

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.**

ORIGINAL APPLICATION NO.356/2018

Date Of Decision:- 08th May, 2018.

CORAM:HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J) .

Shri Veerabhadram Vislavath

Age 41 years.

Indian Inhabitant, residing at

E-37, 6th Floor, Darbhanga House,

Income Tax Colony, Peddar Road, Mumbai 400020.

...Applicant

(Applicant by Advocate Shri. K.K.Kolambe Patil)

Versus

1. Union of India,

Through The Secretary,

Ministry of Finance

North Block, New Delhi 110001.

2. The Chairman

Central Board of direct Taxes,

North Block, New Delhi 110001.

3. Principal Chief Commissioner

Of Income Tax, 3rd Floor, Aayakar Bhavan, M.K.
Road, Mumbai 400020.

...Respondents

ORDER (ORAL)

1. Taken up today during summer vacation on urgent circulation before the Single Bench at 3:15 PM.

2. Heard the applicant who is present in court along with Shri. K.H. Holambe Patil assisted by Shri. K.K. Holambe Patil, learned Advocates for the applicant. I have carefully perused the case record.

3. The applicant is presently working as Deputy Commissioner of Income Tax in TDS section under Respondent No.3. In this OA, the applicant has grievance regarding the impugned order dated 04.05.2018 (Annexure A-1) issued by Respondent No. 1 by which he is transferred from the present post of Deputy Commissioner of Income Tax, Mumbai to Uttar Pradesh (West) in the same capacity. In this OA, the following reliefs are sought:-

"8(a) This Hon'ble Tribunal will be pleased to quash and set aside the transfer Order No. 61 of 2018 dated 04th May 2018 in so far as it concerns the applicant by which the applicant has been transferred from Mumbai to Noida;

(b) Any other or further order may be pass in the interest of justice;

(c) Cost of this application may be provided."

4. According to the applicant, the impugned transfer order is against the provisions of the transfer policy since he has been shifted to present post at Mumbai where he is working since 24.07.2015 on his transfer from Noida. It is stated that the applicant has done remarkable job while working in

corporate circle since demand notices were issued to different corporates for Rs. 18,000 Crores by tax assessment and recovered Rs. 11,000 Crores therefrom. However, he has been shifted to TDS circle within one year. It is stated that, while working in TDS Circle he has recovered amount of Rs. 12,000 Crores in addition to unearthing non-payment of TDS to the tune of Rs. 3200 Crores from Lodha Group, Jet Airways, JSM etc., who are politically and financially influential persons. According to the applicant, the impugned transfer order is politically influenced, since his wife with whom he is on cross terms, and who is closely related to Shri. Kalyan Singh, Governor of Rajasthan, threatened him that she will ensure that the applicant is put to trouble. It is also stated that he has been driven away, by his wife from the Government accommodation who is not allowing him to stay there.

5. In the impugned transfer order which refers to 144 officers including the applicant, it is stated that the compliance report regarding relieving/joining of the above officers shall be forwarded by Principle

Chief Commissioner of Income Tax (Cadre Controlling Authority) concerned to the Board by 14.05.2018. It is, however, stated that till this date the applicant has not received relieving order.

6. Interim relief to stay the implementation and operation of impugned order is also sought. It is also stated that the applicant has not completed minimum tenure of 8 years at Bombay as per the transfer policy and he has been shifted to Uttar Pradesh without assigning any reason. Especially when he was doing to the best of his ability in revenue generation.

7. Considering the peculiar facts and circumstances of the case and considering that the applicant is yet to receive any relieving order so far, as stated by him, this Tribunal is of the considered view that ends of justice will better served, in case appropriate directions are issued in the matter.

8. Since, it is stated that for short of time the applicant could not submit any representation for cancellation of the

impugned transfer order, it is directed that this OA itself along with the Annexures be treated as the applicant's representation and Respondent No. 1 is directed to consider it and pass a reasoned and speaking order thereon in accordance with law, within the period of four weeks from the date of receipt of certified copy of this order.

9. The order so passed shall then be communicated to the applicant at the earliest, who will be at liberty to approach the appropriate forum in case his grievance still persists.

10. In the meantime, by way of this interim order it is further directed that the respondents shall not relieve the applicant from the present post, if not relieved earlier, pending decision on the representation by Respondent No. 1.

11. On the request made by the learned Advocate for the applicant, in case any adverse order is passed on the representation by the Respondent No. 1, then the said order shall remain in abeyance for a period of two weeks from the date of its service on the

applicant to facilitate him to approach the appropriate forum against said order.

12. The OA stands disposed of with the aforesaid directions at the Admission stage, without issuing notice to the respondents and without making any comments on merits of the claim.

13. Registry is directed to forward certified copy of this order to both the parties, along with one set of the OA and its Annexures to the Respondent No. 1, for passing appropriate order as directed above within the prescribed time limit.

14. Dasti.

Place:- Mumbai
Date:- 08.05.2018

(A.J. Rohee)
Member (J)

srp