

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION No.286/2021

Date of Decision: 22nd March, 2021

CORAM: DR. BHAGWAN SAHAI, MEMBER (A)
RAVINDER KAUR, MEMBER (J)

Smt. Lata Gupta,
Age 35 years, working as: Income
Tax Inspector, in the office of
Principal Chief Commissioner
Office, Room No.340, 3rd Floor,
Aaykar Bhavan, M.K. Marg,
Mumbai-400 020, residing at:
CGS Colony Sector 7, Antop Hill
Mumbai-37.

Email:lata.gupta001122@gmail.com

Mobile No.7004059010

... *Applicant*

(By Advocate Shri Vicky Nagrani)

VERSUS

1. Union of India
Through The Secretary
Ministry of Finance
Department of Revenue,
North Block,
New Delhi - 110 001.
2. Directorate of Income-Tax,
Central Board of Direct Taxes
(Human Resources Development),
2nd Floor, Jawaharlal Nehru Stadium,
Gate No.1, New Delhi - 110 003.
3. Principal Chief Commissioner of
Income Tax Ayakar Bhavan 12,
Sadhuvawani Road, Pune-411 001.
4. Commissioner of Income-Tax-3
In the office of Principal
Commissioner of Income Tax
Pune-3, 3rd Floor, C-Wing,
PMT Commercial Complex,

Shankar Seth Road,
Swargate, Pune - 411 037.

5. Principal Chief Commissioner
Of Income-Tax, Mumbai Region,
Room No.340, 3rd Floor,
Aaykar Bhavan,
M.K. Marg,
Mumbai - 400 020.

... **Respondents**

(By Advocate Shri Subir Kumar)

Proceeding conducted through videoconferencing with
consent of counsels for the parties

ORDER (ORAL)

Per: Ravinder Kaur, Member (J)

Present:

Advocate Shri Vicky Nagrani for the applicant.

Advocate Shri Subir Kumar for the respondents.

2. Heard both of them on admission of the OA.

3. The applicant, initially appointed to the post of Tax Assistant in Pune Region on 11.12.2012, was promoted to the post of Income Tax Inspector on 22.08.2016. She made an application dated 24.11.2017 (Annex A-2) to the Principal Chief Commissioner of Income Tax for inter-charge transfer from Pune Region to Mumbai Region on Spouse Grounds. Her case was recommended by respondent No.3 for inter-charge transfer for the Financial Year 2018-2019 vide order dated 20.11.2018 (Annex A-3). Vide order dated 21.01.2019, the respondent No.3 sought consent of respondent No.5 on the inter-charge transfer of the

applicant as well as one more official namely Manoj Kumar Shukla. Thereafter, vide letter dated 16.07.2019 (Annex A-5), the Additional Commissioner of Income Tax (I) Personnel, Mumbai on behalf of Principal Chief Commissioner of Income Tax Mumbai i.e. respondent No.5 addressed to the Principal Chief Commissioner of Income Tax, Pune Region i.e. respondent No.3 communicating his 'No Objection' to the inter-charge transfer of the applicant in the cadre of Inspector from Pune Region to Mumbai Region against direct recruitment quota subject to the applicant accepting the conditions mentioned in para 2 of the said letter.

4. Vide order dated 28.10.2020 (Annex A-6), the services of the present applicant were placed at the disposal of the respondent No.5 with effect from the date of her relieving from the charge under the Principal Chief Commissioner of Income Tax, Pune, subject to the conditions mentioned therein. The respondent No.5 issued order dated 20.11.2020 absorbing the applicant as Inspector in the office of Principal Commissioner of Income Tax, Mumbai. Vide letter dated 08.12.2020 (Annex A-8) issued on behalf of respondent No.3 to respondent No.5, she was absorbed in the office of respondent No.5 against the direct recruitment quota vacancy of Income Tax Inspector on the basis of inter-charge transfer from Pr. CCIT, Pune Region with effect

from the date of her joining in the office of respondent No.5 at Mumbai.

5. Vide this letter, the request was made by respondent No.5 to respondent No.3 to relieve the applicant after obtaining undertaking from her to agree to the conditions as sought by the office of respondent No.5. In pursuance to the order dated 08.12.2020, the applicant was relieved from the office of respondent No.3. In view of the order dated 29.12.2020 (Annex A-9), she joined her duties with respondent No.5 on 30.12.2020 (Annex A-10). However, vide impugned order dated 30.12.2020, issued by respondent No.3 addressed to respondent No.5 the relieving order dated 29.12.2020 referred to above was cancelled. This order has been challenged by the applicant vide present OA.

6. During hearing on admission, the applicant's counsel submits that she is still working with respondent No.5 since 30.12.2020 and has not been relieved in pursuance to the impugned order dated 30.12.2020. The respondents' counsel admits this fact but pleads that the inter-charge transfer order has been cancelled because the inter-charge transfer policy has been withdrawn vide order dated 22.12.2020.

7. Admittedly, the inter-charge transfer of the applicant was issued prior to 22.12.2020 though she was relieved on 29.12.2020. So the issue for decision

arising in this case is whether the inter-charge transfer order passed prior to the withdrawal of inter-charge transfer policy can be cancelled as it has been done in the present case.

8. Shri Nagran points out that the representation of the applicant dated 06.01.2021 (Annex A-12) against the impugned order is still pending disposal.

9. In these circumstances, it would be appropriate, if the respondents are directed to dispose of the representation referred to above in a time-bound manner.

10. Consequently, the respondents are directed to consider and dispose of the applicant's representation dated 06.01.2021 as per relevant applicable law/rules and regulations vide reasoned and speaking order within three weeks from the date of receipt of certified copy of this order and, thereafter, within one week to communicate it to the applicant.

11. Till then, the respondents are restrained from giving effect to the impugned order dated 30.12.2020.

12. With these directions, the Original Application stands disposed of at the admission stage itself. No order as to costs.

(Ravinder Kaur)
Member (J)
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(Dr. Bhagwan Sahai)
Member (A)

30/04/21

