

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00298 OF 2016
Cuttack, this the 16th day of May, 2016

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)
HON'BLE MR. R.C. MISRA, MEMBER(A)

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Sri Tapan Kumar Pattanayak, aged about 55 years, Son of Late Dhananjya Pattanayak, At- Tulasichoura, Baripada, Dist. Mayurbhanja, at present working as ITO, Baripada Ward I, Income Tax Office, Palbani, Baripada, Dist. Mayurbhanja.

.....Applicant

By the Advocate(s)-M/s. J.M. Pattanaik

-Versus-

Union of India, represented through

1. Secretary(Revenue), Ministry of Finance Department of Revenue, Central Secretariat, New Delhi-110001.
2. The Chairman, Central Board of Direct Taxes, Ministry of Finance, Deptt. Of Revenue, North Block, New Delhi-110001.
3. The Principal Chief Commissioner of Income Tax, Aaayakar Bhawan, Bhubaneswar.
4. Principal Commissioner of Income Tax, Cuttack, Shelter Chhak, Tulasipur, Cuttack.
5. The Joint Commissioner of Income Tax, Balasore Range, Station Sq. Balasore.

.....Respondents

By the Advocate(s)- J.K. Nayak

O R D E R (ORAL)

A.K.PATNAIK, MEMBER (J):

Heard Mr. J.M. Patnaik, Ld. Counsel appearing for the applicant and Mr. J.K. Nayak, Ld. ACGSC appearing for the respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

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2. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 with the following prayer:-

“To quash the order of transfer dated 3rd May, 2016 Annexure-A/4(in so far as applicant is concerned and direct the Respondents to allow the applicant to continue at his present place of posting at least till completion of his tenure;

To pass any other order/orders as deemed fit and proper.”

3. Mr. Pattnaik, Ld. Counsel for the applicant submitted that due to non-consideration of the case of the applicant for the aforesaid relief as claimed by him, the applicant submitted representation dated 06.05.2016 (Annexure-A/5) to Respondent No.3. It has further been submitted that till date no response has been received by the applicant on his representation. Hence, the applicant has filed this O.A. with the prayer as aforesaid.

4. Since the representation submitted by the applicant is stated to be pending, without entering into the merit of this case, we dispose of this O.A at the stage of admission by directing Respondent No.3 to consider the representation dated 06.05.2016 (Annexure-A/5), if the same is still pending, as per the extant Rule and communicate the result thereof to the applicant by way of a reasoned/speaking order within a period of 02 (two) months from the date of receipt of copy of this order. If, after such consideration it is found that the applicant is entitled to the relief claimed by him then the same may be extended to him within a further period of 02 (two) weeks from such consideration. Though we have not expressed any opinion on the merit of the matter, we make it clear that all the points raised in the representation will be kept open for the Respondents to consider the same as per rules, regulations and law in force. However, it is made clear that if in the meantime the said representation has already been disposed of then the result of the same be communicated to the applicant within a period of two weeks from the date of receipt of copy of this order.

5. However, we make it clear that status quo as on date so far as the applicant's continuance is concerned will be maintained and no action in pursuance of notification dated 03.05.2016 (Annexure-A/4) shall be taken by the Respondents for a further period of two weeks from the date of communication of decision to the applicant on his representation.

6. With the aforesaid observation and direction, the O.A. is disposed of at the stage of admission itself. No costs.

7. On the prayer made by Mr. J.M. 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 Mr. Pattnaik undertakes to file the postal requisites by 19.05.2016.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)

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