

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.350/97

dt.1-4-97

Between

Dr. Lakshmi K. Rao : Applicant

and

1. Addl. Director
OGHS, Kendriya Swasthya Sadan
Prakashnagar
Near Airport, Begumpet
Hyderabad

2. Under Secy., to Govt. of India
Min. of Health and Family Welfare
Nirman Bhavan
New Delhi : Respondents.

Counsel for the applicant : Ch. Jagannatha Rao
Advocate

Counsel for the respondents : V. Rajeswara Rao
Addl. CGSC

CORAM

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.) *✓*

Judgement

Oral order (per Hon. Mr. H. Rajendra Prasad, Member (Admn))

Heard Sri Ch. Jagannatha Rao for the applicant and Sri V. Rajeswara Rao for the respondents.

1. When the case came up for admission yesterday, it was suggested to Sri Rajeswara Rao that he might obtain necessary instructions from the local respondents since, *prima facie*, there were many questions which remained to be answered. Mr. Rajeswara Rao has since received some instructions which, however, do not at all help in resolving the issues in this OA.
2. On 31-1-1997 the Ministry of Health and Family Welfare issued orders transferring a number of Medical Officers/CMOs from their existing appointments. The present applicant, who was working with SVP NPA, was posted to CGHS, Hyderabad. Although ^{the} order did not clearly indicate that the applicant was posted *vice* Dr. Mrs. D. Hymavathi, CMO, CGHS, Hyderabad, it is apparent that these two officers were interchanged in the said posting order. It is not known when these orders were received by the Additional Director, CGHS, Hyderabad. Although there are two parallel and conflicting endorsements made by two Additional Directors, each bears the same date i.e. 24-2-1997. This is explained by Sri V. Rajeswara Rao to say that during that period two officers were functioning in the same post. On the strength of these endorsements Sri Rajeswara Rao asserts that the

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transfer orders dated 31.1.1997 were received by Additional Directorate of CGHS on a date not earlier than 24.2.1997. On the face of it, this statement strains credulity. There is also the relief order of the applicant from SVP NAP dated 17.2.1997. The relief of the applicant from the Academy was in pursuance of the same transfer order. The submission of the respondents that the Ministry's order dated 31.1.1997 were received by them on 24.2.1997 is, therefore, patently unacceptable and is rejected. It is apparent that the transfer orders were received much before 24.2.1997, and at any rate not later than 17.2.1997, the date on which the SVPNPA relieved the applicant. Be that as it may, the orders of the Ministry bear an indication that the officers of CGHS, Hyderabad, will move first. Notwithstanding this direction no action appears to have been taken to comply with this order in so far as Dr. Hymavathi is concerned, since it is reported that she applied for and was allowed to proceed on leave only from 1.3.1997.

3. The position, therefore, is that the applicant has been relieved on 17.2.1997. Since the Academy had not received any communication from the CGHS, not to relieve the applicant, she sought relief, as mentioned, and reported for duty along with the relief order on 18.2.1997, as stated by her. She is also reported to have addressed the Additional Director on 22.2.1997 (by Registered Post AD) requesting that she be admitted for duty.

4. Dr. Hymavathi is at present on leave upto 4.4.1997. The learned Additional Standing Counsel could not obviously state whether she would report back on 7th April, 1997, on the expiry of her leave, or would extend her leave. In the meanwhile, the applicant has been relieved from her previous

JW/JM

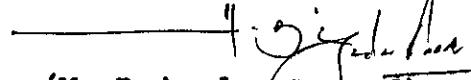
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appointment and is awaiting admittance to the post to which she has been transferred, i.e., CGHS, Hyderabad. The Additional Director-General, CGHS belatedly addressed SVP NPA, asking them not to relieve the applicant, informing them that it will not be possible for them to admit the applicant on the ground that the officers of CGHS were required to move first. The Academy, on their part, replied that it would not be possible to take back the applicant as she has already been relieved on 17.2.1997. They urged the Additional Director, CGHS, to relieve Dr. Hymavathi, early after expiry of her leave.

5. Considering the circumstances brought out by the applicant, and the facts as mentioned by the respondents during the hearing of the case, it is obvious that local CGHS Additional Directorate has acted in a casual manner without any meaningful effort to find a solution to the problem, and also in the process disregarding the instructions of their own Ministry. The applicant cannot be faulted for the situation that has arisen now, even if it is true that she got herself relieved from the Academy at her own request.

6. It is, therefore, directed that the applicant Dr. Lakshmi K. Rao, be admitted to duty on 7.4.1997, at the latest. The intervening period between 18.2.1997 and 7.4.1997 shall be regularised by grant of eligible leave, if the applicant applies for the same.

7. Thus, the OA is disposed of at the admission stage.


(H. Rajendra Prasad)
Member (Administrative)

April 1, 1997

for the record
Deputy Registrar (D) ce

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To

1. The Addl. Director, CGHS,
Kendriya Swasthya Sadan, Prakashnagar,
Near Airport, Begumpet, Hyderabad.
2. The Under Secretary to Govt.of India,
Ministry of Health and Family Welfare,
Niraman Bhavan, New Delhi.
3. One copy to Mr.Ch.Jagannatha Rao, Advocate, CAT.Hyd.
4. One copy to Mr.V.Rajeswar Rao, Addl.CGSC.CAT.Hyd.
5. One copy to D.R.(A) CAT.Hyd.
6. One copy to Hon'ble Member(A) CAT.Hyd.
7. One spare copy.

pvm

SPC
25/4/97

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE
VICE-CHAIRMAN
and

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

Dated: 1 - 4 - 1997

ORDER/JUDGMENT

M.A./R.A./C.A.NO.

in

C.A.No. 350/97

T.A.No.

(w.p.)

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No order as to costs.

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केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
DESPATCH

- 7 APR 1997

HYDERABAD