IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1558 of 2021

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Binod Kumar Sinha Son of Late Mithilesh Prasad Resident of 202 Nandi Vatika, Dheera Chak Near Sai Mandir, Patna,800002

... ... Petitioner/s

Versus

1. The Union of India through the Secretary, Department of Revenue, Ministryof Finance, Government of India, New Delhi.
2. Chairman, Central Board of Direct Taxes, Department of Revenue, Ministry of Finance, Government of India, New Delhi.
3. Secretary, Central Board of Direct Taxes, Department of Revenue, Ministry of Finance, Government of India, New Delhi.
4. Under Secretary, Central Board of Direct Taxes, Department of Revenue, Ministry of Finance, Government of India, New Delhi.
5. Joint Director, Data Base Cell, Central Board of Direct Taxes, Department of Revenue, Ministry of Finance, Government of India, New Delhi.
6. Principal Chief Commissioner of Income Tax, Central Revenue, Building, Patna
7. Principal Chief Commissioner of Income Tax, Central Revenue Building UP (East), Lucknow.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr.Abhinav Srivastava
For the Respondent/s : Mr.Dr. K.N. Singh (Asg)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

2 24-01-2022 The matter is heard via video conferencing due to circumstances prevailing on account of Covid-19 pandemic.

In the instant petition, petitioner has prayed for the following relief;-

(i) " For issuance of a direction, order or writ, including writ in the nature of certiorari quashing that part of the office order no. 147/18 dated 05.09.2018 issued by the concerned authorities under the Central Board of Direct Taxes, Department of Revenue, Ministry of Finance, Government of India, New Delhi, by which, the petitioner had been transferred from the Bihar& Jharkhand Region to the U.P (East) Region in the services of the Income Tax Department.

(ii) Issuance of a direction, order or writ in the nature of mandamus commanding the concerned respondent authorities to allow the petitioner to continue in the capacity of joint Commissioner, Income Tax in the services of the Income Tax Department in the Bihar & Jharkhand Region of the said department along with all the consequential benefits.

(iii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under the Income Tax Department to take steps towards making payment of arrears of salary in favour of the petitioner along with current salary that have not been paid to him since November, 2018 till date without there being any fault on his part and solely on account of highhandedness and illegal disposition on the part of the concerned respondent authorities.

(iv) Issuance of a declaration holding that the petitioner is entitled to continue in the rank of joint Commissioner, Income Tax under the Bihar& Jharkahand Region of the Income Tax Department in view of the fact that it was on patently erroneous and in correct grounds that the petitioner had been transferred from Bihar & Jharkhand Region to U.P (East) Region by the impugned office order no 147/18 dated 05.09.2018.

(v) Any order relief/ reliefs that the petitioner may be found to be entitled to in the facts and circumstances of the present case.

Short question for consideration in the present petition is delay and laches on the part of the petitioner in seeking quashing of transfer order issued in the year 2018 and the present petition is filed in the year 2021. The transfer order must have spent its force. Therefore, the present petition stands dismissed on the ground of delay and laches.

(P. B. Bajanthri, J)

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