

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK
O.A.No.260/384 of 2019

Radhakanta Seth....Applicant
-VS-
Income Tax....Respondents

CORAM:
HON'BLE MR.SWARUP KUMAR MISHRA, MEMBER(J)

Order No.1

Date : 12.06.2019

On being mentioned, this matter has been taken up to-day as urgency is involved.

2. Heard Mr.J.M.Patnaik, learned counsel for the applicant and Mr.J.K.Nayak, learned counsel for the respondents. Learned counsel for the applicant submits that in spite of transfer guidelines dated 23.2.2008 vide A/2, although the applicant has not completed the tenure of three years in the post in question, he has been transferred vide order dated 7.6.2019 (A/1). On the other hand, learned counsel for the respondents submits that the place of posting of the applicant remains the same, i.e., Sambalpur Town and he is not going to be disturbed although he has been given a change of posting. He further submitted that the applicant just after submitting his representation dated 10.06.2019 to Respondent No.3 has moved this Tribunal and therefore, the O.A. being premature should be dismissed at the threshold.

3. Learned counsel for the applicant drew the attention of this Tribunal to SI.No.12 in respect of one D.K.Mallick and submitted that in case of transfer and posting of Shri Mallick reasons thereof have been assigned whereas in case of the applicant no such administrative reason has been assigned. According to him, it was incumbent on the part of the respondents to mention the reason of transfer and posting of the applicant in the same station, i.e., Sambalpur Town in view of guidelines issued by them vide A/2. Therefore, he prayed to stay the operation of the order of transfer in so far as applicant is concerned under A/1 for a period of 15 days and in the meantime, Respondent No.3 may be directed to consider and dispose of the aforesaid representation.

4. In consideration of the submissions and without expressing any opinion on merit, it is directed that if any such representation dated 10.06.2019 has

been received by the Respondent No.3, the same shall be considered and disposed of as per rules and instructions on the subject and the decision thereon communicated to the applicant within a period of two weeks from the date of receipt of this order. It is further directed that till the decision is communicated to the applicant on his representation, A/1 in so far as applicant is concerned shall be kept in abeyance provided that the said transfer order has not yet been carried out and the applicant has not yet been disturbed from the post in question.

5. With the above observation and direction, this O.A. is disposed of at the stage of admission. No costs.

6. Free copy of this order be made over to learned counsels for both the sides.

MEMBER (J)