

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD.

O.A No.445/96.

Date of Order: 9.4.96.

Between:

Dr. S. Vijay Kumar ... Applicant.

AND

1. The Additional Director,
Central Government Health Scheme,
Kendriya Swasthya Bhavan,
Begum Pet, Hyderabad.

2. The Director General of Health
Services, Union of India,
Nariman Bhavan, New Delhi.

3. Union of India, rep., by the
Secretary, Ministry of Health,
Central Secretariat,
New Delhi. ...

Respondents.

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Counsel for the Applicant. ... Mrs. Thripura Sundari

Counsel for the Respondents. ... Mr. V. Rajeswara Rao.

CORAM:

HON'BLE R. RANGARAJAN : MEMBER (ADMN.)

JUDGEMENT

(As per Hon'ble Shri R. Rangarajan, Member(Admn.))

Heard Mrs. S. Thripura Sundari, learned counsel for the applicant and Mr. V. Rajeswara Rao, learned standing counsel for the respondents.

2. The applicant in this OA is a Chief Medical Officer working in Central Government Health Scheme, Head Office, Begumpet, Hyderabad. By the Impugned order No. A. 22011/1/95 GGHS/TF/C/8016-24 dated 4.3.96 he was transferred from Head

Office to Malakpet in the same grade. This application is filed assailing the transfer order issued by R1.

2. The learned counsel for the applicant submits by the order No. A 22020/1/95-CGHS-I dated 17.1.96 (Page-6) the Senior Chief Medical Officers should be retained in the headquarters hospital and only the Junior Chief Medical Officers are to be transferred to outside health units. It is further submitted that one Dr.M.V.R.Reddy who is junior to the applicant herein was retained in the headquarters hospital, Begumpet whereas the applicant who is senior to him is transferred to Malakpet which is against the order dated 17.1.96. It is also submitted that when a similar transfer was made earlier the Director General of Health Services has taken objection to it. Hence the transfer of the applicant herein is illegal and has to be set aside.

3. Normally this Tribunal does not interfere with the transfer orders unless it is shown that such transfer orders are issued due to malafide intention or in violation of statutory rule. Eventhough the order dated 17.1.96 is not a statutory one and is an administrative order I feel it is fit case to remit it back to R2 to decide this issue, if a representation in this connection is submitted to R2. It is stated for the applicant that a representation in this connection to R2 will be submitted within a period of 15 days from today.

4. Hench the following direction is given:-
If the applicant submits a representation for retaining him in the headquarters hospital at Begumpet to R2 within a period of 15 days from today the same has to be considered in accordance with the rules/regulations and has to be disposed of by R2

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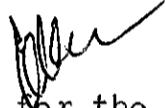
within a period of 30 days from the date of receipt of that representation.

5. The O A is ordered accordingly at the admission stage itself. No costs.

CERTIFIED TO BE TRUE COPY

Sd/- xx xx
COURT OFFICER
Central Administrative Tribunal
HYDERABAD BENCH.

//True copy//


Counsel for the Applicant