



भारत सरकार

Govt. of India,

वित्त मंत्रालय राजस्व विभाग

Ministry of Finance, Department of Revenue

वस्तु एवं सेवाकर एवं सीमा शुल्क ग्वाहाटी जोन मुख्यालय का कार्यालय

Office of the Chief Commissioner, Goods and Services Tax & Customs, Guwahati Zone

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C. No.II(3)/ET/CCO/GHY/2019/Pt.II/

Dated: 29/11/19

To

The Secretary General,  
All India Association of Central Excise Gazetted Executive Officers,  
206, B-wing, CGO Complex-II  
Kamla Nehru Nagar,,  
Ghaziabad-201 002

**Subject: Transfer of Superintendents – reg.**

Please refer to your letter Ref No. 245/AIB/P/19 dated 26.11.2019 on the above subject

2. In this regard it is pertinent to mention here that as per Rule 6(b) of CCS(Recognition of Service Associations Rules, 1993)- *"the Service Association shall not espouse or support the cause of individual Government Servants relating to service matters"*. However in view of the concern shown by the association for the cause of its member citing some health grounds, the matter has been examined.

3. The association appears to be unaware of the representation dated 04.07.2019 (copy enclosed for ready reference) submitted by Shri Utpal Das, Superintendent of this Zone requesting transfer to Custom Commissionerate posting in border area which is far away from Guwahati. It is not known why he made representation for a far off area when his and his mother's health condition is so serious. It is only after his transfer to Shillong CGST Commissionerate, he made a representation to retain him in Guwahati. The change in the stance of Shri Das, Superintendent is neither comprehensible nor reasonable.

4. Moreover, Shri Utpal Das, Superintendent, had been serving in Guwahati for last 18 years, since January, 2001, with a break of just 4 months at Agartala from February to May 2014. Thus, there is no oversight in examining the HOP of this officer while transferring him and his transfer is fully justified. It is to be mentioned here that as per the Hon'ble Supreme Court Judgement in S.L Abbas v/s Union of India Case, **transfer is an incidence of service** and no Government servant can represent to be posted at a particular place ignoring all the norms of transfer policy.

5. However considering the health reasons put forth, it has already been informed to the office where he is transferred vide letter C.No.II(3)/ET/CCO/GHY/2019/Pt.II/3316 dated 25.10.2019 to sanction the leave immediately if applied for by the officer on medical grounds. This has been informed to Shri Utpal Das, Superintendent as well. Therefore, you may advise him to avail leave for whichever period he desires till the health condition of himself and his mother improves. Cancellation or modification of transfer order at this juncture will send wrong signals to other officers who are also members of your association as there are several other officers who are transferred as per transfer policy after completion of the specified tenure at Guwahati.

This issues with approval of the Chief Commissioner.

*Tiwary*  
29/11/19  
(O.P.Tiwary)  
Assistant Commissioner