

**Open Court**

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
BENCH, ALLAHABAD

(This the 19<sup>th</sup> **Day** of September, 2018)

Present:

**Hon'ble Mr. Gokul Chandra Pati, Member (A)**  
**Hon'ble Mr. Rakesh Sagar Jain, Member (J)**

**Original Application No.330/00906/2018**  
(U/S 19, Administrative Tribunal Act, 1985)

Pratibha Agarwal, aged about 49 years, W/o Sanjay Kumar Agarwal, working as Superintendent G.S.T. Commissionerate Kanpur, R/o B-107 Ratan Planet Naramau, Kanpur. 209217

..... **Applicant**

**By Advocate:** **Shri R.K. Dixit**

Versus

1. Union of India through the Secretary, Ministry of Finance, North Block, New Delhi.
2. The Principal Chief Commissioner Central Goods & Service Tax and CX, Lucknow Zone, 7-A Ashok Marg, Lucknow.
3. The Commissioner Central Goods & Service Tax and CX, Lucknow Zone, 7-A Ashok Marg, Lucknow.
4. Joint Commissioner (P&V) Goods & Service Tax Commissionerate, Kanpur.
5. Assistant Commissioner, C.G.S.T. Division, Kanpur Dehat.
6. Deputy Commissioner (P&V) CGST Commissionerate Kanpur.
7. Deputy Commissioner Central Goods and Service Tax Division, Farrukhabad.

..... **Respondents**

**By Advocate:** **Shri L.P. Tiwari**

**O R D E R**

**By Hon'ble Mr. Gokul Chandra Pati, Member (A)**

Heard Shri R.K. Dixit, learned counsel for the applicant and **Shri L.P. Tiwari** learned counsel for the respondents.

2. Learned counsel for the applicant submitted that the applicant has submitted a representation, copy of which at

Annexure A-6 of the O.A., which is pending. In the representation, applicant had mentioned about other cases where incumbent has stayed for more time than the applicant in Kanpur Dehat.

3. It is further mentioned that the husband of the applicant is working in the same Headquarter. He referred to DOPT Circular dated 30.09.2009, copy of which at Annexure A-10, under which the applicant is entitled to consider for pasting the same Headquarter as per Spouse ground. However, a reference has not been mentioned in the representation.

4. Learned counsel for the respondents submitted that the applicant has already been relieved on 6.7.2018.

5. In view of the matter and taking into account the observations made above, respondents are directed to consider the representation of the applicant dated 29.6.2018 (Annexure A-6) in the light of the DOPT Circular dated 30.9.2009 and take an appropriate decision. Till the disposal of the representation, no coercive action will be taken by the respondents against the applicant in respect of transfer order dated 22.6.2018. The applicant is at liberty to submit a copy of this order along with copy of the DOPT circular dated 30.9.2009 to respondent No.2/Competent Authority who shall consider the same alongwith representation dated 29.6.2018 and pass a reasoned and speaking order within 3 weeks from the date of receipt of a certified copy of this order, copy of which is communicated to the applicant.

6. O.A. is accordingly disposed of. No order as to costs.

**(Rakesh Sagar Jain)**

Member (J)

**(Gokul Chandra Pati)**

Member (A)

Manish/-