

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 2035 of 2000  
M.A.No. 2438/2000

New Delhi, this the 16th day of February, 2001

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

1. Shri N.K. Gupta,  
R/o B-4/9, Deen Dayal Upadhyay Hospital Complex  
Hari Nagar,  
New Delhi-64

2. Shri Dwarika Prasad  
R/o 25 Type II  
S.G.M. Hospital Complex  
Mangol Puri  
Delhi-83

-APPLICANTS

(By Advocate: Shri U.S. Bisht)

Versus

1. The Chief Secretary,  
Govt. of N.C.T. of Delhi  
5, Shammath Marg,  
Delhi-54

2. Medical Supdt.  
Sanjay Gandhi Memorial Hospital  
Mangolpuri  
Delhi

3. The PHC-Cum-Add (Secretary) (H)  
Govt. of NCT of Delhi  
Technical Recruitment Cell  
1, Jawaharlal Nehru Marg,  
New Delhi-2

-RESPONDENTS

(By Advocate: Shri Harvir Singh)

O R D E R (ORAL)

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

Two applicants who were working as Drivers in Sanjay Gandhi Memorial Hospital, have filed this O.A. challenging the impugned order dated 15.9.2000 (Annexure A-1) whereby they have been relieved from their duties and directed to report to G.B. Pant Hospital.

2. Learned counsel for the applicants submitted that since the applicants had made a representation vide Annexure A-3 to the Medical Superintendent, Sanjay Gandhi

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Hospital about the ill treatment by Shri M.M.Atri, U.D.C. Incharge Transport, therefore, the respondents have relieved them from their duties with malafide intention.

3. Shri Harvir Singh, learned counsel for the respondents submitted that pursuant to their relieving order, applicants have also joined their duties at G.B.Pant Hospital and are drawing salary from there.

4. I have heard learned counsel for the parties and gone through the records.

5. The only ground taken by the applicants counsel is that the transfer order has been made by adopting the method of 'pick and choose' and no principle of seniority has been honoured for the purpose of transferring the applicants from one hospital to another. He submitted that since the order transferring the applicants from one hospital to another has been passed only after a representation being filed by applicants against the In-charge transport of Sanjay Gandhi Hospital, therefore, it is with mala fide intention.

6. Respondents in their reply have pleaded that there are only 5 vehicles available in Sanjay Gandhi Hospital and against which 6 drivers are working. Out of these 5 vehicles, 3 vehicles always remain with frequent breakdown and practically, there are only 2 vehicles against which 6 drivers are working. Therefore, the present 2 applicants were surrendered and directed to report at G.B.Pant Hospital and no one in their place had

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been posted after their relieving. It is submitted that the applicants were transferred purely on administrative grounds.

7. In view of the categorical statement made by respondents that they have transferred the applicants on administrative grounds and simply the plea taken by applicants that principle of seniority had not been followed, does not show that there was any mala fide intention of the respondents towards them.

8. In the result, I find that there is no merit in this OA which is accordingly dismissed. No costs.

  
( KULDIP SINGH )  
MEMBER(JUDL)

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