



**Central Administrative Tribunal
Principal Bench**

OA No. 932/2020

New Delhi, this the 24th day of July, 2020

Hon'ble Mr. Pradeep Kumar, Member (A)
Hon'ble Mr. R.N. Singh, Member (J)

Sunitha M.V., Nursing Officer, Group 'B'
Aged about 41 years
W/o Sh. Rejimon P.R.
R/o Flat No. C-8, Praganya Apartment
Devli, Khanpur, New Delhi – 110062.

...Applicant

(By Advocates: Mr. M.K. Bhardwaj)

Versus

1. The Secretary
Department of Health & Family Welfare
Ministry of Health & Family Welfare
Nirman Bhawan, Maulana Azad Road
New Delhi – 110011.

2. The Medical Superintendent
Safdarjung Hospital
New Delhi.

..... Respondents

(By Advocate :Mr. Satish Kumar)

ORDER (ORAL)

Mr. R.N. Singh, M(J):

Heard the learned counsels for the parties.

2. The present Application has been filed under section 19 of Administrative Tribunals Act 1985 by the applicant against the action of the respondents in not transferring her from



Safdarjang Hospital to CGHS, Trivendrum keeping in view their own policy and by following the criteria as resorted to in other similarly placed cases.

3. The applicant has prayed for the following reliefs in the OA :

- “(i) To direct the respondents to consider the case of applicant for transfer to CGHS, Trivandrum as done in case of Smt. Rama Devi, Kalawati Saran, Childrens Hospital and other similarly placed persons.
- (ii) To declare the action of respondents in not transferring the applicant to CGHS, Trivandrum as illegal and issue appropriate orders for her transfer to CGHS, Trivandrum as recommended by Respondent No. 2.
- (iii) To allow the OA with cost.
- (iv) Pass any other order or direction which this Hon’ble Tribunal thinks fit, just and proper to meet the end of justice in the facts and circumstances of the case.”

4. The learned counsel for the applicant submits that the applicant was appointed as Staff Nurse (Nursing Officer) under the respondent no. 2 in the year 2011. On 13.09.2018, the applicant suffered 40% deep thermal burn injury while discharging her official duties in Eye Operation Theatre under respondent no. 2 on account of sudden blast. He further adds that on account of such injuries, the applicant suffered physical as well as mental agony and had to undergo skin grafting surgery from time to time. In the facts and circumstances, the applicant was



advised to seek transfer from Safdarjang Hospital. He further adds that keeping in view of the facts and circumstances, the respondent no. 2 considered her request for transfer to CGHS, Trivandrum Dispensary and recommended her case to the Respondent No. 1 vide communication dated 17.05.2019 (Annexure A-1) and the consent was also given by the Office of Respondent No. 1 at Trivendrum.

5. Mr. M.K. Bhardwaj, learned counsel for the applicant submits that inspite of lapse of more than 14 months, the respondent no. 1 has failed to pass any order on the recommendation dated 17.05.2019 of the respondent no. 2 till date.

6. Issue notice. Mr. Satish Kumar, learned counsel appearing on advance service, accepts notice and seeks some time to file reply in the matter.

7. However, Mr. M.K. Bhardwaj, learned counsel for the applicant submits that the applicant shall be satisfied if the present OA is disposed of at this very stage with directions to the respondent no. 1 to take a final decision in the matter keeping in view the relevant policy and instructions of the respondents in a time bound manner.



8. We are of the considered view that if such a request of the applicant is accepted in the facts and circumstances, no prejudice is likely to be caused to the respondents.

9. In view of the facts and circumstances, the present OA is disposed of with direction to the respondent no. 1 to consider the claim of the applicant keeping in view the communication dated 17.05.2019 (Annexure A-1) from respondent no. 2 and also the relevant policy/instructions on the subject and dispose of the same by passing an appropriate order as expeditiously as possible and in any case within six weeks from the date of receipt of a certified copy of this order.

10. We make it clear that by passing the present order, we have not expressed any opinion on the merit of the claim of the applicant.

11. The OA is disposed of in the aforesaid terms. There shall be no order as to costs.

(R.N. Singh)
Member (J)

(Pradeep Kumar)
Member (A)

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