

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

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OA 372/2002

Monday, this the 3rd day of June, 2002..

CORAM :

HON'BLE SHRI A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE SHRI T.N.T. NAYAR, ADMINISTRATIVE MEMBER

G. Sasidharan,  
S/o late P. Gangadhara Panicker, aged 57 years,  
Senior Tax Assistant,  
O/o the Additional Commissioner of Income Tax,  
Thiruvananthapuram, residing at Ganga Nivas,  
Vettula Lane, Kannanmoola, Medical College P.O.,  
Thiruvananthapuram-695011.

... Applicant

( By Advocate Mr. M.R. Rajendran Nair )

Vs

1. Union of India rep. by the  
Secretary to the Govt. of India,  
Ministry of Finance,  
New Delhi.
2. Chief Commissioner of Income Tax,  
Kochi-18.
3. Joint Commissioner of Income Tax,  
O/o the Chief Commissioner of  
Central Income Tax,  
Kochi-18.

... Respondents

( By Shri C. Rajendran, SCGSC )

The application having been heard on 3.6.2002, the  
Tribunal on the same day delivered the following :

ORDER

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

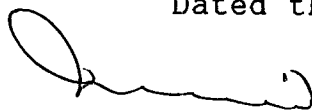
The applicant, a Senior Tax Assistant under the office of the Additional Commissioner of Income Tax, Thiruvananthapuram, by part of the general transfer order A2, has been transferred to the office of the Additional Income Tax Range 2, Kozhikode. Seeking cancellation of the transfer and retention at Thiruvananthapuram, the applicant made representation on 29.5.2002(A1). The same has not been considered and disposed of by the respondents. Apprehending that the applicant would be relieved, the applicant has filed this application to quash A2 to

the extent it affects him, for a direction to the respondents to consider the case of the applicant for a posting to a station of his choice and to permit the applicant to continue at his present station at Thiruvananthapuram. It is alleged in the application that as per transfer guidelines, the applicant having only three years for retirement, he is entitled to get posting at his choice station.

2. When the matter came up for hearing, Shri C. Rajendran, SCGSC appearing for the respondents and the learned counsel for the applicant agreed that the application may be disposed of directing the 2nd respondent to consider A1 representation of the applicant and to give him an appropriate reply within a reasonable time keeping the relief of the applicant pursuant to the impugned order pending till an order on the representation is served on him.

3. In the light of the above submission, we dispose of this application without going to the merits of the case directing the 2nd respondent to consider A1 representation of the applicant and to give him an appropriate reply as expeditiously as possible. We also direct that till such an order on the representation of the applicant is served on him, his relief from Thiruvananthapuram on the basis of the impugned order A2 shall be kept in abeyance. No costs.

Dated the 3rd June, 2002.



T.N.T. NAYAR  
ADMINISTRATIVE MEMBER



A.V. HARIDASAN  
VICE CHAIRMAN

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A P P E N D I X

Applicant's Annexures:

1. A-1: True copy of the representation dated 29.5.2002 submitted by the applicant before the 2nd respondent.
2. A-2: True copy of the order No.12/ESTT/6/CC-CHN/2002-03 dated 27.5.2002 issued by the 3rd respondent.
3. A-3: True copy of the medical certificate dated 30.5.2002 issued from Sri.Uthram Thirunal Hospital, Thiruvananthapuram.
4. A-3(a): True copy of the out patient cards issued from Shri Uthram Thirunal Hospital, Thiruvananthapuram.
5. A-4: True copy of the medical certificate dated 30.5.2002 issued from CGHS Dispensary, Trivandrum.

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11.6.02