

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW

**Original Application No.72/2011
This the 04th Day of November 2011**

Hon'ble Mr. Justice Alok Kumar Singh, Member (J)

Capt. Pramod Kumar Bajaj, aged about 50 years, Son of late P.D. Bajaj, R/o -222, M.G. Road, Dilkusha, Cantt. Lucknow presently posted as Additional Commissioner of Income Tax (Income Tax Appellate Tribunal), PICUP Bhawan Building, Vibhuti Khand, Gomti Nagar, Lucknow.

...Applicant.

By Advocate: Sri A. Moin.

Versus.

1. Union of India through the Secretary, Department of Revenue, Government of India, North Block, New Delhi-1.
2. The Chief Commissioner of Income Tax (CCA), Aikar Bhawan, 5, Ashok Marg, Lucknow.

.... Respondents.

By Advocate: Sri Asheesh Agnohotri.

ORDER (Dictated in open Court)

By Hon'ble Mr. Justice Alok Kumar Singh, Member (J)

This O.A. has been filed for the following relief's:-

" (i). to quash the order dated 15.02.2011 as contained in Annexure-A-1 to this original application and direct the respondents to allow the applicant to work on the present place of posting at Lucknow with all the consequential service benefits.

(ii). to direct the respondents to pay the cost of this application.

(iii). any other order which this Hon'ble Tribunal deems just and proper in the circumstances of the case be also passed."

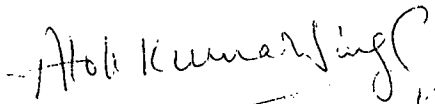
2. I am not adverting to detail facts of this case because, at the outset, it has been brought to the notice of

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this Tribunal that the impugned transfer order dated 15.02.2011 (Annexure-1), transferring the applicant from Lucknow to Allahabad has already been cancelled on 10.05.2011. A copy of this order has also been enclosed alongwith supplementary affidavit filed on behalf of the respondents themselves on 13.05.2011. But it has been wrongly mentioned that considering the request made by the applicant this order has been cancelled whereas, no such request was made, it is submitted.

3. In view of this, vide order dated 01.07.2011, the respondents were directed to bring on record by means of another affidavit the written request, if any, made by the applicant in this regard. In response thereof, another supplementary affidavit has been filed conceding in para-2 that there is no such written request on record. In view of the above, the learned counsel for applicant submits that to keep the record straight, the respondents may be directed to make rectification or clarification order dated 10.05.2011. Learned counsel for other side has nothing substantial to say against it.

4. In view of the above, this O.A. is finally disposed of with a direction to the respondents to make necessary rectification or clarification in respect of the applicant in the above order dated 10.05.2011 as observed above, preferably within three weeks from today. No order as to costs.


(Justice Alok Kumar Singh)
Member (J)