

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/00355/2016

DATE OF ORDER: 26.05.2016

CORAM

**HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER
HON'BLE MS. MEENAKSHI HOOJA, ADMINISTRATIVE MEMBER**

Vijay Dembla S/o late Shri Vishnu Dutt Dembla, aged around 49 years, R/o Flat No. 5, Vrindava Apartment, Ram Gali No. 6, Raja Park, Jaipur (Rajasthan), presently working as Income Tax Officer, Department of Income Tax, Jaipur (Rajasthan).

.....Applicant

Mr. Shobhit Tiwari, proxy counsel for
Mr. R.P. Tiwari, counsel for applicant.

VERSUS

1. Union of India through though Department of Personnel and Training, Ministry of Personnel, Secretary, North Block, New Delhi.
2. Chairman, Central Board of Direct Taxes, Department of Revenue, Ministry of Finance, North Block, New Delhi.
3. Principal Chief Commissioner of Income Tax (Rajasthan), Jaipur, Central Revenue Building, Bhagwan Das Road, Statue Circle, Jaipur.

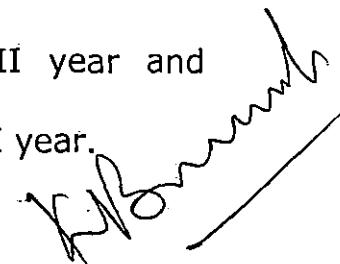
....Respondents

ORDER

(Per DR. K.B. SURESH, JUDICIAL MEMBER)

Heard. The matter relates to transfer. The applicant who had spent more than 20 years at a particular geographical locality challenges the transfer order on the following grounds: -

- (i) His wife is also employed at Jaipur.
- (ii) Pali is a smaller town and, therefore, medical facilities are lesser.
- (iii) One daughter is studying for graduation II year and another daughter is also studying for graduation I year.



2. He would rely on OM No. 28034/9/2009-Estt. (A) dated 30th September, 2009 issued by the Govt. of India, Ministry of Personnel, Public Grievances and Pensions (DOPT), New Delhi. This is with regard to posting of husband and wife at the same station if possible but we are unable to agree with this proposition for the given reasons.

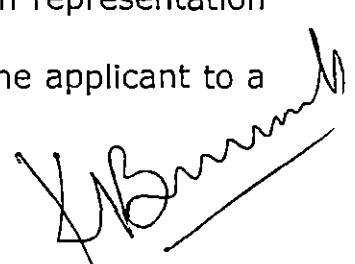
(i) The applicant is an Income Tax Officer and posting of an Income Tax Officer continuously for 20 years at a particular geographical locality will destroy and would have destroyed administrative interest. No person holding such a sensitive post can be allowed to continue in one geographical locality for more than five years.

(ii) Medical facilities and educational facilities are equally available at Pali and even then the children have sufficiently grown up to look after for themselves.

(iii) There is no such ground in the OM, even though the OM is in a slightly vague fashion.

(iv) It is clear that wife can also request for transfer and in that case she has to be allowed or adjusted to nearest place as per the OM.

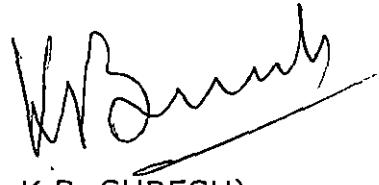
3. At this point of time, learned counsel for the applicant submits that office of wife of the applicant is not located at Pali and wants to withdraw this O.A. for him to file fresh representation seeking the transfer of the applicant to a nearest place. We think that we can allow the applicant to file fresh representation before the respondents seeking the transfer of the applicant to a nearest place.



4. Accordingly, the Original Application is dismissed as withdrawn. But there will be a direction to the respondents to consider the representation of the applicant and pass a speaking order in accordance with law, if such representation is filed. No costs.



(MS. MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER



(DR. K.B. SURESH)
JUDICIAL MEMBER

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