

Open court (3)

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD

Allahabad this the 20th day of December 2000.

Original Application no. 1414 of 2000.

Hon'ble Mr. S.K.I. Naqvi, Judicial Member

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

C/A Sri A.V. Srivastava

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, Kanpur. Agra

*Corrected
SACW
22.12.2000*

... Respondents

C/Rs Shri R.C. Joshi.

... 2/-

O R D E R (Oral)

Hon'ble Mr. S.K.I. Naqvi, Member-J

Shri N.R. Nirmal, Dy. Commissioner Income Tax, joined at Agra Charge Agra in the year 1996 and remained their till 1999 and in May 1999, he was transferred to Aligarh Range Aligarh within Agra ^{Charge} range. It was on 4.7.2000 that vide annexure A-1, the applicant was transferred from C.I.T. Agra to circle Bulandshahar within Meerut Charge, but this transfer order did not materialised in respect to applicant then again vide order dated 14.7.00 (annexure A-2), he has been transferred from U.O.P. ~~to~~ circle Bulandshahar to D.D.I.T. (Pros) Agra and now he has come up impugning the transfer order dated 14.7.00 as well as 1.12.00 through which Shri L.R. Singh Dy. C.I.T. (TDS) I Agra has been ordered to hold ~~that~~ Addl. Charge of the post held by Shri N.R. Nirmal and to relieve him of that charge. The applicant has impugned these ~~transfer~~ orders mainly on the ground that he is going to retire just on 31.01.2001 and at this stage of service it will not only disturb him personally but will also effect the smooth settlement of his pension papers which will have to be transferred from one charge to another charge and to be re-compiled. The applicant has also referred the transfer policy in this regard by quoting para 17 of the CA. According to which "Officers who have got less than 3 years of service to retire may be posted to their Home Town/State at their own request provided that they have not been so posted at any time during the last 10 years."

It goes to indicate that last posting of the officer at the verge of his retirement shall be at the place of his choice for which he makes ^{his} any request. In the present case the applicant's choice is only to the extent that he be allowed for further period of much less than two months at a place ^{where} he is presently posted so as he may not have to pack up twice within a span of two months and to get his pension papers cleared smoothly.

2. Considering the arguments and the pleadings placed from either side I find force in the contention of the applicant which has also not been controverted in the CA on relevant fact and quoted guidelines. The learned counsel for the applicant took me through ~~apprehension~~ letter dated 13.9.2000 (annexure A-5) and also para 3 of annexure A-7. Learned counsel for the applicant also referred letter dated 21.7.00 from Commissioner of Income Tax, Agra, through which the applicant was advised to perform his normal duties at Aligarh. He has also referred pending representation of the applicant dated 8.9.00 (Annexure A-6) which ⁸⁷⁴ has not ~~also~~ been forwarded and recommended, but also carries few sentences of commendation towards the working of the applicant.

3. For the above I find a fit matter to direct the competent authority in the respondents establishment to decide the pending representation of the applicant copy of which has been annexed as annexure A-6 alongwith

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annexure A-7 after giving an opportunity of being heard to the applicant within 2 weeks from communication of this order and till then the transfer order of the applicant shall remain in abeyance.

4. No order as to costs.

Secretary
Member-J

/pc/