

2. ORDER DATED 01-10-2004.

By an order under Annexure-1 dated 20th October, 2002, the Applicant Dr. Nitai Chand Nayak (SMO) was asked to face transfer from Delhi to Bhubaneswar under CGHS Organisation. It was clarified in the said order that the transfer of the Applicant was in public interest. However, he was relieved from Delhi under Annexure-3 dated 23rd February, 2004 i.e. after a lapse of one and half years; although under Annexure-2 dated 11.12.2002 an Office Order was issued in support of the original transfer order under Annexure-1. Applicant joined at Bhubaneswar after remaining on medical leave for sometime, under Annexure-4 dated 5-5-2004; which factum was intimated to all concerned (all the Respondents) by an Office order issued under Annexure-6 dated 15-5-2004. However, by an order issued under Annexure-5 dated 5-5-2004, the original transfer of the Applicant (from Delhi to Bhubaneswar) was cancelled; which was intimated to the Applicant under Annexure-7 dated 8.6.2004. Being aggrieved by the said cancellation order under Annexure-5 dated 5.5.2004/ Annexure-7 dated 8.6.2004, the Applicant has filed the present Original Application under section 19 of the Administrative Tribunals Act, 1985 after submitting the representation under Annexure-9 dated 6.7.2004. It is the case of the Applicant that although his transfer from Delhi to Bhubaneswar has been cancelled,

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under Annexure-5 dated 5-5-2004/Annexure-7 dated 8-6-2004, he has not yet been relieved from Bhubaneswar. No reason has been given out in the cancellation order at Annexure-5 dated 5-5-2004 as to why the transfer order dated 28th October, 2002 has been cancelled on 5-5-2004. As it appears from Annexure-6 dated 15-5-2004, the Respondents at Headquarters of Department of Health/Ministry of Health were not aware of the joining of the Applicant at Bhubaneswar.

In the aforesaid premises, having heard Mr. Rabin Arayan Mishra, learned counsel appearing for the Applicant and Mr. U.B. Mohapatra, Learned Senior Standing Counsel appearing for the Respondents, this O.A. is disposed of, without going into the merits of the matter, at this admission stage, by granting liberty to the applicant to represent his grievances before the competent authorities/Respondents (against the orders under Annexures-5 and 7) within a period of seven days hence and in the event any such representation is filed by the Applicant, the competent authorities/ Respondents should consider the same within a period of forty (40) days from the date of receipt of the representation. The Respondents should communicate the result of the said consideration to the Applicant, and if his grievances are not redressed to the satisfaction of the applicant, then he shall remain free to approach this Tribunal, if so advised. Till then STATUS QUO

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free copy of order
of 1.10.04 issued to
the counsel for
both sides.

M. T. Roy

1/10/04
S.D.

On. 28. 10.04

Copies of order
Copies of OA 627/04
to all the respn.

15/10

M. T. Roy
28/10/04

of the applicant as on today, shall be
maintained without relieving him/by
allowing him to continue at Bhubaneswar.

Send copies of this order to
the Respondents alongwith copies of the OA
and free copies of this order be given
to learned counsel for both sides.

MEMBER (JUDICIAL)

VICE-CHAIRMAN

MEMBER (JUDICIAL)

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01.10.04