

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

O.A. 1201/96
M.A. 1265/96
New Delhi this 27th day of August, 1996

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

Hon'ble Shri R.K. Ahooja, Member(A).

Dr. M.K. Chakraborty,
S/o Dr. Motindra Kumar Chakraborty,
R/o D-II/B-11, Moti Bagh-I,
New Delhi. ...Applicant.

By Advocate Shri B.B. Raval.

Versus

1. Union of India through
The Secretary,
Ministry of Health and
Family Welfare,
Govt. of India,
Nirman Bhawan,
New Delhi.

2. The Director-General of
Health Services,
Directorate General of
Health Services,
Ministry of Health and Family
Welfare, Govt. of India,
Nirman Bhawan,
New Delhi.

3. Shri S. Samaddar,
PS to the Joint Secretary,
Ministry of Health and Family
Welfare,
Qr. No. 103, Sector-I,
R.K. Puram,
New Delhi.

...Respondents.

By Advocate Mrs Raj Kumari Chopra.

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

In this application, the applicant has challenged the transfer order dated 20.5.1996 transferring him from CGHS Dispensary, R.K. Puram, New Delhi to NCT, Delhi, on a number of grounds. These include that it is arbitrary and has been

passed without application of mind, that he had not been served with the order, that he had been posted in the CGHS dispensary only a few months earlier in October, 1995, there is need to retain his present house on account of inconvenience and hardship to him and his family on the ground of their pressing medical requirements, that it has been done by the manipulation and at the behest of Respondent No.3, so that it is vitiated by mala fide. The learned counsel for the applicant had, therefore, submitted, *inter alia*, that the transfer order may be quashed and set aside and prayed for interim orders to stay the impugned order & to put Respondent No. 3 under suspension. The applicant had also filed M.A. 1265/96 praying for interim reliefs, for payment of his salary and ^{clarification of} commutation of leave. The learned counsel for the applicant was also heard at length on the O.A. and M.A.

2. The respondents have filed replies to the O.A. and M.A. in which they have controverted the above allegations. The respondents have also stated that the applicant's request for his retention in CGHS which was admittedly submitted on 24.5.1996 is under their consideration and hence this O.A. is premature. This was reiterated by Mrs. Raj Kumari Chopra, learned counsel, at the last hearing that his request was under active consideration and would be decided in a week or so.

3. Having regard to the above facts, Section 20 of the Administrative Tribunals Act, 1985 and the settled position in matters of transfer, we, therefore, do not deem it necessary

or proper to deal with the submissions made by the learned counsel for the parties at this stage. However, the O.A. and M.A. are disposed of with the following directions:

In case the respondents have not disposed of the applicant's representation against the impugned transfer order, they shall do so, by a reasoned and speaking order within 10 days from the date of receipt of a copy of this order with intimation to the applicant. Thereafter, if any grievance survives, it is open to the applicant to agitate the same, if so advised, in accordance with law. No order as to costs.

R.K. Ahuja
(R.K. Ahuja)
Member(A)

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'