

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-7135-2017

Date of Decision: April 05, 2017

S.K.Mittal

.....Petitioner

Versus

Union of India and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

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| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.H.C.Arora, Advocate
for the petitioner.

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SURYA KANT, J.

Notice of motion.

On our asking, Mr.Namit Kumar, assisting counsel to Shri S.P.Jain, Additional Solicitor General of India, who is present in Court, accepts notice on behalf of respondent Nos.1 to 3. Let three sets of paper-book be handed over to him during the course of day.

The petitioner is working as Additional Commissioner of Income Tax Group 'A'. He has been transferred for various administrative reasons from North West Region (NWR) to West Bengal and Sikkim CCA. He challenged the transfer order before the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (for brevity, 'the Tribunal'). The Tribunal has declined to interfere with the order and rightly so but having regard to

the attending circumstances that the petitioner is due for retirement on 30.09.2017, it has observed that the Department may consider “to post him in a region other than NWR which is closer to his home.”

While we do not find any ground to interfere with the order passed by the Tribunal, we have impressed upon Shri S.P.Jain, learned Additional Solicitor General of India to take up the matter with the competent Authority and examine the feasibility of posting the petitioner to a nearby region other than NWR keeping in view the fact that he is due for retirement on 30.09.2017. It shall be appreciated if such a decision is taken within two weeks from the date of receipt of a certified copy of this order.

(SURYA KANT)
JUDGE

April 05, 2017
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(SUDIP AHLUWALIA)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |