

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 367 of 2011

Wednesday, this the 27th day of April, 2011

CORAM:

Hon'ble Mr. George Paracken, Judicial Member

Vijayapraba. S
D/o Sivanandan R
Thekkannazhikathu Veedu
Thekkemury, East Kallada P.O
Kollam (Presently working as
Deputy Commissioner of Income Tax
Central Circle – 2, Thiruvananthapuram **Applicant**

(Party-in-person)

V e r s u s

The Chief Commissioner of Income Tax, (CCA), Kochi
O/o The Chief Commissioner of Income Tax
Central Revenue Building
I.S Press Road, Kochi
Pin – 682 018 **Respondent**

(By Advocate – Mr. George Joseph, ACGSC)

This application having been heard on 27.4.2011, the Tribunal
on the same day delivered the following:

ORDER

By Hon'ble Mr. George Paracken, Judicial Member -

The applicant is aggrieved by the Annexure A-1 order dated
21.04.2011 by which she has been transferred from the post of Deputy
Commissioner of Income Tax, Central Circle-2, Trivandrum -2 to Kochi as



Jr.AR in the office of the ITAT Kochi. Her contention is that even though the order states that it is a routine common transfer/postings the actual reason for transfer is vengeance and retaliation on the part of the respondents for her having challenged their "humiliating administrative actions" before this Tribunal earlier in an earlier Original Application. She has also submitted that the respondents are not allowing her to stay at any particular office for a reasonable period of time and in the last three years, she has been transferred thrice, initially from Kollam to Trivandrum and again back to Kollam in an indirect manner by shifting her to the office of Central Circle-2, Trivandrum and giving Central Circle, Kollam as additional charge and now from Trivandrum to Kochi by the impugned order. The applicant has further submitted that she has already filed a representation to the Chief Commissioner of Income Tax against the aforesaid impugned transfer order on 25.04.2011 as it states that she will get automatically relieved by the afternoon on 27.04.2011. She has also submitted that all what she has stated in this O.A has been reiterated in the representation. She has, therefore, sought a direction to cancel the aforesaid order of transfer and to retain her in the station of her present posting as she is not yet due for any station change as per the Transfer Rules.

2. On the other hand, the learned counsel Shri George Joseph appearing for the respondents on receipt of the advanced copy of the Original Application submitted that allegations made by the applicant are absolutely false as the transfers and postings of the employees are decided not by one authority but by a committee of officers. As regards her case, he submitted that the transfer is purely on administrative



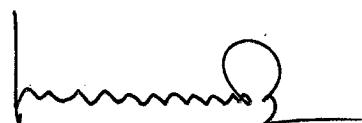
grounds, as she was not found suitable for being posted at present to a post which involve public contact. The committee has also considered that IT Ombudsman had made certain remarks regarding refund matter handled by her. Further, the committee has considered that there are adverse entries present in her APAR and it is also in her own interest to give her a posting in an office with minimal public contact. The learned counsel for the respondents have also submitted that the representation made by the applicant will be duly considered as early as possible and till such time her transfer will not be given effect to.

3. The applicant has submitted that the allegations by the Committee as stated by the learned counsel for the respondents are never made known to her earlier.

4. I have considered the submissions made by the applicant and the learned counsel for the respondents. As the respondents themselves would look into her representation against her transfer and give her a reasoned and a speaking order and she will not be relieved from her present place of posting till then, I dispose of this Original Application without any further directions. However, the applicant will have the liberty to challenge the decision of the respondents in this regard, if so advised.

5. There shall be no order as to costs.

(Dated this the 27th day of April, 2011)


(GEORGE PARACKEN)
JUDICIAL MEMBER

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