



**Central Administrative Tribunal
Jammu Bench, Jammu**

Hearing through video conferencing

O.A. No.61/1097/2020

This the 27th day, Friday of November, 2020

Hon'ble Mr. Rakesh Sagar Jain, Member (J)
Hon'ble Mr. Mohd. Jamshed, Member (A)

Dr. Nancy Bharti, Aged 29 years,
D/o. Ashok Kumar (W/o. Ranjay Kumar)
R/o. W.No. 8, R.S.Pura, Jammu.

.....Applicant

(Mr. Pawan Dev Singh, Advocate)

Versus

1. Union Territory of Jammu & Kashmir,
Through Commissioner/Secretary Department of Health and
Medical Education, Civil Secretariat,
Jammu/Srinagar- 180 001;
2. Director of Health Services,
UT of Jammu and Kashmir;
3. Government Medical College, Jammu through its Principal;
4. Government Medical College Kathua, through its Principal,
5. Medical Superintendent Associated Hospitals, Kathua.

..... Respondents

(Mr. Sudesh Magotra , DAG)

ORDER (ORAL)

Hon'ble Mr. Rakesh Sagar Jain, Member (J)

The case of the applicant, Dr. Nancy Bharti is that respondent No.1 vide order dated 10.08.2020 accorded No Objection Certificate (NOC)/permission to avail selection procedure for the post of Obsts. & Gynae., Govt. Medical College, Jammu and that the respondent No.2 by way of order dated 31.10.2020 accorded sanction for engagement of the applicant as Registrar in the discipline of Obsts. & Gynae Govt. Medical College, Jammu for a duration of three years. It is the further case of the applicant that despite seeking permission to relieve her to enable her to join her new post, the respondents have not taken any action in relieving her. Hence, the applicant has filed the instant OA seeking the following reliefs:-

“Direction to the Respondent No.1 to relieve the applicant from the post of Medical Officer in District Hospital, Kathua so as to allow her to join as Registrar in the discipline of Obsts. And Gynae in Government Medical College Jammu in pursuance of her selection to the said post in term of office order no. 1050 of 2020 dated 31.10.2020.

Direction to the respondent No.2 to accept the joining of the applicant against the post of Registrar in the discipline of Obsts. and Gynae and to treat the period spent by her as Medical Officer towards service.”

2. Heard Mr. Pawan Dev Singh, Learned Counsel for the applicant and Mr. Sudesh Magotra, Learned Deputy Advocate General appearing for the respondents and gone through the OA and all the documents annexed to it.
3. We feel that ends of justice would be met if this OA is disposed of at admission stage with the following direction:-

“Respondent No.1 is directed to relieve the applicant as per rules from the post of Medical Officer, District Hospital, Kathua so as to allow her to join the post of Registrar in the discipline of Obsts. and Gynae in Government Medical College, Jammu. In case of the applicant being relieved, the respondent No.2 shall accept the joining of the applicant against the post of Registrar in the discipline of Obsts. and Gynae in Government Medical College, Jammu. In case the respondent does not intend to relieve the applicant, the respondent No.1 shall pass a reasoned and speaking order in this regard with intimation to the applicant. The entire exercise shall be completed within a period of 10 days from today. Learned Dy. Advocate General would inform the same to the respondents immediately.”

4. With the above observations, the OA is accordingly disposed of.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Rakesh Sagar Jain)
Member (J)