

4
**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

OA No. 248 of 2012

Cuttack, this the 27th day of March, 2012

CORAM

THE HON'BLE MR.C.R.MOHAPATRA, MEMBER, (ADMN.)

And

THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDL.)

.....

Smt. Saraswati Tripathy, aged about 56 years, W/o. Sri Basudev Sahoo resident of Tumkela, PS-Lahunipara, Dist. Sundergarh, working as Dy. Nursing Superintendent, Ispat General Hospital, Rourkela Steel Plant, Dist. Sundergarh.

....Applicant

By legal Practitioner-M/s.Pami Rath, J.Mohanty, Counsel

-Versus-

1. Ispat General Hospital, Rourkela Steel Plant represented through its Director I/c (M&Hs),Rourkela, Dist. Sundergarh.
2. Sr. Dy. Director (M& Admn.), Ispat General Hospital, Rourkela Steel Plant, Dist. Sundergarh.
3. Anjelina Dadel working as Dy. Nursing Superintendent, Ispat General Hospital, Rourkela Steel Plant, Dist. Sundergarh.

....Respondents

By Legal Practitioner – Mr.U.B.Mohapatra, SSC

.....

ORDER

C.R.MOHAPATRA, MEMBMER (ADMN.):

In this OA the prayer of the Applicant is to quash the deployment order dated 08.02.2012 issued by the Respondent No.2, the order dated 13.3.2012 rejecting her representation submitted against the order of deployment dated 08.02.2012 and the order dated 14.03.2012 posting the Respondent No.3 in place of the Applicant as In charge of Psychiatric Ward.

R

2. Heard the parties.

Ms.Pami Rath, Learned Counsel for the Applicant contends that by the deployment the applicant has to work under her junior which will be quite humiliating. She made representation against deployment in ICU stating her personal difficulties including health problem but the same was rejected by the Respondent-Department. Therefore, the applicant has filed this second round of litigation more or less raising the same points as were raised in the earlier OA No. 12 of 2010 which was disposed of by this Tribunal on 23rd February, 2012 by directing the Respondent-Department to consider and dispose of the pending representation of the applicant and communicate the result thereof in a speaking order within a period of two weeks from the date of receipt of copy of the order of this Tribunal.

3. While considering the arguments advanced by Ms. Rath, Learned Counsel appearing for the Applicant, we have also perused the materials placed on record. We find that there is no transfer of the applicant from one station to another. It is merely a case of deployment from one unit to

L

6


another i.e. Psychiatric to ICU which is within the campus of IGH. There is no provision or rule to say that the applicant is exempted from deployment to ICU unit of the Hospital. Deployment of staff from one unit to the other is within the domain of the Hospital Authority in the best interest of the Hospital and patients at large. Except bald submission, no material including gradation list has been placed before us to show that Respondent No.3 although junior to the Applicant, would supervise the work. When asked about the question of seniority, Learned Counsel for the Applicant submitted that no gradation list has been circulated and, therefore, she is unable to place the same before us. No where in the impugned order dated 8.2.2012 it has been mentioned that the applicant has to report/work under the administrative control of Respondent No.3. Be that as it may, this Tribunal is strongly of the view that this is not a case of transfer and even if it is one, such type of cases does not warrant interference by this Tribunal. The matter should be best left to the authority to decide as to who is fit for which post in the interest of the Hospital Administration and patient care.


L

7

This apart, the order of rejection clearly shows that the deployment of the applicant to ICU in IGH was done on the ground that she being a well experienced employee, her service can be better utilized for critical patients who are admitted in ICU of Ispat General Hospital. In view of the above, we refrain from interfering in the matter. Accordingly this OA stands dismissed by leaving the parties to bear their own costs.

As prayed for urgent certificated copy of this order be given to Learned Counsel for the Applicant, as per Rules.


(A.K.PATNAIK)
Member (Judicial)


(C. R. MOHAPATRA)
Member (Admn.)