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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA.301/93

date of decision : 8-4-93

Between

Dr. K. Jalaiah

: Applicant

and

1. The Govt. of India, rep. by
The Secretary
Ministry of Railways
New Delhi

2. The Chairman
Railway Board
Rail Bhavan
New Delhi

3. The General Manager
South Central Railway
Secunderabad

4. The Chief Personnel Officer
South Central Railway
Secunderabad

5. Dr. M.L. Imtiaz
Divisional Medical Officer
Sub-Divisional Railway Hospital
Purna

: Respondents

Counsel for the Applicant

: G. Bikshapathi
Advocate

Counsel for the Respondents

: N.R. Devaraj, Standing
Counsel for Railways

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HON. MR. JUSTICE V. NEELADRI RAO, VICE-CHAIRMAN

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, Vice-Chairman)

h The applicant is working as Medical Superintendent at
Purna. Respondent-3, the General Manager, South Central Railway,

transferred the applicant from Purna to Donakonda by proceedings dated 24-8-1992. The said order was challenged by the applicant in OA.779/92 and the same was disposed of on 9-9-92 by observing that Respondent No.2, the Chairman, Railway Board, may consider the representation of the applicant in the matter. By order dated 15-3-1993, Respondent-2 decided that the transfer of the applicant from Purna to Donakonda was ordered in the Administrative interest.

2. This OA was filed praying for declaration that the proceedings dated 15-3-1993 of Respondent-2 transferring the applicant from Sub-Divisional Hospital, Purna, to Health Unit, Donakonda, ~~as~~ ^{are} illegal, arbitrary and malafide.

3. The argument which was advanced for the applicant is as under :-

This order of transfer was issued by way of victimisation when the applicant complained against Respondent-5, who is working under the applicant in the Sub-Divisional Hospital at Purna in regard to his various activities and it is ~~further made~~ ^{evident from the} ~~fact~~ ^{fact} clear that the transfer is to a place where there is only one Doctor while there are five Doctors under the applicant in the Sub-Divisional Hospital at Purna. As Respondent-5 is having connection with higherups ^{or he} and is wielding influence because of his connections ^{with} ~~over~~ higherups, he was not transferred for his mis-deeds and ^{on the other hand} the applicant is transferred. It is further stated ~~for~~ the applicant that he is not particular of working at Purna and ^{he} is prepared to go to any Sub-Divisional or Divisional or any Health Unit or Poly Clinic Hospital/where his services can be fully utilised.

4. Shri N.R. Devaraj, learned counsel for the Railways, stated that he was instructed to submit as under :

The Doctors who are working at Railway Hospital at ~~Thuni~~ ^{Tuni}, Samalkot, Bhimavaram, and Nandyal are also of the cadre of

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To

1. The Secretary, Govt. of India,
Ministry of Railways, New Delhi.
2. The Chairman, Railway Board, Rail Bhavan, New Delhi.
3. The General Manager, S.C. Railway, Secunderabad.
4. The Chief personnel Officer, S.C. Rly, Secunderabad.
5. Dr. M. L. Imtiaz, Divisional Medical Officer,
Sub-Divisional Railway Hospital, Purna.
6. One copy to Mr. G. Bikshapathi, Advocate, CAT. Hyd.
7. One copy to Mr. N. R. Devraj, SC for Rlys. CAT. Hyd
8. One copy to Library, CAT. Hyd.
9. One spare copy.

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Medical Superintendent (MS) and there is only one Doctor in each of these hospitals. When Respondent-5 herein had not reported for duty even when his leave was refused, the authority intends to take disciplinary action against him in regard to the same and that fact itself negatives the contention for the applicant that he is having contacts with higherups and that he is wielding influence ^{with} ~~over~~ higherups and hence they are afraid of taking action against him.

5. After going through various material papers that are filed alongwith the OA, I feel that it cannot be stated that Respondent-2 was not justified in deciding that the transfer of the applicant from Purna to Donakonda was in Administrative interest.

6. The learned counsel for the applicant submitted that ^{if} the relief as claimed in this application is not granted, he may be permitted to make a representation to the concerned authority for consideration of his transfer to any Sub-Divisional or or any Health Unit or Poly Clinic where there will be more than 2 Divisional Hospitals and when vacancies arise. I feel that in these circumstances this Tribunal fondly hopes that the General Manager, South Central Railway, will give due consideration for request on such representation keeping in view the Administrative interest.

7. It is stated that no one is yet posted as Medical Superintendent of the Sub-Divisional Hospital at Purna in the place of the applicant. So, in the circumstances, it is just and proper to order that the applicant should be allowed to work in the Sub-Divisional Hospital at Purna till he is relieved by a Medical Superintendent who may be posted in his place.

8. The OA is ordered accordingly. No costs.

V. Neeladri Rao
(V. Neeladri Rao)
Vice-Chairman

Dated : April 8, 93
Dictated in the Open Court

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8/3/93
Deputy Registrar

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TYPED BY,

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. R. BALASUBRAMANIAN :
MEMBER (ADMN)

AND

THE HON'BLE MR. T. CHANDRASEKHAR
REDDY : MEMBER (JUDL)

DATED: 8 - 4 - 1993

ORDER/JUDGMENT

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

in

O.A.No. 301/93

T.A.No.

(W.P.No

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed as withdrawn.

Dismissed

Dismissed for default.

Ordered/Rejected.

No order as to costs.

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