

**Central Administrative Tribunal
Jaipur Bench, Jaipur**

O.A. No. 190/2020

Date of decision: 10.06.2020

**Hon'ble Mr. Dinesh Sharma, Member (A)
Hon'ble Smt. Hina P. Shah, Member (J)**

Brij Bihari Sharma son of Ramdayal Sharma, aged about 40 years, resident of Quarter No.C-22, E.S.I.C. Campus, Dispensary No.4, Sodala, Ajmer Road, Jaipur, presently posting as Staff Nurse in ESIC Model Hospital, Jaipur.9784386818

...Applicant.

(By Advocate: Shri Banwari Sharma)

Versus

1. The Union of India through the Secretary Ministry of Department of Labour & Employment, Government of India, Panchdeep Bhawan, Comrade Indrajeet Gupta Marg, New Delhi-110002.
2. The Director General, Department of Employees State Insurance Corporation (E.S.I.C.), Panchdeep Bhawan, CIG Marg, New Delhi-110002.
3. The Regional Director, E.S.I.C. Rajasthan, Panchdeep Bhawan, Bhawani Singh Marg, Jaipur-302005.
4. The Dy. Director (Administration), E.S.I.C. Rajasthan, Panchdeep Bhawan, Bhawani Singh Marg, Jaipur-302005.
5. The Medical Superintendent, E.S.I.C. Model Hospital, Jaipur-302019.

...Respondents.

(By Advocate: Shri Tej Prakash Sharma)

ORDER (ORAL)

Per: Smt. Hina P. Shah, Member (J)

Heard Shri Banwari Sharma, counsel for the applicant as well as Shri Tej Prakash Sharma, counsel for the respondents.

2. Brief facts of the case are that the applicant has been transferred from ESIC Model Hospital Jaipur to ESIC Hospital Bhiwadi vide order dated 14.05.2020 (Annexure A/1) and he stands relieved vide amended office order dated 21.05.2020. The applicant stated that as per the guidelines issued by the Central Government and the ESIC, the job of sample collection was assigned to Clinicians and Laboratory Technician and not to him. He also stated that once the Ministry of Labour & Employment vide its order dated 20.05.2020 directed that no rotation transfer in the Ministry of Labour & Employment including ESIC be carried out till 30.04.2021, the respondents cannot transfer and relieve him in violation of the said direction.

3. Counsel for the respondents filed a short reply on interim relief on 09.06.2020 rebutting the case of the applicant.

(3)

4. It is seen that the prima facie case has been made out by the applicant and balance of convenience lies in his favour. We are not going into the merits of the case at present and this OA is disposed of with a direction to the applicant to file a detailed representation to the respondents within one week from today and the respondents should decide the said representation after taking into consideration the latest orders on the subject . Till then, the applicant shall not be relieved from the present place of posting even if the order states he is relieved.

5. Accordingly, the present Original Application is disposed off with these directions.

(Hina P. Shah)
Member (J)

(Dinesh Sharma)
Member (A)

/kdr/