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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 260/00542 of 2015

Cuttack, this the 25th day of August, 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

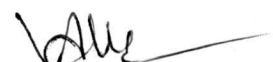
Union of India Represented through its

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. Principal 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. J.K.Nayak)

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ORDER (ORAL)

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

Heard Mr. J.M.Pattnaik, Learned Counsel for the Applicant, and Mr. J.K.Nayak, 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/4 (in so far as applicant and Respondent No.6 is concerned) and the order of rejection dated 14th May, 2015 (Annexure-A/7) 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, ^{was} 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, 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. Challenging his transfer, applicant had filed O.A. No. 260/00258 of 2015 before this Bench of the Tribunal, which was disposed of with direction to



Respondent No.3 to consider the representation (which has also been annexed as Annexure-A/5 to this O.A.). It was further directed to maintain the status quo till 31.08.2015. Pursuant to the above direction of this Tribunal, applicant's representation was considered and rejected and communicated to the applicant vide Annexure-A/7 dated 14.05.2015.

4. After going through the order of rejection dated 14.05.2015 (Annexure-A/7), we are of the view that this order is a cryptic order. Accordingly, the same is quashed and the matter is remanded back to the Respondents to consider and dispose of the representation made under Annexure-A/5 and communicate the result thereof to the applicant within a period of two months from the date of receipt of a copy of this order. We have not expressed any opinion on the merit of the case and 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 30.11.2015.

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 Nos. 2, 3 and 4 by Speed Post for which he undertakes to file the postal requisites by 31.08.2015. Free copy of this order be made over to Mr. Nayak, Ld. ACGSC, subject to filing of his power.


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


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