



**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

O.A. No.60/832/2020 Date of decision: 05.11.2020

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).
HON'BLE MRS. AJANTA DAYALAN, MEMBER(A).**

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Dr. Sunil Dutt Sharma, aged about 49 years, S/o Sh. Satya Paul Sharma, Specialist Grade-I Orthopedics, ESIC Model Hospital, Ram Darbar, Industrial Area, Phase-2, Chandigarh and R/o House No.520, Sector-16, Panchkula, Haryana. Pin Code-134113.

...APPLICANT

BY: SH. HARINDER SHARMA, COUNSEL FOR THE APPLICANT.

VERSUS

1. Union of India through Secretary to Government of India, Ministry of Labour and Employment, Teen Murti Lane, New Delhi(Pin Code-110021).
2. Employees' State Insurance Corporation through its Director General, Panchdeep Bhawan, CIG Road, New Delhi(Pin Code-110021).
3. Director General (Medical), Employees' State Insurance Corporation, Panchdeep Bhawan, CIG Road, New Delhi (Pin Code-110021).
4. Medical Superintending ESIC Model Hospital, Ram Darbar, Industrial Area, Phase-2, Chandigarh. (Pin Code-160002).
5. Dr. Vikas Ummat, Specialist Orthopedics ESIC Model Hospital, Ludhiana, Punjab (Pin Code-141001).

...RESPONDENTS



ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J):-

1. The applicant is before this Court for invalidation of order dated 27.10.2020 (Annexure A-1), whereby he has been transferred from ESIC Model Hospital, Ram Darbar, Industrial Area, Phase-II Chandigarh to ESIC Model Hospital, Ludhiana, Punjab.

2. Applicant has taken various grounds for invalidation of the impugned order. Learned counsel for the applicant argued that the impugned transfer order is in violation of OM dated 30.09.2009 (Annexure A-8), issued by the Nodal Ministry (DoP&T) as applicant and his wife are working at Chandigarh under the same respondents, as such being couple case, they cannot be disturbed. He further argued that the impugned order is also contrary to respondents own Office OM dated 04.06.2020 (Annexure A-9), wherein they themselves have stated that no rotational transfers of officers/officials in different grades (Group 'A' 'B' and 'C') be carried till 30.04.2021. Thus, he pleaded that impugned order be quashed and set aside. He also submitted that immediately after his transfer, applicant had submitted representations Annexures A-3 and A-4 by raising the same grounds as he is taking before this Court, which are pending consideration. Therefore, he made a statement at the Bar that applicant will be satisfied if a



direction is issued to the respondents to decide his indicated representations expeditiously.

3. Considering the short prayer made by the applicant, as noticed above and without going into the merit of the case, present O.A. is disposed of with a direction to the addressed quarters to decide the same by passing a reasoned and speaking order expeditiously within ten days from the date of receipt of a ceritified copy of this order. While deciding the same, respondents will also consider OM relied upon by the applicant. Order so passed be duly communicated to the applicant. Till the respondents decide his representation, applicant be allowed to continue at the present place of posting.

4. No costs.

(AJANTA DAYALAN)
MEMBER (A)

Date: 05.11.2020.
Place: Chandigarh.

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(SANJEEV KAUSHIK)
MEMBER (J)