

Central Administrative Tribunal, Lucknow Bench, Lucknow
Original Application No.443/2003 and CCP No.8/2004
this the 7th day of July, 2004

HON'BLE SHRI S.P. ARYA, MEMBER (A)

HON'BLE SHRI M.L.SAHNI, MEMBER (J)

O.A. NO. 443/2003

Dr. Jai Karan, aged about 46 years son of Sri Ram Baran presently posted as Regional Director, Health and Family Welfare, Govt. of India, Lucknow and resident of 31 Type V-A, Akansha Parisar Pocket , Block B, Jankipuram, Lucknow.

...Applicant

By Advocate: Sri I.H. Farooqui.

Versus

1. Union of India through its Secretary, Health Department, New Delhi.
2. Dy. Secretary to the Govt. of India, Department of Health, New Delhi.
3. Director General, Health Services, Govt.of India, Nirman Bhawan, new Delhi.
4. Director, National Anti Malaria Programme, 22, Sham Nath Marg, New Delhi.

...Respondents

By Advocate: Sri G.S. Sikarwar and Sri Sunil Sharma

CCP No. 8/2004

Dr. Jai Karan, aged about 47 years son of Shri Ram Baran, presently posted as Regional Director, Health and Family Welfare, Govt. of India, Lucknow and resident of 31, Type V, Akansha Parisar ,Pocket B, Jankipuram, Lucknow.

...Applicant

By Advocate: Sri I.H.Farooqui

Versus

1. Shri J.V.R. Prasada Rao,Secretary to the Govt. of India, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi.
2. Dr. S.P.Agrawal, Director General, Health Services,

Govt. of India, Ministry of Health and Family Welfare, New Delhi.

3. Dr. Jotna Shokhey, Director, National Anti- Malaria Programme, 22, Sham Nath Marg, Delhi-110054.

...Respondents

By Advocate:Sri G.S.Sikarwar and Sri Sunil Sharma

ORDER (ORAL)

BY HON'BLE SHRI S.P. ARYA, MEMBER (A)

The applicant filed this Original Application with a prayer to quash the transfer order dated 11.9.2003 transferring him from Lucknow to Ahmedabad.

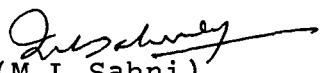
2. Heard counsel for both the parties and perused the pleadings.

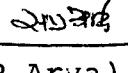
3. O.A. No. 443/2003 and CCP No. 8 of 2004 is disposed of by a common order.

4. Counsel for applicant states that applicant is willing to join to the transferred post at Ahmedabad and the O.A. is not pressed. However, he states that the applicant in pursuance of the order dated 19.9.2003 did not move on transfer ⁿ ~~place~~ as the maintenance of status quo was ordered, he should be given the pay for the period as he has not been paid salary for the period.

5. The contempt application for non compliance of the order with regards to ^{new} payment of salary and for not giving the powers of the Head of Department. The applicant was retained at Lucknow in compliance of status quo order dated 19.9.2003. He would be entitled to the salary in accordance with existing rules and instructions. The respondents are, accordingly, directed to pay salary admissible to the applicant during the period of status quo and his retention at Lucknow in accordance with rules and instructions in this regard.

6. With the above directions, O.A. and CCP are disposed of. No costs.


(M.L.Sahni)
Member (J)


(S.P.Arya)
Member (A)