

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 16th day of December, 2004.

Original Application No. 1575 of 2004.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.

Hon'ble Mr. D.R. Tiwari, Member - A.

Ritesh Kumar Chaudhary S/o Sri Yugal Kishore Chaudhary,
a/a 32 years, R/o Sri S.N. Kumar, 67/17, Nawab Yusuf
Road, near Sherwani Geep Factory, Civil Lines, Allahabd.

.....Applicant

Counsel for the applicant :- Sri R.K. Singh

V E R S U S

1. Union of India through its Secretary,
M/o Health and Family Welfare, Nirman Bhawan,
New Delhi.
2. The Director (Admn.)(SNG), Dtc. General of
Health Services, CGHS, I Section,
Nirman Bhawan, New Delhi.
3. The Additional Director, CGHS,
Kendranchal Colony, Kanpur.

.....Respondents

Counsel for the respondents :- Sri Saumitra Singh

O R D E R

By Hon'ble Mr. Justice S.R. Singh, VC.

The applicant, who is presently posted as Medical Officer, C.G.H.S, Pandu Nagar Dispensary, Kanpur, applied for his transfer to Allahabad on the ground that his wife Dr.(Mrs.) Sarita Chaudhary posted as Assistant Divisional Medical Officer in North Central Railway, Allahabad is staying there all alone with two years old baby and there ^{is} ~~is no~~ post lying vacant at Kanpur, the applicant requested for being transferred to Allahabad so that both of them ^{can} stay together. Applicant's request for transfer came to be forwarded to the Director,

DRS

Admn. (SNG), Dte, General of Health Services, CGHS, -I Section, Nirman Bhawan, New Delhi with a request that if the applicant's request for his transfer is acceded to then it would not be possible for office to relieve him without a substitute due to acute shortage of doctors. The applicant's request for transfer is yet to be considered and decided at the government level. By means of this O.A the applicant has prayed for setting aside the letter dated 06.07.2004 whereby his ~~old~~ request for transfer has been forwarded to the Ministry of Health and Family Welfare, New Delhi with the observation aforesated.

2. We find no good ground made for quashing the said letter merely because of the observation that it would not be possible to relieve the applicant without a substitute in the event of his request for transfer being acceded to. For that purpose, the Director Admn. (SNG) Dte. General of Health Services, CGHS, I Section, Nirman Bhawan, New Delhi while considering the request of the applicant for transfer may in the event of applicant's request being acceded ^{to} make ~~new~~ appropriate arrangement at CGHS, Pandu Nagar, Kanpur by providing a substitute. The other relief claimed in the OA is that the respondents be directed to consider the request of the applicant for transfer vide letter dated 29.11.2004 from Kanpur to Allahabad on sympathetic ground. Appropriate decision ^{is} to be taken at the government level, therefore, it would not be apt and proper for us to express any opinion as to the merits of the applicant for request of transfer. It would meet ends of justice if the O.A is disposed of with a direction to the respondents 1 and 2 to take appropriate decision on the applicant's request for transfer within a period of 15 days from the date of receipt of a copy of this order.

3. The O.A is disposed of at the admission stage itself in terms of above direction with no costs.

[Signature]
/Anand/

Member- A.

[Signature]
Vice-Chairman.