

Central Administrative Tribunal
Jaipur Bench,

Jaipur, this the 23rd day of March, 2010

CORAM:

HON'BLE MR. M.L.CHAUHAN, JUDICIAL MEMBER

OA No. 157/2010

Chandan Chakraborty
s/o Late Shri P.Chakraborty,
r/o 90/118, Mansarovar, Jaipur,
at present posted as Zonal Accounts Officer,
Central Board of Direct Taxes. Near Statue Circle,
New Central Revenue Building, Jaipur.

..... Applicant

(By Advocate: Shri Virendra Lodha)

– Versus –

1. Union of India,
through the Controller General of Accounts,
Ministry of Finance,
7th Floor, Lok Nayak Bhawan,
Khan Market, New Delhi.
2. Principal Chief Controller of Accounts,
Central Board of Direct Taxes,
7th floor, Lok Nayak Bhawan,
Khan Market, New Delhi.
3. Shri A.V.James,
Sr. Accounts Officer,
Zonal Accounts Office,
Central Board of Direct Taxes,
Vaspujya Chambers 'B', II nd Floor,
Ashram Road, Ahmedabad.

..... Respondents

(By Advocate:)

ORDER (ORAL)

The applicant has filed this OA against the order dated 18.3.2010 whereby the competent authority has ordered transfer of Shri A.V.James, Senior Accounts Officer, working in Zonal Accounts Office, Central Board of Direct Taxes (CBDT), Ahmadabad temporarily for a period of six months to the Zonal Accounts Office, CBDT, Jaipur and he has been further delegated the power of Head of Office. From perusal of the aforesaid order it is also clear that Shri A.V.James will continue to be on pay rolls of Zonal Accounts Office, CBDT, Ahmadabad only. The grievance of the applicant is that on account of such transfer, the applicant will be transferred from the post of Zonal Accounts Officer, CBDT, Jaipur where he is working since 2008, as such, he has prayed that operation of the impugned order dated 18.3.2010 may be stayed and the respondents may be restrained from implementing the impugned order.

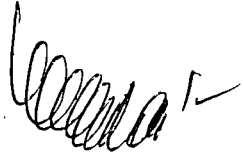
2. I have given due consideration to the submissions made by the learned counsel for the applicant. I am of the view that apprehension of the applicant is wholly misconceived. As can be seen from the impugned order Ann.A/1, Shri A.V.James has been temporarily transferred to the Zonal Accounts Office, CBDT, Jaipur as Senior Accounts Officer for a period of six months and not against the post of Accounts Officer, against which post the applicant is working presently. This is clear from the fact that salary of the person

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who has been temporarily posted in the office ZAO, CBDT, Jaipur has to be drawn from ZAO, CBDT, Ahmadabad. The fact that Shri A.V.James has been entrusted with the power of Head of Office for a period of six months so far as ZAO, CBDT, Jaipur is concerned does not mean that Shri James has been posted against the post of applicant.

3. As already stated above and as can be inferred from the impugned order Ann.A/1, Shri A.V.James who is Senior Accounts Officer has been temporarily posted in ZAO, CBDT, Jaipur for a period of six months against the post which is existing in the ZAO, CBDT, Ahmadabad and Shri James has not been posted against the lower post of Accounts Officer in the pay scale of Rs. 7500-12000 which post the applicant is holding. Thus apprehension of the applicant that effect of the impugned order Ann.A/1 is that he stands transferred cannot be accepted unless specific order thereby transferring the applicant from the post of Accounts Officer is not passed by the competent authority. In case the respondents are of the view that in the exigency of service/public interest, the service of Sr. Accounts Officer is required at ZAO,CBDT, Jaipur temporarily for six months, it is not permissible for us while exercising the power of judicial review to interfere in such order. Thus, no relief as prayed for by the applicant, cannot be granted. Needless to add that in case the applicant is aggrieved by his transfer from the office of ZAO, CBDT, Jaipur, it will be open for him to file fresh OA.

4. With these observations, the OA stands disposed of at admission stage.



(M.L. CHAUHAN)

Judl. Member

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