

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 22.4.2016

OA No. 291/00271/2016

Mr.Amit Mathur, Counsel for the applicant.

Matter relates to transfer in Income Tax Department.

Heard.

Counsel for the applicant submits that the applicant is Income Tax Officer presently posted in PCCIT, Jaipur and initially vide order dated 2.4.2016 Ann.A/1 he was transferred from Jaipur to Pali and his name figures at Sl.No.79 in the list. Thereafter, as his wife is working in the Customs and Central Excise Department at Jaipur, he submitted a representation dated 6.4.2016 (Ann.A/5) praying for cancellation of his transfer on the ground of policy laid down vide DOPT OM dated 30.9.2009 (Ann.A/6) of posting of husband and wife at the same station and other related personal problems. However, vide order dated 15.4.2016, Ann.A/2, as may be seen from Note 1 of the aforesaid order, it is mentioned that "all the representations received in this office against the transfers and postings orders are hereby rejected." Thus, by merely mentioning in one simple line, the representation of the applicant has been rejected without giving any reason. He further submitted that the applicant has not been relieved as on date and prays that as an interim measure, respondents may be directed to reconsider his representation in accordance with the policy guidelines and till then the effect and operation of the order Ann.A/1 and Ann.A/2 may be stayed.

Considered the aforesaid contentions and perused the record. As per the statement of the counsel for

applicant, it appears that the applicant has not been relieved till today in pursuance of the orders dated Ann.A/1 and Ann.A/2. Further, it appears that the representation of the applicant has also been rejected as per the note No.1 below the order dated 15.4.2016, Ann.A/2. As it is a transfer matter and representation dated 6.4.2016 (Ann.A/5) submitted by the applicant relates to certain guidelines of the DOPT and the same has been rejected without assigning any reason, it is deemed appropriate to dispose of this OA at admission stage itself with certain directions without going into the merit of the case, lest it may prejudice the case of either side. Accordingly, in the first place, applicant is directed to submit a copy of this order along with paper book of the OA before respondent No.2 (or the competent authority as the case may be) within a week from today and thereafter on receipt of the same, the respondents are directed to reconsider and decide the representation of the applicant dated 6.4.2016 (Ann.A/5) in accordance with law by a reasoned and speaking order within 3 weeks. Till the decision on the same, the applicant may not be relieved from the present place of posting if not already relieved till today.

In view of the limited relief being granted, the requirement of issuing of notices to the respondents is dispensed with.

Accordingly, OA is disposed as above, with no order as to costs.


(MS.MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER

Adm/