

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A.No.4663/2018

Thursday, this the 20th day of December 2018

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)

Neeraj Singh (Group A)
S/o Dr. Tribhuwan Singh
Aged about 50 years
Presently CIT (Audit) Mumbai
On leave due to cancer surgery
r/o C/o P-16, Andrews Ganj Extension
New Delhi – 110 049

..Applicant

(Mr. Nilansh Gaur, Advocate)

Versus

1. Union of India through its Secretary (Revenue)
North Block, New Delhi
2. Central Board of Direct Taxes
Through its Chairman
North Block, New Delhi
3. Principal Chief Commissioner of Income Tax
3rd floor, Aayakar Bhawan
New Marine Lines
Mumbai – 400026

..Respondents

(Mr. Rajeev Kumar, Advocate)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The applicant is working as Commissioner of Income Tax at Mumbai. Through an Office Order No.166/2018 dated 09.10.2018, general transfers were effected in respect of 69 officers. The applicant herein was transferred as Departmental Representative (DR) in ITAT, Chennai. He filed O.A.

No.3935/2018 stating that he is undergoing treatment for cancer at Mumbai under a specialist and the transfer in the middle of the academic year would also bring hardship to him and his family. Other grounds were also urged.

2. O.A. No.3935/2018 was disposed of on 15.10.2018 directing the respondents to dispose of the representation dated 10.10.2018 submitted by the applicant through speaking order. In compliance with the same, an order dated 15.11.2018 was passed. It was observed that the applicant has stayed for a period of exceeding 10 years at Mumbai at different spells and the transfer is warranted on administrative grounds. It was communicated to the applicant on 17.12.2018. The same is challenged in the instant O.A.

3. We heard Mr. Nilansh Gaur, learned counsel for applicant and Mr. Rajeev Kumar, learned counsel for respondents.

4. The grounds, which were urged by the applicant in O.A. No.3935/2018, are virtually repeated in this O.A. The transfer of the applicant is not an isolated one. The general transfers were made, duly taking into account the various aspects, such as stay of the officers at Headquarters/Stations, the need at different Stations and the ability of officers to discharge respective functions. It is no doubt true that the applicant is undergoing treatment for cancer at Mumbai. However, it cannot be ignored that the Chennai is also a place where the

facilities for such treatment are available. In case the applicant needs treatment in the hands of specialist at Mumbai, he can make periodical visits for that purpose. We are not impressed by that ground to interfere with the order of transfer.

5. Another contention advanced on behalf of the applicant is that on account of operation done to the tongue and other parts of his mouth, it would not be possible for him to speak fluently and the DR is required to argue the case extensively. This aspect does not appear to have been addressed by the respondents. Even while keeping the order of transfer intact, the respondents can be required to consider the feasibility of entrusting the applicant any duties other than that of DR.

6. We, therefore, dispose of the O.A. upholding the order of transfer but directing the respondents to consider the feasibility of entrusting the applicant any duties other than that of Departmental Representative.

There shall be no order as to costs.

(K.N. Shrivastava)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

December 20, 2018
/sunil/