

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH**

No. O.A. 350/01594/2018

Date of order: 11.10.2018

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member  
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Asit Kumar Mohapatra,  
Aged about 54 years,  
S/o. Gokul Chandra Mohapatra,  
Plot No. 1279, Nayapalli,  
Bhubaneswar, Pin – 751 012  
Working as Commissioner of  
Income Tax (TDS),  
Bhubaneswar, Odisha  
Under orders of transfer vide  
O/O No. 166 of 2018 dated 09.10.2018,  
As CIT (A) – 16, Kolkata.

... Applicant.

Versus

1. Union of India  
represented through its Secretary (Revenue),  
Ministry of Finance,  
Department of Revenue,  
Central Secretariat,  
New Delhi – 110 001.

2. The Chairman Person,  
Central Board of Direct Taxes,  
Ministry of Finance,  
Department of Revenue,  
North Block,  
New Delhi – 110 001.

3. The Principal Chief Commissioner of Income  
Tax,  
Odisha region, Ayakar Bhawan, Bhubaneswar,  
Dist : - Khurda, Pin – 751012.

4. The Under Secretary,  
Government of India,  
Ministry of Finance,  
Department of Revenue (CBDT),  
New Delhi – 110 001.

5. The Principal Chief Commissioner of Income  
Tax,  
Kolkata.

6. Smt. Sarita Misra Kolhe,  
CIT (OSD), Kolkata.

... Respondents

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For the Applicant : Mr. J.M. Pattanaik, Counsel

For the Respondents : None

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

This Original Application has been taken up for consideration by the Central Administrative Tribunal, Kolkata Bench in pursuance to directions of the Central Administrative Tribunal, Principal Bench dated 18.9.2018 whereby it has been directed that CAT, Cuttack Bench will be attached with CAT, Kolkata Bench for the period from 22.9.2018 till further orders.

2. In this Original Application, filed under Section 19 of the Administrative Tribunals Act, 1985 the applicant seeks the following relief:-

"(a) To quash the Office Order No. 166 of 2018 dated 9.10.2018 in so far as it relates to applicant and respondent No. 6 are concerned.  
(b) To pass any other order/orders as deemed fit and proper."

3. Heard Ld. Counsel for the applicant, affidavit of service is taken on record.

4. The applicant has challenged the Office Order No. 166 of 2018 dated 9.10.2018 of the respondent authorities on the grounds, inter alia, that the said order is violative of the transfer policy.

Ld. Counsel for the applicant submits that the applicant, on receipt of the transfer order dated 9.10.2018 (Annexure A-3 to the O.A.), has preferred a representation (through proper channel) to respondent No. 2, who is the Chairman, Central Board of Direct Taxes, Department of Revenue (Ministry of Finance), in which, inter alia, he has referred to the applicability of Para 4.2 of the transfer guidelines dated 16.2.2016 (Annexure A-1 to the O.A.) and has sought permission to be retained in the State of Odisha.

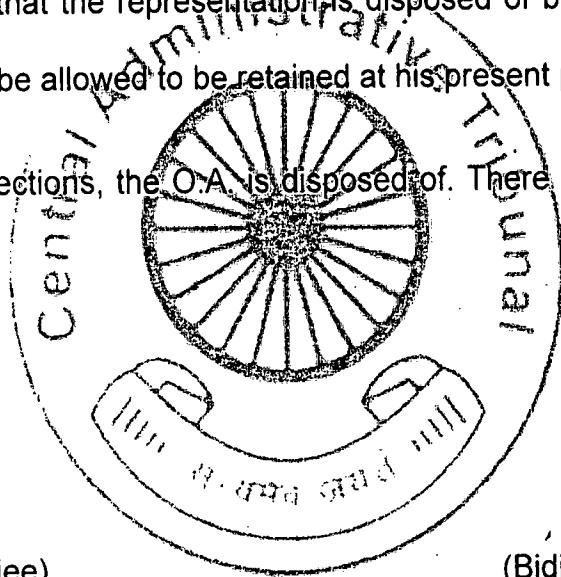
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Ld. Counsel for the applicant submits that the applicant will be satisfied if a direction is issued to the competent respondent authority to dispose of the representation of the applicant in a time bound manner.

5. Accordingly, without entering into the merits of the matter, we direct the respondent No. 2, who is the Chairman, Central Board of Direct Taxes, Department of Revenue (Ministry of Finance) to examine the contents of the representation of the applicant dated 10.10.2018, if received at his end, and to dispose of the same with a reasoned and speaking order and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. Decision arrived at be communicated forthwith to the applicant.

6. Till such time that the representation is disposed of by respondent No. 2, the applicant should be allowed to be retained at his present place of posting.

7. With these directions, the O.A. is disposed of. There will be no orders on costs.



(Dr. Nandita Chatterjee)  
Administrative Member

(Bidisha Banerjee)  
Judicial Member

SP