

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/274/2020

HYDERABAD, this the 17th day of June, 2020

***Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member***



P. Satish Kumar,
Aged 53 years,
S/o. Sri P. Subba Rao,
Occ: Asst. Commissioner of Income Tax,
Circle 5(1), Range-5, Hyderabad.
Ro.4-6-90/1713, Plot No.247,
Tejaswi Nagar, Attapur,
Hyderabad – 500 048.

... Applicant

(By advocate: Dr. K. Lakshmi Narasimha)

Vs

1. Union of India,
Ministry of Finance,
Dept. of Revenue,
Central Board of Direct Taxes,
North Block, New Delhi rep. by its
Under Secretary to Govt. of India.
2. The Principal Chief Commissioner of Income Tax,
State of Telangana and State of Andhra Pradesh,
Hyderabad.
3. The Principal Chief Commissioner of Income Tax,
State of Odissa,
Odissa.

... Respondents

(By advocate: Mrs. K. Rajitha, Sr. CGSC)

ORAL ORDER
{As per Hon'ble Mr.B.V.Sudhakar, Administrative Member}

OA is moved through Video Conferencing.



Heard Dr. K. Lakshmi Narasimha, learned counsel for the applicant and Mrs. K. Rajitha, learned Sr. CGSC for the respondents.

3. The OA is filed in regard to transfer of the applicant from Hyderabad to Orissa.

4. Applicant is presently working as Assistant Commissioner of Income Tax at Hyderabad in the respondent organization on adhoc basis. Recently, respondents have issued the impugned order dt. 12.06.2020 transferring him from Hyderabad to Orissa region. Aggrieved over the same, the OA has been filed.

5. The contentions of the applicant are that he has been promoted as Assistant Commissioner of Income Tax on adhoc basis. He claims that transfer guidelines for Group A officers are not applicable to those who are working in Group A posts on adhoc basis. Besides, applicant states that, his wife is suffering from cancer and that he has got school going children. In view of the reasons referred to, he contends that the transfer order is not as per the guidelines of the respondents organization.

6. Learned counsel for the respondents vehemently argued that the transfer order was issued keeping in view the relevant instructions prevailing at the time of issue of the impugned order. Group A officers have all India transfer liability and since the applicant is working in a Group A category he is liable to be transferred

to any other region under the jurisdiction of the respondents. There is no infirmity whatsoever in the transfer order issued by the respondents.

7. After hearing both sides, it is seen from the records that the applicant has made a representation on 31.01.2020 and the Ld. Counsel claims that it has not been disposed of before issuing the transfer order. Learned counsel for the applicant claims that valid grounds have been taken in the representation, which, if attended to, applicant's grievance could be resolved. Besides, he has also submitted that in view of the Covid situation uprooting his family from Hyderabad would endanger his life and that of his family members. Learned counsel for the respondents, in response, asserted that only after representations are disposed, transfer orders are issued. However, in view of the submissions of the applicant that his representation has not been disposed of, it would be fair and just to direct the respondents to dispose of the representation of the applicant dt. 31.01.2020, keeping in view the grounds raised by the applicant in the present OA as well, by issuing a speaking and reasoned order, within a period of eight weeks from the date of receipt of this order. Till such time, the applicant shall not be relieved from Hyderabad.

OA is accordingly disposed of, at the admission stage, without going into the merits of the case. There shall be no order as to costs.

(B.V. SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

/evr/