

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 787/2004

New Delhi, this the 31st day of August, 2004

Hon'ble Shri Shanker Raju, Member (J)

Hakim Wadud ul Hasan
S/o Maulana Nural Hasan,
R/o C-31, Minto Road

...Applicant

(By advocate Shri Pankaj Kumar)

Versus

1. Union of India,
through its Secretary, Ministry of Health
Deptt. of Ayurveda, Yoga, and Naturopathy
Unani, Siddha, and Homoeopathy
IRCS Building, Red Cross Road, New Delhi-1

2. Addl. Director,
Central Government Health Scheme,
Nirman Bhawan, New Delhi – 110 001

3. Administrative Officer, CZ
CGHS, Chitra Gupta Road
New Delhi.

...Respondents

(By advocate Shri S.M. Arif)

O R D E R (ORAL)

Heard the learned counsel.

2. In the light of the decision of this Bench in OA 1737/1995 in the case of Hakim Syed Ahmed vs. Union of India, this Tribunal had held that an adhoc employee is not duly appointed as government servant by the President. Accordingly, President's exercising power with regard to transfer would be without jurisdiction.

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3. This order of the Tribunal has been assailed before the High Court of Delhi in CWP 7432/2003 which has been made rule DB. However, there is no indication as to stay of the operation of the order.

4. It is a trite law that unless against the order passed by the Tribunal stay has been granted, it is to be treated as a binding precedent.

5. Accordingly, in the light of order the ratio (supra) I direct respondents to reconsider the orders passed by them transferring the applicant to Lucknow in the light of the above decision. A reasoned order shall be passed within fifteen days from the date of receipt of a copy of this order. Till then the applicant's status quo as already granted, shall continue. As OA stands disposed of. No costs.

S. Raju

(Shanker Raju)
Member (J)

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