

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 278 of 2006

Jabalpur, this the 27th day of April, 2006

Hon'ble Dr. G.C. Srivastava, Vice Chairman
Hon'ble Mrs. Meera Chhibber, Judicial Member

Hemant Sausarkar, S/o. Late Shobhadas,
R/o. B-29, Sandariya Residency,
Beoharbagh, Jabalpur (MP).

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Applicant

(By Advocate – Shri J. Vikas Nathan)

V e r s u s

1. Union of India, through
The Secretary, Ministry of
Law & Justice, Deptt. of Legal
Affairs, Shastri Bhawan, New Delhi.
2. Mr. Vimal Gandhi, President,
Income Tax Appellate Tribunal,
4th Floor, Old CGO Building,
Maharshi Karve Marg,
Mumbai – 20.

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Respondents

ORDER (Oral)

By Mrs. Meera Chhibber, Judicial Member -

By this Original Application the applicant has challenged the order dated 17.4.2006, whereby the applicant who is at serial No. 5 has been transferred from Vishakapatnam to Guwahati. It is ~~admitted~~ ^{stated} by the applicant that he ~~is~~ ^{was} on leave at Jabalpur and he received the above said order here. He has already given a representation to the President, Income Tax Appellate Tribunal on 19.4.2006 with a copy to the Secretary, Ministry of Law and Justice, Department of Legal Affairs, New Delhi.



2. We have heard counsel for the applicant.

3. Hon'ble Supreme Court has repeatedly held that scope of interference by the Tribunal is very much limited in the matters of transfer. Tribunal should not interfere in each and every case of transfer as a matter of course because who is to be posted where and how best work can be taken from the officer are best known to the administration. It has also been held that if any person is aggrieved by the transfer order, he should make a representation to the authorities pointing out the reasons and the grounds as to why he is aggrieved. In case such a representation is filed, it should be decided by the authorities by a reasoned order.

4. In this case since applicant has already filed a representation to the President, Income Tax Appellate Tribunal which is still pending, we dispose of this OA without going into merits of the case by giving direction to respondent No. 2 to consider his representation and pass a reasoned and speaking order thereon within a period of two weeks from the date of receipt of copy of this order. The applicant is directed to give a copy of the OA alongwith copy of the order in the office of the respondent No. 2 within one week from the date of receipt of a copy of this order so that respondent No. 2 may pass appropriate speaking orders thereon under intimation to the applicant.

5. With the above direction this OA stands disposed of.

B. 2/4/06
(Mrs. Meera Chhibber)
Judicial Member

G. C. Srivastava
(Dr. G.C. Srivastava)
Vice Chairman

"SA" पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....

पतिलिपि वांच्ये धिता:-

- (1) रजिस्ट्रार, उच्च न्यायालय, जबलपुर
- (2) अतिरिक्त सहायक रजिस्ट्रार, जबलपुर
- (3) प्रत्यक्षी श्री/श्रीमती/श्री.....के काउंसल
- (4) बंधुपाल, को.प्र.अ., जबलपुर, जिला न्यायाधीश सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

J. Vikash Nathani
2/4/06
copy of OA

Issued
2/5/06