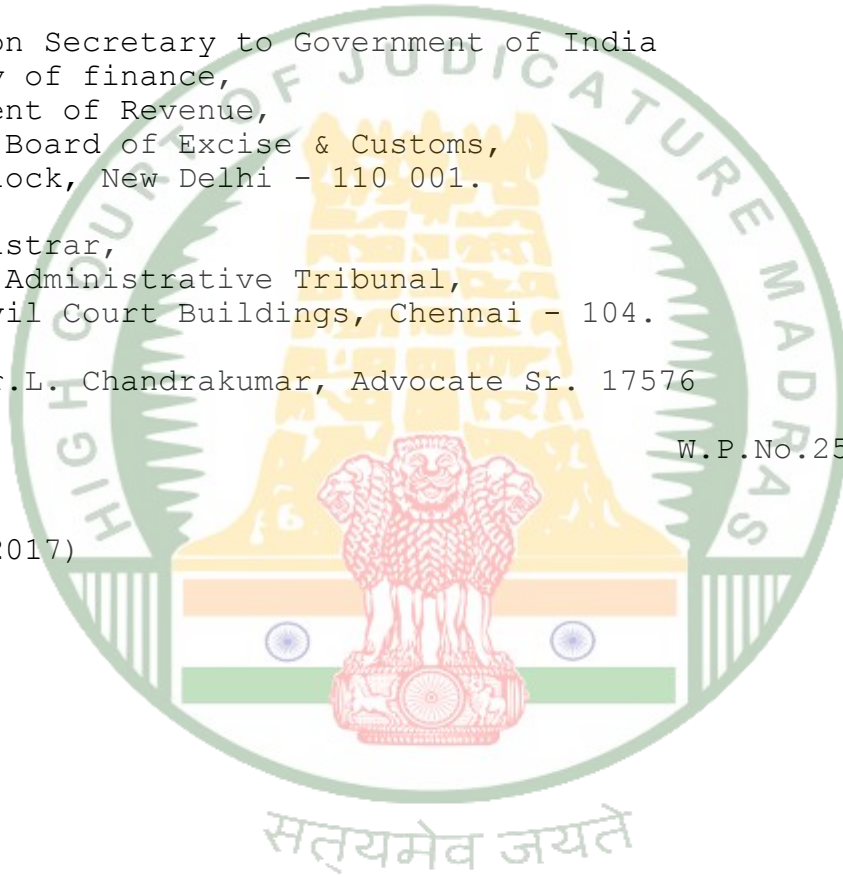
3.The Union Secretary to Government of India
Ministry of finance,
Department of Revenue,
Central Board of Excise & Customs,
North Block, New Delhi - 110 001.

4.The Registrar,
Central Administrative Tribunal,
City Civil Court Buildings, Chennai - 104.

+1cc to Mr.L. Chandrakumar, Advocate Sr. 17576

W.P.No.25122 of 2013

SKS (CO)
VR(13/04/2017)



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