

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.568/2017

Date of Decision: 25.01.2018.

**CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)
HON'BLE SHRI R. VIJAYKUMAR, MEMBER (A)**

Shri Yeshwant U. Chavan,
Working as Commissioner of
Income-Tax (Appeals)-13,
Mumbai.
R/at Flat No.A-10, I.T. Colony,
Pedder Road, Mumbai 400 026.
(Advocate Shri S.V. Marne)

Versus

1. Union of India, through
The Secretary,
Ministry of Finance,
Department of Revenue,
North Block, New Delhi 110 001.
2. The Chairman,
Central Board of Direct Taxes,
North Block, New Delhi 110 001. **Respondents**
(Advocate Shri B.K. Ashok Kumar)

ORDER (Oral)
Per : Shri A.J. Rohee, Member (J)

Applicant is present with Shri S.V. Marne, learned Advocate for him. Shri B.K. Ashok Kumar, learned Advocate appeared for the Respondents.

2. In the present case, the impugned order of transfer is challenged and the following reliefs are sought:

“a) This Hon’ble Tribunal may graciously be pleased to call for the records of the case from the respondents and after examining the same quash and set aside the order dated 16.08.2017

only to the extent that it seeks to transfer the applicant from Mumbai to Chennai and direct the respondents to grant retention to the applicant at Mumbai on his promotion to the post of Principal Commissioner of Income Tax, as well as the order dated 15.09.2017.

8.b) This Hon'ble Tribunal be further pleased to direct that the applicant is promoted to the post of Principal Commissioner Income Tax w.e.f. 16.08.2017 and accordingly direct the respondents to post him either as Officer on Special Duty at Mumbai or against any other vacant post of Principal Commissioner Income Tax at Mumbai.

8.c) Cost of the application be provided for.

8.d) Any other and further order as this Hon'ble Tribunal deems fit in the nature and circumstances of the case be passed."

3. Learned Advocate for the applicant on instructions received from the applicant submitted that the applicant desires to withdraw the present OA, for the reason that he lost his wife and now he is prepared to join at the new destination as per the impugned order of transfer. He however seeks indulgence of this Tribunal for breathing time to make necessary arrangement for his son who will be staying at Mumbai.

4. In view of this, the OA stands disposed of as withdrawn. However, with the consent of both the learned Advocates for parties, interim protection granted earlier shall continue till 03.02.2018 and consequently thereafter the respondents will be at liberty to relieve the applicant from present post to facilitate him to join at new destination.

5. Registry is directed to forward certified copy of this order to both the parties at the earliest.
6. In the facts and circumstance of the case, parties are directed to bear their respective costs.

(R. Vijaykumar)
Member (A)

(Arvind J. Rohee)
Member(J)

dm.