

**Central Administrative Tribunal
Principal Bench**

OA No.831/2020



New Delhi, this the 25th day of June, 2020

Hon'ble Mr. A.K. Bishnoi, Member (A)
Hon'ble Mr. R.N. Singh, Member (J)

Shri Ajay Kumar Goyal,
S/o Shri Ram Sahai Goyal,
Aged about 50 years,
R/o 30/17, GF, Shakti Nagar,
Delhi-110007

Working as :
Deputy Commissioner,
Of Income Tax at Delhi
(Group A)

...Applicant

(By Advocate : Shri Ajesh Luthra)

Versus

1. Union of India
Through its Secretary,
Ministry of Finance,
Department of Revenue,
North Block, New Delhi
2. The Central Board of Direct Taxes,
Through its Chairman,
Ministry of Finance,
Department of Revenue,
North Block, New Delhi-110 002

...Respondents

(By Advocate : Shri Sanjeev Yadav)

ORDER (ORAL)

Hon'ble Mr. R.N. Singh, Member(J) :-

Present, Sh. Ajesh Luthra, learned counsel for the applicant.



2. Heard learned counsel for the applicant.

3. In the present OA, the applicant has challenged the office order no. 98/2020 dated 12.06.2020 issued by the Under Secretary to the Government of India, Ministry of Finance, Department of Revenue, Central Board of Direct Taxes (Annexure A/1) to the extent the applicant has been transferred from Delhi to Kerala. It is contended by Sh. AjeshLuthra, learned counsel for the applicant that the impugned order has not been passed by the competent authority. He further adds that even on face of the order, the same does not disclose that the order has the approval of the competent authority or the same is having the approval or recommendation of the placement committee on the subject. He further submits that the impugned order is arbitrary and discriminatory and in violation of the principle of natural justice. He has invited our attention to the representation dated 19.06.2020 (Annexure A/14), which the applicant has preferred against the impugned transfer order. He submits that the same is pending consideration with the respondents and the applicant apprehends that any time he may be relieved by the respondents and the applicant may be put to irreparable loss and hardships.

4. Issue notice. Sh. Sanjeev Yadav, learned counsel accepts notice on behalf of the respondents.

5. At this stage, with the consent of the learned counsels appearing for the parties and without expressing any opinion on the merit of the claim , we dispose of the present OA with a direction to the respondents to consider the applicant's aforesaid representation dated 19.06.2020 (Annexure A/14) and dispose of the same as expeditiously



as possible, by passing a reasoned and speaking order. Sh. AjeshLuthra seeks two days time to enable the applicant to make a supplementary representation to the respondents. Permission is granted.

6. However, in the facts and circumstances, it is directed that till the disposal of the representation(s) of the applicant in the matter, the respondents shall not give effect to the impugned transfer order dated 12.06.2020 qua the applicant in the present OA. Accordingly, the OA is disposed of in the aforesaid terms. However, in the facts and circumstances, no order as to costs.

(R.N. Singh)
Member (J)

(A.K. Bishnoi)
Member (A)

/ns/