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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH: HYDERABAD

D.A. NO. (90)90

T.A. NO.

DATE OF DECISION 12-3-90

Petitioner

Advocate for the
Petitioner (s)

Versus

Respondent

Advocate for the
Respondent (s)

CORAM

The Hon'ble Mr. B-N. Jayaswara, Hr.

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not?
3. whether their Lordship wish to see the fair copy of the Judgment?
4. whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice-Chairman on columns 1,2,4, (To be submitted to Hon'ble Vice-Chairman where he is not on the Bench)

B-NJ
(B-NJ)
B-NJ

(13)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.NO. 190 of 1990

Date of Order: 12/03/1990

Dr.G.Sunder Raj

..Applicant

Versus

Government of India,
rep. by Secretary, Ministry of
Railways, New Delhi.

2. General Manager,
South Central Railway,
Secunderabad.

..Respondents

For Applicant: Mr.G.Bikshapathi, Advocate

For Respondents: Mr.N.R.Devaraj, SC for Railways

C O R A M:

HON'BLE SHRI B.N.JAYASIMHA: VICE CHAIRMAN

(Judgment delivered by Hon'ble Shri B.N.Jayasimha, VC)

1. The Applicant herein is an Assistant Divisional Medical Officer, South Central Railway, Lalaguda Hospital, Secunderabad. He has filed this application questioning the order of transfer issued in Office Order No.47/90 dated 16-2-1990 by the General Manager-2nd respondent herein, transferring him from Railway Hospital, Lalaguda, to Railway Hospital, Hubli.

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2. The applicant states that he is the only doctor with MD (Chest Diseases) qualification in the entire South Central Railway Hospital Organisation. He has been discharging his duties to the entire satisfaction of his superiors. He has been looking after the chest diseases ward and chest clinic from the time of his posting in October, 1987. He is also the honorary Assistant Professor of Chest Diseases of Deccan College of Medical Sciences, which is recognised by the South Central Railway. However, he is being posted in General OPD from November, 1989.

3. The applicant states that his wife is employed as Teacher in Kendriya Vidyalaya, Eddumailaram at the Ordnance Factory Project. The children of the applicant are studying in 1st and 3rd classes with telugu as their first language. The applicant contends the transfer would severely dis-locate the family and also the education of the children. The ~~wife~~ wife of the applicant is also working as a teacher in the Central Organisation and as per the directions of the Government, the wife and husband are to be posted at one place as far as possible. He also says that he has not completed three years of stay at Lalaguda hospital. One Dr. Sunil ^{Sen} has been ~~Asst.~~ Asst. Divl. Medical Officer (Chest) posted to Hubli Hospital and he has proceeded on leave. There is no vacancy at Hubli Hospital unless the transfer order of Dr. Sunil Sen is cancelled. The applicant further states that no one has been posted in his place at Lalaguda Hospital. For these reasons, the applicant has filed this application.

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4. I have heard Shri Bikshapathi, learned counsel for the applicant and Shri N.R.Devaraj, Standing Counsel for the Railways.

5. Shri Bikshapathi states that the applicant has been on leave from 2-3-1990 and the post has not been filled up. Shri Devaraj states that the applicant had been earlier transferred to Vijayawada and at the request of the applicant the same was kept in abeyance. He also states that so far no one has been posted in the applicant's place in the Lalaguda Hospital. He further states that although the Order for relieving ~~been~~ has been issued by the Railway Administration, the applicant has been evading to receive the same.

6. I have considered the facts stated in this application and the arguments advanced by the learned counsel for the applicant and the learned Standing Counsel for the Department. The applicant submitted a representation on 20.2.90 to the respondents for reconsidering the order of transfer. That is yet to be disposed off. Shri Bikshapathi states that the applicant has approached this Tribunal without waiting for the period prescribed for the disposal of the representation as the matter is urgent. On a contention of the submissions made, it appears to me that the respondents themselves should consider the grievance of the applicant in the first instance. In the result, I direct that the representation of the applicant dated 20-2-1990 should be disposed of by the respondents as soon as possible

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and till such time the respondents dispose of the representation the applicant will be allowed to continue at Lalaguda Hospital. The respondents may sanction leave to which he is eligible for the period from 6-3-1990 till he reports for duty. The application is disposed of with the above directions. No costs.

B.N.Jayashimha
(B.N.JAYASIMHA)
VICE CHAIRMAN

Dated: 12th March, 1990
(Dictated in open court)

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DEPUTY REGISTRAR(J)

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sqh/vcr.

TO:

1. The Secretary, (Government of India) Ministry of Railways, New Delhi.
2. The General Manager, south central railway, Sec'bad.
3. One copy to Mr. B. Bhikshapathi, Advocate, 16-9-749/41, Race Course Road, Old malakpet, Hyderabad-500 036.
4. One copy to Mr. N. R. Devaraj, SC for Rlys., CAT, Hyderabad.
5. One spare copy.

• • •

k.j.

Draft by: Checked by: Approved by
D.H.(S)

Typed by: Compared by:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

HON'BLE MR. B. N. JAYASIMHA: (V.C.) ✓
A N D

HON'BLE MR. D. SURYA RAJ: MEMBER (JUDG.)
A N D

HON'BLE MR. J. NARASIMHA MURTHY: (R) (J)
A N D

HON'BLE MR. R. BALASUBRAMANIAN: (M) (A)

DATED: 12-3-90

ORDER/JUDGMENT: ✓

M.A./P.A./C.A./No.

J.A.No.

(W.F. No.)

D.A.No. 190/90

Admitted and interim directions issued.

Allied.

Dismissed.

Decided of with direction No. 10843.

H.A. Ordered.

No order as to costs.

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