

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

ORIGINAL APPLICATION NO:239/2008.
DATED THE 13TH DAY OF MAY 2008.

CORAM:
HON'BLE SHRI GEORGE PARACKEN, JUDICIAL MEMBER

Mr.C.J.Mathew,
Inspector of Income Tax, Central Circle,
Kollam, residing permanently at
Cheruvathoor, Amman Nagar 55,
Pattathanam P.O., Kollam. ... Applicant

By Advocate Mr.M.R.Hariraj

V/s

- 1 Union of India,
represented by the Secretary
to the Government of India,
Ministry of Finance, New Delhi-1.
- 2 Central Board of Direct Taxes,
represented by the Chairman, CBDT,
New Delhi.
- 3 Chief Commissioner of Income Tax,
Kerala Circle, IS Press Road,
Kochi.
- 4 Commissioner of Income Tax,
Trivandrum Region, Trivandrum.
- 5 Additional Commissioner of Income Tax,
Kollam Range. ... Respondents.

By Advocate Mr.TPM Ibrahim Khan SCGSC

The application having been heard on 13.05.2008, the Tribunal on the
same day delivered the following



(ORDER)

Hon'ble Mr. George Paracken, Judicial Member

The applicant is aggrieved by the Annexure A-1 order dated 7th May, 2008 by which he has been transferred from the Office of the ACIT, Central Circle, Kollam to the Office of the IT, Mattanchery. According to him, the said order was not been communicated to him but he has taken down the contents thereof from the Office of the 5th Respondent, namely Additional Commissioner of Income Tax, Kollam Range. He is specifically aggrieved by para 2 of the order according to he might be relieved from the place of present posting latest by 16th May, 2008. He has further submitted that the transfer order is against the Annexure A-2 **"Policy for effecting annual general transfer-2008 and subsequent posting and transfer in CCIT(CCA), Kochi Region in respect of Group B, C and D Officials."** He has specifically alleged that persons with longer stay at Kollam have been retained and he has been picked up for transfer in an arbitrary manner.

2 The respondents counsel submitted that Annexure A-1 is a common order involving the transfers of 54 persons. He has also submitted it was only a routine transfer and no malafide or violation of rules is involved.

3 In my considered opinion, the present OA is premature. The applicant has not made any representation to the authorities concerned against the impugned order dated 7.5.2008. In this regard, the submission



of the applicant that he did not get sufficient time to make representation as he has not received the copy of the order is well taken. I, therefore, dispose of this OA at the admission stage itself with a direction to the applicant to make a proper representation to the 3rd respondent within three days from today and the said respondents shall consider the same according to the rules and pass a speaking order within the shortest possible time. Till such time, statusquo with regard to the transfer of the applicant shall be maintained by the respondents. There shall be no orders as to costs.



GEORGE PARACKEN
JUDICIAL MEMBER

abp