

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW DELHI

O.A. No. 511/96
T.A. No.

199

DATE OF DECISION 13-1-1997

Sh.K.G. Ahuja

Petitioner

Sh. H.B. Mishra

Advocate for the Petitioner(s)

Versus

Lt. Governor Govt. of NCT Delhi
& Ors.

Respondent

Sh. Amresh Mathur

Advocate for the Responder

CORAM

The Hon'ble Mrs. Lakshmi Swaminathan, Member (J)

The Hon'ble Mr. _____

1. To be referred to the Reporter or not? *yes*

2. Whether it needs to be circulated to other Benches of the Tribuna *X*

Lakshmi
(Smt. Lakshmi Swaminathan)
Member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA No.511/96

Date of decision 13.1.1997

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

Sh. K.G. Ahuja,
Senior Pharmacist,
working at G.B.Pant Hospital,
New Delhi, Govt. of NCT of Delhi.

(By Advocate Sh. H.B. Mishra)

.... Applicant

Vs.

1. Lt. Governor, Govt. of NCT of Delhi, Raj Niwas, Delhi.
2. Govt. of National Capital Territory of Delhi, through Secretary, Medical & P&H Department No.5, Sham Nath Marg, Delhi.
3. G.B.Pant Hospital, New Delhi through its Director.
4. Dr. D.K. Srivastava, Medical Superintendent, G.B. Pant Hospital, New Delhi.
5. Sh. Mukesh Kumar, Pharmacist, working at G.B. Pant Hospital, New Delhi.

.... Respondents

(By Advocate Sh. Amresh Mathur)

O R D E R (ORAL)

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

The applicant who is working as Senior Pharmacist with G.B.Pant Hospital- Respondent 3 is aggrieved that the respondents have failed to allow him to join in ^{the} Cardiology Store from OPD in terms of the office orders dated 13.6.95 and 23.6.95 (Annexures A-4 and A-5).

2. The facts in this case fall in ^a narrow compass and are not disputed. Respondent-4, namely, the Medical Superintendent, G.B.Pant Hospital, has by the order dated 13.6.95 directed that one Shri Mukesh Kumar, Pharmacist at the hospital be relieved of his duties with immediate effect, who was directed to report for duties at Directorate of Health Services, Connaught Place, New Delhi in place of ^{the} which the applicant was posted in/ Cardiology Store from OPD. By the subsequent order dated 23.6.95, the applicant was relieved of his duties from O.P.D. w.e.r. 23.6.95(N) and directed to report for duties at Cardiology Store.

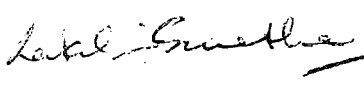
The applicant, however, has alleged in this application that when he reported for duties in the Cardiology Store, he was not allowed to perform his duties as ^{the} former incumbent, namely, Shri Mukesh Kumar continues in the post. According to the applicant, he being a senior pharmacist, had been rightly posted at Cardiology Store which post carries higher responsibilities and duties as compared to his posting in the O.R.D.

3. The respondents have filed their reply and I have also heard Shri Anresh Mathur, learned counsel for the respondents. The main contention of the respondents is that since the applicant has been posted at G.B.Pant Hospital as Pharmacist, his posting in that Hospital itself is entirely an internal administrative matter for disposal by them. However, it is seen that no satisfactory reasons have been given why the impugned orders transferring the applicant to Cardiology Store from OPD in June, 1995 have neither been cancelled nor implemented by the respondents. It has also not been denied that these orders have been passed by the competent authority. This is not a satisfactory situation created by the respondents themselves.

4. In the above facts and circumstances of the case, this O.A. is disposed of with the following directions:-

The respondents shall implement their orders dated 13.6.95 read with order dated 23.6.95 within a period of two weeks from the date of receipt of a copy of this order. In case, they decide to cancel the impugned posting order, they shall pass a reasoned and speaking order within the same period under intimation to the applicant.

No order as to costs.


(Smt. Lakshmi Swaminathan)
Member (J)