

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA-3935/2018

New Delhi, this the 15th day of October, 2018

Hon'ble Sh. V. Ajay Kumar, Member(J)
Hon'ble Sh. A.K. Bishnoi, Member (A)

Sh. Neeraj Singh, Age-47 years,
CIT (Audit), Group-B,
Son of Dr. Tribhuwan Singh,
C/o, P-16, Andrews Ganj Extension,
New Delhi-110049.

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Applicant

(through Sh. A.K. Behera)

Versus

1. Union of India,
Through its Revenue Secretary,
North Block, New Delhi.

2. Central Board of Direct Taxes,
Through its Chairman,
Office at North Block, New Delhi.

3. Pr. Chief Commissioner of Income Tax,
3rd Floor, Aaykar Bhawan,
New Marine Lines, Mumbai-26.

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Respondents

(through Sh. Rajeev Kumar)

ORDER(ORAL)

Hon'ble Sh. V. Ajay Kumar, Member(J)

Heard learned counsel for the applicant and Sh. Rajeev Kumar, learned counsel for the respondents, on receipt of advance notice.

2. The applicant, who is presently working as Commissioner of Income Tax (Audit)-1 in Mumbai filed the OA questioning the Annexure A/1 office order No.

166 of 2018 dated 09.10.2018 whereunder he was transferred from Mumbai to Chennai as Commissioner of Income Tax (DR) (ITAT)-3. It is mainly submitted that while working in Kolkata, he was transferred to Mumbai region on medical grounds, as the applicant was diagnosed with Carcinoma in-situ of Mouth and had to undergo specialized treatment including a surgery, wherein a part of his tongue and some other portions inside his mouth were removed and said special treatment and surgery facilities are available at Mumbai.

3. Learned counsel further submits that in view of the acute health problem and since the transfer is in the middle of the academic year, the education of the children will also be affected severely, the applicant preferred Annexure A/4 representation dated 10.10.2018 against the impugned transfer but the respondents without passing any orders thereon, are insisting that the applicant should be relieved and that he will have to join at Chennai.

4. Sh. Rajeev Kumar, learned counsel for the respondents submits that the transfer of the applicant is not an isolated transfer and the same was done by way of a general transfer along with so many others. He submits that the transfer order was made in public interest and opposes granting of any interim order. He, however, submits that the applicant should be directed to join at the place of posting and his representation, if any, made against the transfer order will be considered in due course of time as per rules.

5. In the circumstances, the OA is disposed of at the admission stage itself without going into the merits of the case, however, by directing the respondents to consider the Annexure A/4 representation dated 10.10.2018 of the applicant and to pass appropriate speaking and reasoned order thereon, in accordance with law, within thirty days from the date of receipt of a certified copy of this

order. Till the representation of the applicant is decided, the respondents are directed to maintain status quo, obtaining as on today, qua, the applicant.

Order by **dasti**.

(A.K. Bishnoi)
Member (A)

(V. Ajay Kumar)
Member (J)

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