

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A No. 180/00230/2021

Thursday, this the 15th day of July, 2021.

CORAM:

**HON'BLE Mr. P. MADHAVAN, JUDICIAL MEMBER
HON'BLE Mr. K.V. EAPEN, ADMINISTRATIVE MEMBER**

Jaipal Swami, 40 years,
S/o. Mahadev Prasad Swami,
Deputy Commissioner of Income Tax (Under suspension),
Office of the Principal Chief Commissioner of Income Tax,
Kerala, Kochi – 682 018.
Residing permanently at VPO-Buchawas,
Tehsil-Taranagar, Churu District, Rajasthan – 331 304. - Applicant

[By Advocate : Mr. M.R. Hariraj]

Versus

1. Union of India represented by the Secretary to Government of India, Department of Revenue, Ministry of Finance, New Delhi – 110 011.
2. Central Board of Direct Taxes represented by its Chairman, New Delhi – 110 011.
3. Under Secretary (V&L), Central Board of Direct Taxes, North Block, New Delhi – 110 011.
4. Principal Chief Commissioner of Income Tax, 3rd Floor, Aayakar Bhavan, Maharishi Karve Road, Mumbai – 20.
5. Principal Chief Commissioner of Income Tax, Kerala, CR Building, IS Press Road, Kochi – 682 018. - Respondents

[By Advocate : Mr. Brijesh A.S., ACGSC]

The application having been heard on 15.07.2021, the Tribunal on the same day delivered the following:

ORDER

Per: Mr. P. Madhavan, Judicial Member

The applicants filed this O.A seeking the following reliefs:-

- “i. to call for the records leading to Annexure A-1 and quash the same.*
- ii. to declare that the applicant is entitled to be granted change of headquarters based on his request in accordance with stipulation in O.M No. 11012/17/2013 dated 02.01.2014 and to direct the respondents to consider applicant for change of headquarters to Jaipur as per said O.M.*

iii) grant such other reliefs as may be prayed for and the Court may deem fit to grant.

iv) to grant the costs of this Original Application.”

2. Applicant seeks for a change of Headquarters as he belongs to Jaipur and the Authority is not permitting the same. It appears that the representation of the applicant is still pending and the respondents have not given any proper reason for denying the same in Annexure A-1 impugned order.

3. Learned counsel for the respondents Advocate Mr. Brijesh A.S., ACGSC is present and prays for further time for getting instructions as it has to come from Delhi. He has no objection in considering the representation on the basis of rules and regulations.

4. In view of the pendency of representation and since no specific reason is given for denying change of Headquarters in Annexure A-1, we hereby direct the Competent Authority among the respondents to consider the representation of the applicant in the light of relevant rules and O.M No. 11012/17/2013 dated 02.01.2014 on the subject and pass a speaking order at the earliest or within two months from the date of receipt of a copy of this order.

5. The O.A is disposed of without going into the merits of the case. No order as to costs.

(Dated, 15th July, 2021.)

(K.V. EAPEN)
ADMINISTRATIVE MEMBER

(P. MADHAVAN)
JUDICIAL MEMBER

Applicant's Annexures

- Annexure A-1 - True copy of the order No. F. No. C-11017/5/2017-V&L dated 06.04.2021.
- Annexure A-2 - A true copy of the order No. F. No. C-11017/5/2017-V&L dated 03.11.2017.
- Annexure A-3 - A true copy of the representation dated 14.12.2020 submitted before the 2nd respondent.

Annexures of Respondents

NIL
