

Central Administrative Tribunal
Principal Bench: New Delhi

OA No. 827/2000

2

New Delhi this the day of 10th May 2000

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. V.K. Majotra, Member (A)

Dr. C.P. Gupta,
S/o Late Shri Balak Das,
R/o 21/73, Lodi Colony,
New Delhi-110 003.

...Applicant

(By Advocate: Shri M.K. Gupta)

Versus

1. Union of India,
through its Secretary (ISM),
Ministry of Health & Family Welfare,
IRCS Building, New Delhi-110001
2. Director General of Health Services,
Ministry of Health & Family Welfare,
Nirman Bhawan, New Delhi-110001

...Respondents

ORDER (Oral)

By Mr. Justice Ashok Agarwal, Chairman

The applicant claims numerous ^{and} multiple
reliefs, which are as under:-

"i) To quash the orders dated 17.4.2000 & 28th April 2000 issued by the respondents which is patently illegal, arbitrary, unjustified, malafide and untenable in law with all its consequences;

ii) direct the respondents to hold DPC & consider the applicant for promotion to the post of Medical Superintendent, Ayurvedic Hospital, Lodi Road, New Delhi, as per the law laid down by the Hon'ble Supreme Court that the DPC has to be held every year with all its consequences;

iii) direct the respondents to pay to the applicant pay & allowances for the post of Medical Superintendent as has been done to Ms. Lalitesh Kashyap with all its consequences".

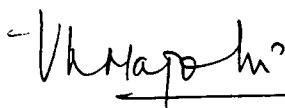
[Handwritten signature]

-2-

2. Present OA thus impugns the order of transfer dated 17.4.2000 from Ayurvedic Hospital Lodi Road to CGHS Dispensary Jangpura. The same also impugns a consequent order of 28.4.2000 relieving him from the post of Ayurvedic Hospital Lodi Road. The applicant has claimed directions to the respondents to hold DPC and consider him for promotion to the post of Medical Superintendent and also to pay him pay and allowances for the post of Medical Superintendent. (3)

3. Present O.A. in the circumstances, we find, suffers from plurality of reliefs. Services of the applicant it is not and it cannot be disputed are transferable. The aforesaid order of transfer, therefore, in our view cannot be successfully assailed. Similarly the order of relieving him from his present post also cannot be successfully assailed. Aforesaid order is not an order of demotion. Applicant has been transferred on the very same post at present held by him which is in the same city namely, New Delhi. ^{Remaining} ~~Aforesaid~~ claims can as well be made by the applicant in the place of his transfer. The same can, therefore, not be agitated in the present OA.

4. Present O.A. in the circumstances is summarily rejected.


(V.K. Majotra)
Member (A)


(Ashok Agarwal)
Chairman

cc.