HON'BLE SRI JUSTICE G. CHANDRAIAH

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HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

W.P.No. 1722 of 2016

DATE: 22.01.2016

Between:

The Union of India
and two others .. Petitioners

And

Guduri Suresh
and another .. Respondents

O R D E R:- (per Hon'ble Sri Justice G. Chandraiah)

This writ petition is filed for the following substantive relief:

> "…to issue any writ or order or direction more particularly in the nature of Writ of Certiorari and call for the records in O.A.No. 820 of 2015 on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad and declare the impugned orders dated 20.07.2015 in O.A.No. 820 of 2015 as illegal, unjust and contrary to law and material on record and set aside the same."

The brief facts of the case are that the 1^{st} respondent herein joined the Income-Tax Department on 01.04.1992 as Inspector of Income Tax and worked as such in Hyderabad, Guntur and Vijayawada. On 18.06.2001, he got promotion as Income Tax Officer, and subsequently, on 10.09.2014, while he was working in Hyderabad, got further promotion to the post of Assistant Commissioner of Income Tax, based on which, he was transferred to Ananthapur where he took charge of the post of Assistant Commissioner of Income Tax on 24.11.2014. While so, the 1^{st} petitioner, vide orders dated 07.04.2015, further transferred the applicant to Tamilnadu Region. Then, the applicant made a representation dated

09.04.2015 stating that they have no children and his wife was undergoing treatment from Gynecologist, and subsequently, made another representation dated 03.06.2015 stating that his wife conceived and her pregnancy was confirmed, and she has been advised by the Doctor to take complete bed rest by taking medicines, regular check-ups and proper care. He also stated that her mother died a year back and her father is in old age, and his parents are no more, and there is no one to look after his wife if he were to assume charge in Chennai, and thus, requested the authorities to retain him in Andhra Pradesh and Telagana Region till the end of April, 2016 i.e. for a period of one year. Inasmuch as the petitioners have not considered his representations, the applicant filed O.A.No. 820 of 2015 seeking to set aside the order dated 07.04.2015 and consequently direct the petitioners to retain him in the Andhra Pradesh and Telangana Region, and the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (for brevity “the Tribunal”), by the order dated 20.07.2015, directed the petitioners herein to post him either at Hyderabad or any nearest place to Hyderabad by cancelling the transfer order dated 07.04.2015. Challenging the impugned order, the Government has filed the present writ petition.

Sri B. Narasimha Sarma, learned Standing Counsel for the Income-Tax Department appearing for the petitioners, has submitted that the transfer of the applicant is in accordance with transfer / placement guidelines and recommendations of the placement committee issued by the competent authority and in the interest of the administration, as such, the impugned order is liable to be set aside.

Sri P. Bhaskara Mohan, learned counsel for the 1st respondent-caveator, has produced a copy of the proceedings dated 06.11.2015 issued by the 1st petitioner and submitted that the 1st respondent is ordered to be transferred to ACIT, Circle-1, Kadapa with immediate effect and the same would be subject to the outcome of the writ petition filed by the Department against the CAT Order. He has further submitted that by virtue of the proceedings dated 06.11.2015, the applicant has already been transferred and posted at A.C.I.T., Circle-I, Kadapa, as such, the authorities concerned may be directed to consider the representations of the applicant before taking any further action in the matter.

Having perused the material placed on record and considering the above submissions, we are not inclined to go into the merits of the case, however having regard to the fact that the case of the applicant has already been considered by virtue of the proceedings dated 06.11.2015 issued by the 1st petitioner and he has already been transferred and posted in Kadapa, we do not wish to interfere with the same. However, it is left open to the authorities concerned to look into the matter and take further action in accordance with law after expiry of the period of one year as mentioned in the transfer proceedings dated 06.11.2015.

Subject to the above observation, this writ petition is disposed of. No order as to costs.

As a sequel to the disposal of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

G. CHANDRAIAH, J

22.01.2016

U.DURGA PRASAD RAO,J

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