

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH  
NEW BOMBAY.

Original Application No. 16/87.

Shri S.G. Mali,  
Q. No. L-4(NAVAL),  
Vidarbha Housing Board Colony,  
Gorakshan Road,  
AKOLA.

... Applicant.

V/S

1. The Chairman,  
Central Board of Direct Taxes,  
New Delhi.
2. C.I.T. Vidarbha, Nagpur,  
Aaykar Bhavan,  
Telangkheldi Road,  
Nagpur.
3. C.I.T. Bombay,  
Aaykar Bhavan,  
Maharshi Karve Road,  
Bombay.

... Respondents.

Coram: Hon'ble Member(A), J.G. Rajadhyaksha.

Hon'ble Member(J); M.B. Mujumdar.

Oral Judgement:-

( Per M.B. Mujumdar, Member(J) )

Dated: 4.2.1987

Heard the applicant in person. The applicant joined Income-tax Department as a Lower Division Clerk at Bombay in July, 1972. In January, 1974 he made a representation for transfer under the charge of Commissioner of Income-tax, Vidarbha and Marathwada, Nagpur. He renewed the request again on 7.11.1975. Accordingly, he was transferred to Akola by an Order dated the 23rd September, 1976 as a Lower Division Clerk.

2. It is the case of the applicant that prior to his transfer he has served as officiating Upper Division Clerk for a period of 5 months and hence he should have been transferred to Akola as Upper Division Clerk. But the order was passed on 23.9.1986, the applicant did make representations

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regarding his grievance, but on 2.1.1980 he was finally informed that his representation was rejected and further correspondence would not be entertained. Still he continued making representations and his last representation was turned down on 23.12.1983. Now the applicant wants that the reply dated the 23rd December, 1983 should be re-considered and the order dated the 23rd September 1976 should be modified.

3. But in view of section 21 of the Administrative Tribunals Act 1985, we do not think that we will be justified in giving redress to the applicant regarding the order passed in 1976. Even on merits, the applicant has no case, because he was transferred to Akola at his own request and the authorities have rightly placed him at the bottom in Lower Division Clerk's Cadre.

4. We, therefore, feel that there is no point to be adjudicated upon by this Tribunal and reject the application summarily under sections 19(3) and section 21 of the Administrative Tribunals Act, 1985.

  
( J.G. RAJADHYAKSHA )  
MEMBER(A).

  
( M.B. MUJUMDAR )  
MEMBER(J).