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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 260/00258 of 2015

Cuttack, this the 14th day of May, 2015

CORAM

HON'BLE MR. A.K. PATNAIK, MEMBER (JUDL.)

HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)

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Manmath Kumar Rout, aged about 50 years,

S/o. Fakir Mohan Rout, At- Bhaunria, PO- Sukleswar, Dist. Cuttack.

At present working as Income Tax Officer,

Ward-1, Bolangir under the jurisdiction of

Commissioner of Income Tax, Sambalpur.

...Applicant

(Advocates: M/s. J.M.Pattnaik, C. Panigrahi)

VERSUS

Union of India Represented through its

1. Secretary (Revenue),
Ministry of Finance, Department of Revenue,
Central Secretariat, New Delhi-110001.
2. Chairman,
Central Board of Direct Taxes,
Ministry of Finance, Department of Revenue,
North Block, New Delhi- 110001.
3. Principal Chief Commissioner of Income Tax,
Odisha Region, Ayakar Bhawan, Rajaswavihar,
Bhubaneswar, Dist- Khurda.
4. Commissioner of Income Tax,
Sambalpur, Ayakar Bhawan,
Ainthapalli, Sambalpur.
5. Commissioner of Income Tax (Audit),
3rd Floor, Ayakar Annexe,
Bhubaneswar, Dist. Khurda.
6. Sunil Kumar Parida, I.T.O. (Hqrs.)
O/o Principal Commissioner of Income Tax,
Sambalpur.

... Respondents

(Advocate: Mr. A.Pradhan)

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ORDER (ORAL)

A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. J.M.Pattnaik, Learned Counsel for the Applicant, and Mr. A.Pradhan, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. The applicant, in this present O.A. filed under Section 19 of the Administrative Tribunals Act, 1985, has prayed for the following reliefs:

“(i) To quash the order of transfer dated 5th May, 2015 at Annexure-A/7 (in so far as applicant and Respondent No.6 is concerned) and consequently direct the Respondent No.3 to allow the applicant to continue at his present place of posting till completion of his tenure.

(ii) Pass any other appropriate order.....”


3. The case of the applicant is that he joined the Income Tax Deptt. as Steno Grade-III and, subsequently, promoted to the post of Steno Grade-II, Steno Grade-I and Income Tax Inspector. After qualifying the Departmental Examination he got promotion to the post of ITO and posted as ITO (IAP), Sambalpur, on 19.05.2014. His grievance is that though he was transferred and posted as ITO, Ward-1, Balangir on 14.11.2014 vide Annexure-A/6 just after five months and before completion of the tenure of three years as provided in the transfer guidelines, he has again been transferred on 05.05.2015 as ITO (TDS), Sambalpur in place of Respondent No.6. Mr. Pattnaik, Ld. Counsel for the applicant, submitted that putting forth his grievance and the difficulties faced by him, the applicant has made a representation on 06.05.2015 as at Annexure-A/9 to Respondent No.3 but till date no response has been received by the applicant.



4. Taking into account the submission made by Mr. Pattnaik, Ld. Counsel for the applicant, without expressing any opinion on the merit of the case, ^{we} ~~it~~ dispose of this O.A. at this admission stage by directing Respondent No. 3 to consider and dispose of the representation as at Annexure-A/9, if the same has been filed and is still pending consideration, in a well reasoned order and communicate the same to the applicant by 31.07.2015. However, the points raised by the applicant in his representation are kept open for the authorities to consider the same as per the rules and regulations in force. Respondents are further directed to maintain the status quo as on date so far as continuance of the applicant is concerned till 31.08.2015.

5. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

6. On the prayer made by Mr. Pattnaik, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 3 by Speed Post for which he undertakes to file the postal requisites by 18.05.2015. Free copy of this order be made over to Mr. Pradhan, Ld. ACGSC, after he files his power.


(R.C.MISRA)
MEMBER(Admn.)


(A.K.PATNAIK)
MEMBER(Judl.)