

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.No.2435/93

New Delhi this the 25th Day of November, 1993.

Hon'ble Sh. B.N. Dhoundiyal, Member(A)

Shri Ashutosh Jain,
S/O Sh. Narendra Pal Naresh,
R/O 295, Bank Enclave,
(Near Laxmi Nagar),
Delhi-92.

Petitioner

(By advocate Sh. Shyam Moorjani)

versus

1. Union of India,
through the Secretary,
Ministry of Information & Broadcasting,
Shastry Bhavan,
New Delhi.
2. The Director General,
All India Radio,
Akashvani Bhavan,
Parliament Street,
New Delhi.

Respondents

ORDER(ORAL)

Heard the learned counsel for the applicant.
The applicant is a heart patient and was transferred from Chandigarh to New Delhi to work as Newsreader-cum-Translator (Hindi) to facilitate his treatment. He is under treatment in Ram Manohar Lohia Hospital and according to him there is blockage in two of his ^{lv}arteries with right coronary ^{lv}artery 100% blocked and left coronary artery 50% blocked. He was transferred initially to Portblair but later on on 8.4.93 the transfer order was modified posting him to All India Radio, Indore. By letter dated 27.8.93 the transfer order has been kept in abeyance till 13.11.93. A representation against transfer was made by the applicant on 14.4.93. The main grievance of the applicant is that this representation though followed by number of reminders has not yet been considered by the respondents.

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It is a settled law that transfer is an incident of service. The respondents have to take into account the transfer policy as laid down by the Government from time to time and have also to take into account the genuine difficulty of the employee. I, therefore, direct the respondents to satisfy themselves regarding the genuineness of the claim of the applicant as regards his heart condition and the treatment required and take a decision on his representation on this basis preferably keeping him at a place where his treatment can continue. The respondents shall consider his representation and take appropriate decision sympathetically within a period of two weeks from the date of communication of this order. Meanwhile, his transfer to All India Radio, Indore shall be kept in abeyance. The learned counsel for the applicant states that he has not been paid salary due to him ^{the same for} shall be released by the respondents immediately. In case the applicant is aggrieved by the decision taken on his representation, he will be free to approach this Tribunal again.

With the above observations, the O.A. is disposed of finally. No costs.

The learned counsel for the applicant undertakes to serve this order on the respondents dasti.

B.N. Dhoundiyal
(B.N. Dhoundiyal)
29/11/93
Member(A)