

**Central Administrative Tribunal, Allahabad Bench,
Allahabad**

Original Application No.330/00446/2018

This the 7th day of May, 2018

Hon'ble Dr. Murtaza Ali, Member (J)

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

Yugphal Srivastava son of late Chhote Lal Srivastava, presently posted as Income Tax Officer Ward -3 (2) Bulandsahar.

Applicant

By Advocate: **Sri Pankaj Srivastava**

Versus

i) Union of India through Chairman, Central Board of Direct Taxes, New Delhi.

2. The Chief Commissioner of Income Tax (CCA) U.P. West and Uttarakhand Region, District- Kanpur

Respondents

By Advocate: Sri L.P. Tiwari

By Hon'ble Dr. Murtaza Ali, Member (J)

The applicant has filed this O.A. for quashing the impugned transfer order dated 26.4.2018 by which the applicant has been transferred from Bulandsahar to Aligarh. He has also prayed to stay the effect and operation of the impugned transfer order during the pendency of this O.A.

2. It is stated that the applicant was at the verge of retirement and he requested the respondents to transfer him to any nearby his home place i.e. Kannauj but he has been transferred from Noida to Bulandshahar. He joined at Bulandshahar on 1.9.2017. It has been alleged that he has again been transferred from Bulandshahar to Aligarh on the complaint of Mr. Vinay Kumar who is a notorious person and

working on the post of Office Superintendent in the Income Tax Office Bulandshahar. The wife of Mr. Vinay Kumar has also made a complaint against him. It is stated that he is due to retire on 20.6.2019 and transfer is made against the policy of the Department. It is further stated that several other persons have been retained on the ground of retirement. Learned counsel for applicant has drawn our attention towards the Annual General Transfer Policy dated 17.3.2018. The applicant has preferred a representation dated 27.4.2018 which is still pending.

2. Learned counsel for respondents has also drawn our attention towards the complaint dated 7.3.2018 (Annexure A-2) made by Mr. Vinay Kumar, Office Superintendent and complaint made by Mrs. Poonam Gupta(Annexure A-3).

3. In para 16 of the said transfer policy dated 17.3.2018, it has been provided that request of the officers having less than 3 years of service will be considered for posting at their hometown or nearby stations. Several other persons have been retained or accommodated at their hometown or nearby stations. The applicant has preferred a representation to this effect which is still pending.

4. In view of the above, we direct the respondents to dispose of the pending representation of the applicant dated 27.4.2018 in the light of transfer policy dated 17.3.2018 within a period of two weeks by passing a reasoned and speaking order. The applicant is also directed to send a copy of this order along with his representation to the respondents

within a week. Till the disposal of representation of the applicant, the applicant shall not be forced to join at the transferred place.

5. With the above observations, O.A. stands disposed of.
No order as to costs.

(Gokul Chandra Pati)
Member (A)

(Dr. Murtaza Ali)
Member (J)

HLS/-