

Serial No. of Order	Date of Order	ORDER WITH SIGNATURE	Office note as to action (if any) taken on Order
3	26.8.86	<p>Mr.S.C.Roy, Advocate appears for the Respondents. This case should have been listed to-day but by mistake it has been omitted from the list. Since the case has not been listed to-day, Mr.Pasayat, learned counsel appearing for the petitioner is not present. We do hereby accept the suggestion of Mr.Roy, learned counsel appearing for the Respondents that this case be listed for hearing on 28th August, 1986 as the Respondents have already filed counter. Stay order granted by this Bench on 31.7.1986 is extended upto 29th August, 1986. No further notice be given to the Respondents regarding extension of stay order as Mr.Roy takes notice of this fact.</p>	<p>Received copy of the order Shri Mukherjee</p>
4	28.8.86	<p>This case was fixed for admission though we had by order dated 31.7.1986 stayed operation of the impugned order of transfer passed by the authorities transferring the petitioner from Cuttack to Bhubaneswar.</p> <p>By consent of parties this case is admitted and taken up for hearing.</p> <p>We have heard Mr.A.Pasayat, learned counsel appearing for the petitioner and Mr.S.C.+Roy, learned counsel appearing for the Respondents at some length. The petitioner does not seek to make out a case</p>	<p>Recd. Copy Shri Mukherjee 29/8/86</p> <p>Received copy of the order Shri Mukherjee 2/9/86</p>

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Vice Chairman

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Member (Judicial)

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Order No.4 contd.		<p>of malafide or arbitrariness on the part of the concerned authority in passing the impugned order. Law is well settled that in matters of this nature the Court should not lay its hands for interference when a case of malafide or vindictiveness or bx bias is not made out by the person aggrieved. In the present case, no such contention having been raised before us we do not feel it just and expedient to interfere in this matter. It was submitted to us that a representation filed by the petitioner is pending consideration by the Central Board of Direct Taxes (Respondent No.2). While dismissing this application we may say that we are sure that the concerned authorities would take into consideration the difficulties of the petitioner and dispose of the representation as deemed fit and proper, preferably within two months, if not already disposed of. we would also like to observe that the concerned authorities would take take into consideration, while allotting duty to the petitioner that the petitioner is suffering from physical disability and we hope x no strenuous touring job would be entrusted to the petitioner.</p> <p>As we find no merit in this application it stands dismissed without any cost. The stay order passed on 31.7.1986 stands automatically vacated.</p> <p>A free copy of this order be supplied to the counsel for the respective parties during the course of the day.</p>	<p>..... Vice Chairman. Member (Judicial)</p>