

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE**

**REVIEW APPLICATION NO.170/60/2019 IN ORIGINAL APPLICATION
NO.170/00086/2019**

DATED THIS THE 20th DAY OF DECEMBER, 2019

HON'BLE DR.K.B.SURESH, JUDICIAL MEMBER

HON'BLE SHRI C.V.SANKAR, ADMINISTRATIVE MEMBER

Umakant T.K.
S/o Late Sri Kariyappa
Aged 36 years,
Working as Inspector of Central Tax
O/o Deputy Commissioner of Central Tax,
Dharwad Division, C.R.Building
Navanagara
Hubballi-580 025.
Residing at No.734
Walvekar Plot, Kashavapur
Hubballi-580 023.

.....Applicant

(By Advocate Shri A.R. Holla)

Vs.

1. Union of India
By Secretary
Department of Revenue
North Block
New Delhi – 110 001
2. The Chairman
Central Board of Indirect Tax and Customs
North Block
New Delhi – 110 001.
3. The Principal Chief Commissioner of Central Tax
Bengaluru Zone
C.R. Building
Queen's Road
Bengaluru – 560 001.
4. The Commissioner of Central Tax
Belagavi Commissionerate
No. 71, Club Road
Belagavi – 590 001.

5. The Principal Chief Commissioner of
Central Tax
Chennai Zone
121, Nungambakkam High Road
Chennai-600 034.

.....Respondents

(By Shri Vishnu Bhat, Sr.CGSC)

ORDER

(PER HON'BLE SHRI C.V.SANKAR, MEMBER (ADMN.))

This review application has been filed by the applicant seeking review of the order dated 28.6.2019 passed in OA.No.86/2019 by this Tribunal(Annexure-RA1). The main contention of the applicant is that he was transferred from Chennai Zone to Bangalore Zone on 30.1.2018 after the Recruitment Rules of 2016 came into force. The respondents have transferred him with the full knowledge of the Recruitment Rules of 2016 which do not provide for inter-commissionerate transfers, to the Bangalore zone on a permanent basis. The respondents have also obtained an undertaking from the applicant that he will forego his seniority in the cadre of Inspector and will remain junior to all the Inspectors in the Bangalore Zone. Therefore, the respondents are estopped from taking a stand that the said Recruitment Rules of 2016 do not provide for transfer and therefore, their order re-transferring the applicant to Chennai Zone needs to be set aside. In our order which is sought to be reviewed, we had gone into the question of the validity of the Recruitment Rules of 2016 wherein the question of inter-commissionerate transfer has been decided by the respondents. We had upheld the communication sent by the respondents in September 2018 relating to the fact that the Recruitment Rules of 2016 do not have any provision for recruitment for absorption and accordingly, no ICT applications can be considered after coming into force of the Recruitment Rules, 2016. The

respondents have also very clearly stated that any inter-commissionerate transfer order in the grade of Inspector issued on or after 26.12.2016 (i.e. the date of enactment of Recruitment Rules 2016) will be non-est and accordingly any officer who has joined another zone in pursuance of such order shall be treated as a deemed case on loan basis w.e.f. 26.12.2016. The respondents have also stated that these officers shall be on deemed loan basis till 31.3.2019 on which date the officers shall stand relieved and reverted to their parent zones. Accordingly, the respondents have issued order at Annexure-RA2 wherein the applicant stands relieved to join his parent zone i.e. Tamilnadu and Puducherry Zone. In view of the detailed order we have passed in the OA upholding the communication dtd.20.9.2018, the respondents have every right to issue the order at Annexure-RA2.

2. We find no merit in the RA and hence dismissed. No costs.

(C.V.SANKAR)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

/ps/

Annexures referred to by the applicant in RA.No.60/2019

Annexure-RA1: Copy of the order dtd.28.6.2019 in OA.86/2019 communicated vide letter dtd.30.7.2019

Annexure-RA2: Copy of the order dtd.1.7.2019

Annexures with reply:

Annexure-R1: Order dtd.10.10.2019 of High Court of Kerala
