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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 363 of 1992

Date of decision: 17th September, 1992

Panchanan Barik ... Applicant

-Versus-

Union of India and others ... Respondents

For the Applicant : M/s Devanand Misra,
Deepak Misra,
Anil Deo,
B.S.Tripathy,
P.Panda and
D.K.Sahoo,
Advocates

For the Respondents : Mr.Amala Roy, St.Counsel
(Income Tax Department)

C O R A M:

THE HONOURABLE MR.K.P.ACHARYA, VICE CHAIRMAN

1. Whether reporters of local papers may be allowed to see the judgment? Yes.
2. To be referred to the reporters or not?
3. Whether Their His Lordships wish to see the fair copy of the judgment? Yes.

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JUDGMENT

K.P.ACHARYA, V.C. In this application under section 19 of the Administrative Tribunals Act, 1985, the Petitioner prays to quash the order passed contained in Annexure 4 cancelling his posting at Rourkela.

2. Shortly stated the case of the Petitioner is that he is a Tax Assistant in the Income Tax Department. While he was serving at Sambalpur, vide order dated 18th June, 1992 contained in Annexure 2 the petitioner was transferred from Sambalpur to Rourkela. In compliance with this order, the Petitioner joined at Rourkela within a fortnight i.e. on 3rd July, 1992. Vide Annexure 4, the petitioner's posting at Rourkela was cancelled. Hence this application has been filed with the aforesaid prayer.

3. Mr. Amala Roy, learned Standing Counsel for the Income Tax prayed for some time to file counter. I refused to grant an adjournment because some adjournment has been granted in past and in view of the fact that the matter is simple in nature and all facts are practically admitted, I find no justifiable reason to grant an adjournment which stood rejected.

4. I have heard Mr. Deepak Misra learned Counsel for the Petitioner and Mr. Amala Roy learned Standing Counsel for the Income Tax Department. Vide Annexure 2 dated 18th June, 1992, the Petitioner was transferred to Rourkela. Mr. Roy learned Standing Counsel for the Income Tax on a perusal of the parawise comments sent to him submitted that there was some allegation against the petitioner for having misbehaved with a girl and therefore, for the own safety of the Petitioner, he had been transferred

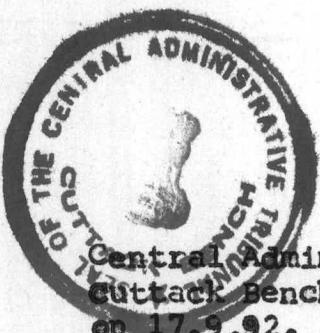
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to Rourkela.

4. Regarding the allegations, I would not express any opinion because there must have been subject matter of an investigation whether the allegations are true or not. It is yet to be determined but the fact remains that the petitioner had been transferred to Rourkela for his own safety. I cannot comprehend the reasons as to why he was again sent back to Sambalpur. That apart an officer who had joined at Rourkela should not be transferred within such a short time because innumerable personal and family difficulties would surround him. In these circumstances, cancellation of the posting of the petitioner at Rourkela stands quashed and it is directed that the petitioner shall continue at Rourkela. Thus, his re-posting at Sambalpur is quashed.

5. Thus, the application is accordingly disposed of leaving the parties to bear their own costs.

mp
R. C. S. 17-9-92

VICE CHAIRMAN



Central Administrative Tribunal,
Cuttack Bench, Cuttack/K. Mohanty
on 17.9.92.