IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6566 of 2024

==

Nityanand Sharma Son of Shri Ramdeo Mistri, Resident of Village- Balia, Police Station- Rupauli, District- Purnea.

... ... Petitioner/s

Versus

1. The Union of India through the Secretary Finance, Ministry of Finance, North Block, New Delhi-1.
2. The Chairman, Central Board of Direct Taxes, New Delhi.
3. The Principle Chief Commissioner of Income Tax, (CCA- Bihar and Jharkhand Region), Patna.
4. The Deputy Commissioner of Income Tax (Hqrs) Admn, O/o Pr. CCIT (CCA), Patna.
5. The Principle Chief Commissionr of Income Tax, MP and CG Region Aayakar Bhawan, 48 Arera Hills, Hoshangabad Road, Bhopal.
6. The Deputy Commissioner of Income Tax (ADMN), O/o Pr. CCIT, MP and CG Region, Aayakar Bhawan, 48 Arera Hills, Hoshangabad Road, Bhopal.

... ... Respondent/s

==

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Advocate
For the Union of India	:	Mrs.Parul Prasad, CGC
For the Respondent/s	:	Mrs.Archana Sinha, Sr. SC, Income Tax

==

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 24-04-2024

In the instant petition, petitioner has assailed the order of Central Administrative Tribunal, Patna Bench, Patna dated 23,07.2019 passed in O.A. No. 929 of 2015.

2. Petitioner while working as an Income Tax Officer at Bhopal, he had requested for his transfer to Patna. The official respondents have granted the relief of transfer with the condition that he will be posted as Inspector. The petitioner has accepted the transfer notification/order dated 31.12.2014 and reported at Patna without protest insofar as questioning the validity of the transfer and posting order to the extent that he has been posted as Inspector instead of Income Tax Officer.

3. Be that as it may, in O.A. No. 929 of 2015, he has prayed as follows:-

> *"A. The respondent authorities may be directed to call the applicant back to ITO Cadre at Bhopal by cancelling his Inter-Charge Transfer from Bhopal to Patna and his order of reversion from the post of ITO to Inspector Income Tax as contained in Annexure – A/2 & A/3.*
>
> *B. The respondent authorities may be directed to recall all the subsequent orders as contained in Annexure – A/4 & A/5.*
>
> *C. The applicant may be directed to be posted back to Bhopal Charge against his post of ITO in his original seniority, with all other consequential benefits.*
>
> *D. Any other relief/reliefs as the applicant is entitled and Your Lordships may deem fit and proper in the ends of justice."*

4. Petitioner has not assailed the portion of the order dated 31.12.2014 to the extent that he has been reverted from the post of Income Tax Officer to that of Inspector in the absence of challenge to the portion of the order dated 31.12.2014. Petitioner is not entitled to seek relief as prayed by the petitioner.

5. It is to be noted that during pendency of the Original Application also the petitioner has not filed any Interlocutory Application for amendment of prayer insofar as challenge to the portion of the order dated 31.12.2014 insofar as reversion from the post of Income Tax Officer to that of Inspector.

6. In view of these facts and circumstance, the petitioner has not made out a case. The petitioner is at liberty to approach the concerned official respondent insofar as claiming promotion benefit of Income Tax Officer in the Bihar Zone, Patna. If such application is submitted the concerned authority is directed to take note of service particulars of the petitioner and if he is otherwise eligible for promotion to the post of Income Tax Officer. The same shall be considered and in this regard if he is not entitled in that event necessary speaking order shall be passed and communicated to the petitioner at the earliest.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

abhishekkr/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.04.2024
Transmission Date	NA