

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

Dated: Allahabad, the 24th day of January, 2001

Coram: Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiq Uddin, JM

ORIGINAL APPLICATION No. 86 OF 2001

N.R. Nirmal,
s/o late Sri Mool Chandra,
presently posted as Deputy Commissioner,
Income Tax Circle-1 Aligarh,
r/o 2 Janta Apartment Opposite
Railway Station, Aligarh.

. Applicant

(By Advocate Sri A.K. Gupta)

Versus

1. Union of India, through Secretary,
Ministry of Finance, Department of Revenue,
New Delhi.
2. Chief Commissioner of Income Tax,
Kanpur.
3. Commissioner of Income Tax, Agra.

. Respondents

ORDER

(OPEN COURT)

(By Hon'ble Mr. S. Dayal, AM)

The applicant has filed this application for setting aside the impugned order dated 10.1.2001, as it curtails the power of the applicant to perform the work, relating to assessment and to pass assessment orders.

2. We have heard learned counsel. The learned counsel mentioned that the applicant is retiring on 31st January, 2001. The applicant had filed OA 1414/2000, praying for cancellation of his

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transfer order dated 14.7.2000, by which he was transferred from Bulandshahr to Agra as Deputy Director, Income Tax (Prosecution), Agra. The respondents in the OA were directed to hear the applicant within two weeks from the communication of the order and decide the same and till then, the transfer order of the applicant shall remain in abeyance. The order dated 20.12.2000 has been filed by the applicant as Annexure No. A-7 to the O.A.

3. The learned counsel for the applicant contends that by an order dated 5.1.2001 the applicant was heard on 3.1.2001 and owing to the fact that the applicant was retiring on 31.1.2001, it was considered in public interest and administratively expedient to continue him in Aligarh. The learned counsel for the applicant contends that no other order was necessary after this order was passed. However, the respondents passed order dated 10.1.2001, by which the applicant was restrained from performing any work relating to assessment and pass any assessment order, except those getting barred by limitation before 31.1.2001. The respondents have mentioned that such arrangements were for ensuring smooth handing over and taking over the seized materials by the new incumbent. The learned counsel for the applicant contends that the order is stigmatic and the applicant has virtually no work.

4. As there is no illegality in the order dated 10.1.2001, by which the work assignment has been done giving little work to the applicant looking ^{to} the time available before his superannuation, the application is rejected ^{in limine} ~~in limine~~ and disposed of without costs ^{to any} party. ^{to any}

J.M.

A.M.