

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No.2051/92

Date of decision: 10.05.1993.

Dr. Jayant Kaushal

...Petitioner

Versus

The Director General of Assam
Rifles and Others

... Respondents

Coram:- The Hon'ble Mr. I.K. Rasgotra, Member (A)
The Hon'ble Mr. J.P. Sharma, Member (J)

For the petitioner Shri Davi Rao, Counsel.

Judgement(Oral)
(Hon'ble Mr. I.K. Rasgotra)

Heard the learned counsel for the petitioner. The petitioner was appointed to the Central Health Services as Medical Officer under the Assam Rifles Shillong vide order dated 27.6.1985. Since then he has been working at Imphal with Assam Rifles. He represented for his transfer on 13.11.1991. The said representation came to be rejected vide order dated 4.12.1991. The petitioner was, however, transferred vide order dated 3.6.1992 from Assam Rifles to Central Government Health Scheme, Patna in 'public interest' with immediate effect. A copy of the said order was endorsed to the Director General, Assam Rifles, Shillong with the request that the petitioner be relieved of his duties immediately with instructions to report for duty to the Deputy Director, Central Government Health Scheme, Gandhi Nagar, Patna. In this O.A. filed under Section 19 of the Administrative Tribunals Act, 1985 on 6.8.1992 he is seeking implementation of the respondents order dated 3.6.1992.

2. The stand of the respondents in their counter-affidavit is that that the Assam Rifles has large number of vacancies of the Doctors. The Force is authorised 290 Civilian Medical Officers of which only 55 persons are presently posted. The deficiency thus is over 81%. In paragraph-4 of the counter-affidavit they have explained their helplessness as under:

"4. Under the constraints as explained above, the impugned order of transfer of the applicant could not be implemented immediately though efforts are being made in consultation with the respondent No.3 to get replacement for early relief of the applicant. The respondent No.3 in the meantime is keeping the post at Central Govt Health Scheme, Patna (Place of choice of the applicant) vacant."

3. The order transferring the petitioner was issued in June, 1992. It should have been possible for the respondents to find replacement for the petitioner. We are not aware of the latest position, as the learned counsel for the respondents is not present.

4. In view of the above we proceed to dispose of this O.A. with the direction that the respondents shall make arrangement to relieve the petitioner from his place of posting to take over his assignment at Patna in accordance with the order dated 3.6.1992 within a period of three months from the date of communication of this order. This O.A. is disposed of with the above directions. No costs.

Sharma
(J.P. SHARMA)
MEMBER(J)

San.

Singh
(I.K. RASGOTRA)
MEMBER(A)