

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 478/2003

Thursday, this the 12th day of June, 2003.

CORAM:

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

Smt.Greeta Xavier,
Income Tax Officer,
Salary Circle, Ward 3(1),
C.R.Building, I.S.Press Road,
Kochi. - Applicant

By Advocate Mr P Balakrishnan

Vs

1. Union of India represented by
Secretary,
Ministry of Finance,
Department of Revenue,
New Delhi.
2. The Chief Commissioner of Income Tax,
C.R.Building, I.S.Press Road,
Cochin-682 018. - Respondents

By Advocate Mrs. P Vani, ACGSC

The application having been heard on 12.6.2003, the Tribunal
on the same day delivered the following:

O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

The applicant, Income Tax Officer, Ward 1, Salary
Circle, Ernakulam under order of transfer to Kottayam has
filed this application challenging A-1 order dated 9.6.2003 to
the extent of her transfer from Kochi to Kottayam. It is
alleged that applicant's husband had undergone a by-pass
surgery recently, that there is nobody to take care of her

husband and that the transfer of the applicant to Kottayam being for accommodating persons who had not completed ten years without a posting to the native place, is arbitrary, illegal and unjustified. With these allegations the applicant has filed this application to set aside the impugned order of transfer.

2. I have heard the learned counsel for the applicant and have perused the application and the Annexures appended thereto. I have also heard Smt. Vani, ACGSC. Smt. Vani stated that transfer of the applicant is in public interest and there was no other consideration and that the allegation that applicant's transfer was made for accommodating persons who have not completed ten years without a posting in the native place is also not correct. Learned counsel for the respondents pleads that as the order was issued in public interest, the Tribunal may not interfere.

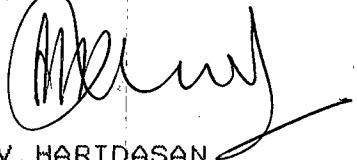
3. On a careful scrutiny of the material placed on record and on hearing the learned counsel on either side, I do not find any valid cause of action, to invoke the jurisdiction of this Tribunal. What is impugned in this case is a routine administrative order of transfer, that too from Ernakulam to Kottayam, a distance of about 100 kilometers. There is no allegation of malafides or violation of statutory rules. That the applicant's husband underwent a coronary by-pass surgery is no reason why she should not be transferred to Kottayam where there is an established Medical College and all

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facilities for treatment.

4. In the result the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated, 12th June, 2003.



A.V. HARIDASAN
VICE CHAIRMAN

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