

1

**O CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH**

LIBRARY

OA/350/827/2020

Date of Order: 09.10.2020

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Dr. Amitava Addy,

S/o of late Ashok Kumar Addy,
Aged about -39 years,
By occupation-Service holder,
Working as Medical Officer in the
Central Hospital, Dhuliān Murshidabad,
Residing at - Tarapur,
P.O - Dhulian, P.S - Samserganj,
District - Murshidabad, Pin - 742202.

..... Applicant.

-Versus-

1. Union of India;
Though the Secretary,
Ministry of Health & Family Welfare,
Govt. of India,
Nirman Bhavan,
New Delhi - 110011.
2. The Dy. Welfare Commissioner (Central),
Central Hospital,
Dhulian, Murshidabad,
Govt. of India,
Tarapur,
P.O. - Malancha,
Dist - Murshidabad, Pin - 742202.
3. The Director General (Labour Welfare),
Ministry of Labour & Employment,
Govt. of India,
Jaisalmer House, Man Singh Road,
New Delhi - 110011.
4. The Welfare Commissioner (Central),
Govt. of India,
Ministry of Labour & Employment,



Labour Welfare Organisation,
 Kolkata Region.
 O/O, The Welfare & Cess Commissioner
 2nd M.S.O. Buildings, Nizam Palace,
 Calcutta - 700020.

5. The Director,
 All India Institute of Hygiene & Public Health,
 1(AIIH & PH), Govt. of India,
 10, Chittaranjan Avenue,
 Calcutta - 700073.

.....Respondents

For the Applicant(s): Mr. K. Chakraborty, Counsel
 Ms. B. Dutta, Counsel

For the Respondent(s): Ms. D. Nag, Counsel

ORDER (ORAL)

Per Ms. Bidisha Banerjee, Member (J):

This application has been filed by the applicant to seek the following reliefs:

"8.(A) Do issue mandate upon the respondents, their men and agents and each of them to forthwith rescind, recall and/or withdraw the purported order dt. 2.9.2020 being Annexure-A6 hereto and not to give any or further effect or effects to the same in any manner whatsoever.

(B) Do issue mandate upon the respondents, their men and agents and each of them to forthwith Transfer and give posting of the applicant at the AIIH&PH, Calcutta in terms of the order dt. 1.1.2020 being Annexure-A3 hereto without any hindrance or resistance from any corner of the administration in any manner whatsoever.

(C) Do issue mandate upon the respondents, their men and agents and each of them to forthwith certify and transmit all the papers and documents in connection with the instant lis before this ld. Tribunal for kind perusal of the same and on such kind perusal do conceivable justice to the applicant;

(D) Grant Cost of this proceeding in favour of the applicant;

(E) Pass such other or further order or orders, direction or directions, mandate or mandates as may appear to be fit and proper."

3. Heard both Ld. Counsel and examined documents on record.

The matter is taken up for disposal at the admission stage.

3. Ld. Counsel for the applicant would submit that the applicant, who is a Medical Officer, is presently holding the post of Medical Officer at the Central Hospital, Dhulian, Murshidabad. Since the applicant had prayed for his transfer in or near Kolkata on personal grounds, the transfer order dated 01.01.2020 (Annexure A-3 to the O.A.) was issued transferring him from Dhulian, Murshidabad to Kolkata. As the applicant has not yet been relieved to move to his place of transfer, being aggrieved, he has approached this Tribunal praying for the aforementioned relief.

4. Ld. Counsel for the respondents would argue that the prayer of the applicant could not be considered as he is the only Medical Officer at Dhulian whose service is essential for running of the hospital services on day to day basis. Accordingly, prior to his sparing, it is necessary to arrange for a suitable relieving Medical Officer in place of the applicant.

Ld. Counsel for the respondents, in this regard, would also cite Annexure A-6 to the O.A. in support of her argument.

5. Both Ld. Counsel, however, would agree that the O.A. may be disposed of with a direction upon the competent respondent authority to dispose of his representations at Annexures A-4 and A-5 to the O.A. Accordingly, we would direct the competent respondent authority to dispose of the representations of the applicant after making suitable arrangements to engage a substitute for the applicant at Dhulian, District - Murshidabad and to abide by the transfer order of the Ministry of Health and Family Welfare, dated 01.01.2020 (Annexure A-3 to the O.A.).



The respondent authorities are directed to complete the process within a period of 10 weeks from the date of receipt of a copy of this order.

6. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

pd

