

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.1469 of 2000

New Delhi, this the 22nd day of February, 2001.

HON'BLE MR.KULDIP SINGH, MEMBER(JUDL)

Shri Amarjeet Kumar  
S/o Shri A.Barmabas  
Male Nurse  
Under Medical Practitioner  
Northern Railway Hospital  
Oak Grove School  
P.O. Jharipani  
New Dehra Dun

-APPLICANT

(By Advocate: Shri B.S.Mainee)

Versus

Union of India through:

1. The General Manager  
Northern Railway  
Baroda House  
New Delhi
2. The Divisional Railway Manager  
Northern Railway  
Moradabad
3. The Chief Medical Director  
Northern Railway Hospital  
Moradabad

-RESPONDENTS

(By Advocate: Shri B.S.Jain).

O R D E R (ORAL)

By Hon'ble Mr.Kuldip Singh, Member(Judl)

Applicant is aggrieved of the orders dated 21.6.2000 and 13.7.2000, whereby his transfer from Oak Grove School, Jharipani to Central Hospital, Northern Railway, New Delhi has been cancelled and he has been directed to be retained at Moradabad Division.

2. Facts in brief are that applicant was appointed as Male Staff Nurse and posted at Oak Grove School, Jhari Pani near Dehradun. A decision was taken by the respondents to convert the Sub-Divisional Hospital, Jhari Pani into a Health Unit and some of the

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posts were surrendered. Accordingly, out of the sanctioned strength of four nurses, three were surrendered. It appears that subsequently, in a special meeting held in the chamber of General Manager, Northern Railway, the Principal of the Oak Grove School drew the attention of the General Manager towards the inadequate medical facilities for the students and staff working at Oak Grove School. The General Manager accepted the request of the Principal and directed the Chief Medical Director and Divisional Railway Manager, Moradabad to explore the possibility for posting two nursing staff at the School Hospital. Thereafter, the Principal of the Oak Grove School is also stated to have met with the D.R.M., Moradabad when an inspection note was recorded on 18.9.2000 and 19.9.2000. At the time of inspection, Sr.M.S., Sr.D.P.O. and Principal, Oak Grove School were present and it was decided that "further redeployment of surplus medical staff be pended for the time being in view of difficulties being faced by the school. It was also decided that "the situation would be reviewed after six months." Relying upon this, learned counsel for the applicant submitted that since the applicant is posted at Oak Grove School and now a decision has been taken by the D.R.M., Moradabad to pend further redeployment of the staff, so the O.A. should be allowed, impugned order should be quashed and applicant may be allowed to continue to work at Jhari Pani.

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3. Learned counsel for the applicant also submitted that as per the transfer policy of the respondents, if a post is to be surrendered, juniormost person is to move first and applicant being senior, could not have been transferred.

4. Shri B.S.Jain, learned counsel for the respondents submitted that the school where applicant was working, has been converted into a Health Unit and out of four sanctioned posts at Jhari Pani, three have been surrendered. It is submitted that since there were female candidates at Jhari Pani, therefore, it was decided to deploy one lady Nurse there. Respondents have submitted that though the applicant was initially transferred to Delhi but when he made a representation on 26.2.2000, his transfer order had been cancelled and he was retained at Moradabad Division. Shri Jain submitted that relief asked for by the applicant has already been granted and since his transfer orders have been cancelled, therefore, this O.A. has become infructuous.

5. I have heard rival contentions of the parties and gone through the records.

6. Background of the transfer of applicant is surrender of three posts of Staff Nurses at Jhari Pani as the Oak Grove School had been converted into a Health Unit. But subsequently when the Principal of Oak Grove School met the General Manager, Northern Railway, the General Manager also desired from his staff to explore the possibilities of posting two Nurses at Jhari Pani.

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Thereafter at the time of inspection also, the D.R.M., Moradabad Division, in consultation with some senior officers, also decided that the matter regarding further re-deployment of surplus medical staff be pended for the time being in view of difficulties being faced by the School. This shows that there is post available in the grade of Staff Nurse at Jhari Pani.

7. In view of the subsequent events that took place after the Principal, Oak Grove School met the General Manager, Northern Railway, it is quite manifest that re-deployment of surplus staff has been kept in abeyance for the time being, therefore, the impugned transfer order deserves to be quashed. Accordingly I quash the impugned order and direct the respondents to allow the applicant to continue to work at Jhari Pani. However, this order will not be a bar for transferring the applicant from his present place of posting, if the situation so requires on any subsequent date.

8. O.A. stands disposed of with the above directions. No costs.

*Kuldeep*  
( KULDIP SINGH )  
MEMBER (JUDL)

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