

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

AT ALLAHABAD

Allahabad this the 7th day of July, 2000.

Original Application no. 1358 of 1998.

Hon'ble Mr. M.P. Singh, Administrative Member

Dr. M.P. Srivastava, S/o Late A.P. Srivastava,
R/o 387, Baghambari Housing Scheme, Allahpur.
Allahabad.

C/A Shri Govind Saran

... Applicant

V E R S U S

1. Union of India, through Secretary, Government of India, Ministry of Health & For, Nirman Bhawan, New Delhi.
2. Additional Director/Joint Director Central Government, Health Scheme, Allahabad. Sangam Place, Civil Lines, Allahabad-211001.
3. Dr. B.N. Chakraverti, Joint Director, (Officiating Additional Director) Central Government, Health Scheme, Allahabad. Sangam Place, Civil Lines, Allahabad-211001

... Respondents

C/Rs - Shri A. Sthalekar

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ORDER

Hon'ble Mr. M.P. Singh, Member-A.

The applicant has filed this O.A. against the order dated 24.11.1998 passed by, Additional Director (Officiating), CGHS, Allahabad.

2. The brief facts of the case are that the applicant is posted as Chief Medical Officer in CGHS, Drumond Road, Allahabad, Dispensary no. 2 w.e.f. 09.02.1998. The respondent no. 2 vide order dated 16.11.1998, transferred the applicant to CGHS, dispensary no. 7 (Naini) with immediate effect till Dr. P.K. Tandon, Chief Medical Officer, who is on leave returns to his duty. The applicant was taking treatment from Senior Medical Specialist Grade I and was advised bed rest for 10 days with effect from 18.11.1998, therefore, he could not join the CGHS, dispensary no. 7 in pursuance of order dated 16.11.1998. The applicant has also sent a letter dated 20.11.1998 to the Secretary, Government of India, Ministry of Health and Family Welfare, New Delhi, through proper channel. Inspite of laps of one year the application was not forwarded to higher authorities. Respondent no. 2 vide its order dated 24.11.1998 modified order dated 16.11. 1998 and transferred the applicant to dispensary no. 7 on regular basis till further orders. It is alleged that due to the fact that the applicant has submitted a representation

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to the Ministry of Health, respondent no. 2 became bias and started harassing the applicant. Aggrieved by this the applicant has filed this and sought directions to the respondents not to disturb the posting of the applicant ~~from~~ dispensary no. 2 situated at Drumond Road, Allahabad, and has also sought direction not to post the applicant to any other dispensary which is at a long distance and which involves riskful journey Viz. dispensary no. 7, 5, 3 and 6.

3. The respondents have filed their CA and have stated that out of three doctors posted in the dispensary at Naini, one Dr. P.K. Tondon, went on leave from 16.11.1998 to 28.11.1998. To meet with the crisis, the applicant was directed to perform the duty at Naini dispensary till the return of Dr. P.K. Tandon from leave, vide order dated 16.11.1998. The applicant in the meantime got himself examined by Senior Medical Specialist, CGHS who advised him to avoide prolonged driving and to get CAT Scan of skull done. The applicant was re-examined on 28.11.1998 and after having found that nothing abnormal was detected in his CAT Scan of skull he was declared fit to perform duty.

4. Dr. P.K. Tandon joined duty on 30.11.1998 at CGHS dispensary. Meanwhile it was felt necessary to post one more Doctor at Naini on regular basis

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as the Incharge of the Naini dispensary had been persistently pressing very hard to have one more doctor on regular basis for smooth functioning of the Naini dispensary. In view of this position the applicant was directed to join duty at dispensary no. 7 on regular basis vide order dated 24.11.1998. The applicant has purchased a car by taking car loan advance from the Government. He is drawing Rs. 1650/- per month to maintain the car, known as 'conveyance allowance'. The applicant is furnishing a certificate every month to show that he is performing 20 demicialliary visits by car in order to justify the claim of Rs 1650/- per month. Hence it can not be said that the applicant can not undertake journey to Naini from Allahabad by car.

5. Heard learned counsel for the rival contesting parties and perused the records.

6. Transfer of a Government servant from one place to another is a incident of service, It is not in dispute that the applicant has a liability to serve on All India basis. Settled law by the Hon'ble Supreme Court is that the transfer of public servant made on administrative grounds in public interest should not be interfered with unless there are strong and pressing ground rendering transfer order illegal on the ground of violation of statutory rules or on ground of malafide. From the records placed



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before us, we find that the applicant was transferred from one dispensary to another within the same station. The applicant has failed to file any evidence in support of his allegation of malafide nor he has brought to my notice any statutory rule which has been violated by the respondents in transferring him from dispensary no. 2 (Drumond Road) to dispensary no. 7 (Naini). In view of the aforesaid reasons there are no grounds to interfere with the order dated 24.11.1998 passed by the respondents. The O.A. is, therefore, liable to be rejected.

7. In view of the above facts the O.A. is devoid of merit and is, therefore, dismissed. There shall be no order as to costs.


Member-A

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