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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

[REDACTED]
NEW BOMBAY BENCH

Stamp No. 776/89

O.A. No.

198

T.A. No.

27.10.1989

DATE OF DECISION _____

Dr. Bhalchandra Maganlal Rana, _____
Petitioner

Shri D.V. Gangal _____
Advocate for the Petitioner(s)

Versus

Union of India & Ors. _____
Respondent

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.B. Mujumdar, Member (J),

The Hon'ble Mr. M.Y. PRIOLEKAR, Member (A).

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*2. To be referred to the Reporter or not? *No*3. Whether their Lordships wish to see the fair copy of the Judgement? *No*4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

(2)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Stamp Application No.776/89.

Dr.Bhalchandra Maganlal Rana. ... Applicant.

V/s.

Union of India & Ors. ... Respondents.

Coram: Hon'ble Member(J), Shri M.B.Mujumdar,
Hon'ble Member(A), Shri M.Y.Priolkar.

Appearances:

Mr.D.V.Gangal, advocate
for the applicant.

Oral Judgment:-

{Per Shri M.B.Mujumdar, Member(J)}

Dated: 27.10.1989

Heard Mr.D.V.Gangal for the applicant.

2. After obtaining M.B.B.S. Degree, the applicant was appointed as House Surgeon in 1972. In 1976 he obtained M.S. degree and in 1978 he was appointed as Surgeon in the scale of 1100-1600 (un-revised). He was regularised in that post in 1981. The same post of Surgeon was re-designated as Senior Surgeon in 1982, but the scale was kept the same. Since 1985 the applicant was working as Senior Surgeon in the Hospital at Ponda, Goa. In view of the provisions of the Goa, Daman and Diu Reorganisation Act, 1987 Goa became a State. Thereafter, options were called and the applicant opted for Union Territory of Daman and Diu. By order dt. 10.5.1988 the applicant was transferred and posted at Marwad Hospital, Marwad, Daman. By the same order one Dr.C.A.Jog, Senior Surgeon who was working at Marwad Hospital, Marwad, Daman was transferred

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and posted in the Directorate of Health Services, Panaji, Goa. By order dt. 13.5.1988 the applicant was relieved and directed to report before the Senior Surgeon Marwad Hospital, Marwad, Daman. By letter dt. 23.5.1988 addressed to Dr.C.A.Jog, Senior Surgeon, working in the Government Hospital at Daman, ^{he} was informed that the Administrator of Daman and Diu had decided to retain him at Daman and hence he cannot be relieved until further orders. In view of ^{letter} this, another order was passed on 16.8.1988 by which the applicant was posted as Sr. Surgeon to officiate as Chief Medical Officer, Daman & Diu, Daman w.e.f. 16.8.1988. That order is carried out and the applicant has no grievance about that order.

3. But, by a subsequent order dt. 12.10.1989, at Annexure 'A' to the application, the applicant is transferred and posted as Senior Surgeon in the Primary Health Centre at Diu. By the same order he is relieved on the same day and directed to join at Diu immediately without availing joining time. His pay and allowances are directed to be adjusted against the vacant post of Senior Surgeon (Ophthalmologic). The applicant has challenged this order by filing this application.

4. According to the applicant, after the above order was passed he had gone to Panaji for conducting some departmental inquiry as Assistant Defence Counsel on behalf of a Nurse as per the High Court's order. From 23.10.1989 he has asked for leave, and according to the applicant he has not yet handed over the charge as per the order dt. 12.10.1989.

5. Mr.Gangal learned advocate for the applicant

drew our attention to the guidelines regarding transfer issued by the Government of Goa, Daman and Diu in its O.M. dt. 5.6.1985. But, after all, these are guidelines which were issued when Goa was still an Union Territory. We do not think that all these guidelines can be followed in a small territory like Daman and Diu, where some departure due to administrative exigencies is unavoidable.

6. What is more important is that by the impugned order dt. 12.10.1989 the applicant is relieved on the same day. On transfer his pay is not going to be affected in any way.

7. Hence we find no substance in this application and hence reject the same summarily under section 19(3) of the Administrative Tribunals Act, 1985.

8. After the above order was dictated the applicant's advocate requested for staying the impugned order dt. 12.10.1989 for the purpose of approaching the Supreme Court. But as we have never stayed it there is no question of staying it after this order.


(M.Y. PRIOLKAR)
MEMBER (A)


(M.B. MUJUMDAR)
MEMBER (J).