

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 1736/1995

New Delhi this the 18th Day of September 1995.

Hon'ble Shri A.V. Haridasan, Vice Chairman (J)

Hon'ble Shri R.K. Ahooja, Member (A)

Shri Zakia Khan,
S/o Shri Mohd. Rafi Khan,
Tax Assistant,
3/13, Income Tax Colony,
Muzaffar Nagar,
Uttar Pradesh.

Applicant

(By Advocatae: Shri U. Srivastava)

Vs.

1. Union of India through
The Secretary,
Ministry of Finance,
North Block,
New Delhi.
 2. The Chairman,
Central Board of Direct Taxes,
North Block,
New Delhi.
 3. The Chief Commissioner of Income Tax,
Ayakar Bhawan,
Civil Line,
Kanpur.
 4. The Commissioner of Income Tax,
Ayakar Bhawan,
Meerut.
 5. The Assistant Commissioner of Income Tax,
Muzaffar Nagar,
Uttar Pradesh.
- Respondents

(By Advocate: _____)

O R D E R (Oral)

Hon'ble Shri A.V. Haridasan, Vice Chairman (J)_

In view of the fact that the applicant is posted at Muzaffar Nagar which is only 100 km ~~far~~ from Delhi while Lucknow is far away, PT is allowed.

2. The applicant who is posted as Tax Assistant in the Income Tax Department is aggrieved by his

transfeer from Muzzaffar Nagar, where he has been working for the last 13 years, to Meerut by order dated 11.8.1995. Therefore, he has filed this application in impugning the order of transfer. The main grounds on which the applicant seek to impugne the order are that the order has been made against the guidelines that pertains with longer tenure at the station has been retained while the applicant is transferred and that his representation against the order remain unresponded to. The guidelines to be followed in general while transferring officers do not clothe an officer holding a transferable job to challenge an order passed in the exigencies of service. Transfer is an incident of service, and an employee has no right to say that he should be retained in a particular place *as under* patent malafides are shown judicial intervention in routine administrative orders like transfer is not justified.

2. In this case, we do not find any reason for judicial intervention even prima facie and therefore we reject this application under Section 19(2) of the Administrative Tribunals ACT 1985.

*

R.K. Ahooja
(R.K. Ahooja)
Member (A)

A.V. Haridasan
(A.V. Haridasan)
Vice Chairman (J)

* Added vide
court order
dtel 13.10.95

Mamta
50/75
Mamta

Mittal

* At this juncture, learned counsel of the applicant states that the application is not pressed. Hence the application is closed as withdrawn.