

Item No. 23

RA No., 141A/98 In  
OA No. 2602/97

10.12.99

Present: Shri A.K. Sharma, proxy counsel for Shri B.P. Singh,  
Counsel for the review applicant.

None for the respondents.

The proxy counsel submits that Shri B.P. Singh,  
Counsel for the applicant has gone to Chandigarh and seeks an  
adjournment on that account. List on 20.1.2000.

(Kuldip Singh)  
M(J)

*[Signature]*  
(S.P. Biswas)  
M(A)

Shri Krishna, Counsel for the respondents appeared  
later and brought out the urgency of the case and prayed that  
this may be decided immediately being an urgent matter.  
Accordingly, list the case on 17.12.99. He undertakes to inform  
the other side about the date so fixed.

*[Signature]*  
(Kuldip Singh)  
M(J)

*[Signature]*  
(S.P. Biswas)  
M(A)

Rakesh

17-12-99

Present Shri V.P. Bansal in person.  
Sh. V.S.R. Krishan, counsel for the respondents  
order (copy) dictated in open court today  
RA Allowed: by a D.B. of Hon'ble Mr S.P.  
Biswas, M(A) Hon'ble Mr. Kuldip Singh, M(J)

*[Signature]*  
B.D  
for  
CC/CC

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

RA-141A/98 in  
OA-2602/97

New Delhi this the 17th day of December, 1999.

Hon'ble Shri S.P. Biswas, Member(A)  
Hon'ble Shri Kuldeep Singh, Member(J)

1. Union of India through  
the Secretary,  
Ministry of Health and Family  
Welfare, Nirman Bhawan,  
New Delhi.
2. Sh. P.P. Chauhan,  
Secretary (Health),  
Ministry of Health and Family  
Welfare, Nirman Bhawan,  
New Delhi.
3. Dr. S.P. Agarwal,  
Director General,  
Health Services,  
Nirman Bhawan,  
New Delhi.
4. Smt. Shailaja Chandra,  
Addl. Secretary (Health),  
Ministry of Health and Family  
Welfare, Nirman Bhawan,  
New Delhi. .... Review Applicants

(through Sh. VSR Krishna and Sh.P.P. Khurana,  
Advocate) versus

Dr. V.P. Bansal,  
S/o Sh. H.C. Aggarwal,  
Addl. Director General of  
Health Services, Directorate  
General of Health Services,  
R/o CC-II/26, Tilak Marg,  
New Delhi. .... Respondent

(Respondent in person)

ORDER(ORAL)  
Hon'ble Shri S.P. Biswas, Member(A)

This Review Application (RA for short) by  
Union of India was filed on 29.06.98. The review  
applicants have prayed that paras 3 & 12 of our  
orders dated 26.05.98 be modified to straighten the  
record.

*Handwritten mark*

2. Notice was issued to respondent in the RA (applicant in the OA) on 12.2.99. Respondent in the RA took time on 29.10.99 to file the counter. The case was listed on 05.11.99. The counter was not filed and when the case came up on 24.11.99, learned counsel for the respondent in the RA submitted that he is filing counter on that day and a copy of the same will be given to Shri VSR Krishna, learned counsel for the review applicants. The portion of the order which is sought to be reviewed reads as under:-

"3. An interim order, staying the operation of the impugned transfer order dated 24/10/1997, had been passed on 30/10/1997 and the same continues to operate even now."

3. The case came up again on 01.12.99 before the Hon'ble Chairman who directed that the RA could be placed before a Bench, where Hon'ble Sh. S.P. Biswas, Member(A), who was a party to the original order, is a Member and as ordered by Hon'ble Chairman the case was listed on 10.12.99. The reply was not filed when the case again came on 10.12.99.

4. Shri Bansal, applicant in OA puts up an appearance and again sought an adjournment on the plea that his counsel Sh. B.P. Singh is away at Chandigarh. The developments of this case and the delays caused by the respondent in filing the

counter bring out a sense of lavity on the part of the respondent and, therefore, <sup>in the interest of Justice</sup> we ~~and~~ felt it appropriate to decide the RA finally. Meanwhile, the review applicants are pressing for an early decision on the RA to set right the confusion in the matter.

5. We find from the records that on 21.11.97, the Tribunal took up the OA and the MA-2731/97 and after hearing parties extended the stay till 02.12.97 and fixed up the date for possible final hearing on 19.12.97. On 02.12.97, the Tribunal did not extend the interim order issued on 30.10.97. Applicant (respondent in RA) did not make any effort either for continuation or against the discontinuance of the aforesaid interim orders. Thus, the OA-2602/97 was finally heard on 26.05.98. In the said order, the details in paras 3 & 12 are as under:-

Para-3

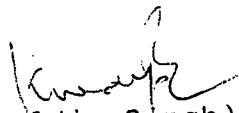
"An interim order, staying the operation of the impugned transfer order dated 24/10/1997, had been passed on 30/10/1997 and the same continues to operate even now.

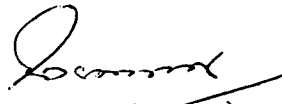
Para-12

Interim order passed in this case is hereby vacated."

6. It is in the context of the above developments, the review applicants would submit <sup>of D</sup> that there was no stay order in operation after

02.12.97 till the final disposal of the case on 26.05.98. A thorough perusal of the records commands acceptance of the contention submitted by the review applicants. In the circumstances, paras 3 & 12 of the order stand modified to the extent that there was no stay order after 02.12.97. Accordingly, RA is allowed and the submission made by review applicants are noted.

  
(Kuldip Singh)  
Member(J)

  
(S.P. Biewas)  
Member(A)

/vv/