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25 MAY 2016

CUTTACK BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

O.A.NO.260/00 377 OF 2016

In the matter of:

An application under Section-19 of the
Administrative Tribunal Act, 1985;

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In the matter of:

Ms. Tanweesri Roy, aged about 52 years,
Daughter of Kalicharan Roy, a permanent
resident of Nadiabarai, Kendrapara, Dist.
Kendrapara, at present working as ITO Ward 5
(2), Bhubaneswar under the Joint
Commissioner, Range-5, Bhubaneswar.

Tanweesri Roy

.... Applicant

-Versus-

1. Union of India represented through this
Secretary (Revenue), Ministry of Finance
Department of Revenue, Central Secretariat,
New Delhi-110001.
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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, Odisha Region, Ayakar Bhawan, Rajaswavihar, Bhubaneswar, Dist-Khurda.
4. The Principal Commissioner of Income Tax-II, Aayakar Bhawan, Bhubaneswar.
5. The Joint Commissioner of Income Tax, Range-5, Aayakar Bhawan, Bhubaneswar.
6. Shri Amiya Kumar Mohanata, ITO (MSTU), Puri, under the Office of the Principal CIT-II, Bhubaneswar.

Tanweer Roy

....Respondents

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ORDER (ORAL)
Dated 26.05.2016

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


Heard Mr. J.M.Patnaik, Ld. Counsel for the Applicant, and Mr. M.R.Mohanty, 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. This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 with the following prayer:-

“i) To quash the order of transfer dated 3rd may, 2016 Annexure-A/2 (in so far as applicant and Respondent No. 6 is concerned), to quash the order to the extent of rejecting the representations of the applicant dated 23rd May, 2016 in random and to direct the respondents to allow the applicant to continue at her present place of posting;

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


3. Mr. Patnaik, Ld. Counsel for the applicant, submitted that ventilating his grievance the applicant submitted two representation to Respondent No.3 but we find that only one representation, i.e. dated 05.05.2016 has been annexed in this O.A. Mr. Patnaik by drawing our attention to Annexure-A/5 submitted that the order dated 23.05.2016 points out that all the representations received against the transfers and postings in the grade of Income Tax Officer stands disposed of. In a very many cases, we have deprecated such action of the Respondents as a cryptic order. As no counter has been filed in this case, without entering into the merit of this case, we dispose of this O.A at the stage of admission itself by directing the Principal Chief Commissioner of Income Tax, Odisha Region, (Respondent No. 3) to consider




the representation dated 05.05.2016 (Annexure-A/3) as per the extant Rules and communicate the result thereof to the applicant by way of a reasoned and speaking order within a period of 02 (two) months from the date of receipt of a copy of this order. If the said representation has already been disposed of with the order under Annexure-A/5 dated 23.05.2016 then the same is unjustifiable one. However, it is also made clear that if in the meantime the said representation has already been disposed of vide a separate order other than Annexure-A/5 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. Though we are not entering into the merit of the matter, however, we make it clear that the applicant will be allowed to continue in his present place of posting for a period of two weeks from the date of such communication.

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

6. On the prayer made by Mr. Patnaik, 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 27.05.2016.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)

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