

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.540/97

Date of Order: 8.5.97

BETWEEN:

Dr.Rekha Chandra

.. Applicant.

AND

1. Union of India. rep. by its
Secretary to the Govt., Ministry
of Health & Family Welfare,
Nirman Bhavan, New Delhi.
2. The Additional Director,
Central Govt. Health Scheme,
Kendriya Swasthya Bhavan,
Begumpet, Hyderabad.

.. Respondents.

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Counsel for the Applicant

.. Mr.V.Venkateswara Rao

Counsel for the Respondents

.. Mr.N.R.Devraj

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CORAM:

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

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

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J U D G E M E N T

X Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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Heard Mr.V.Venkateswara Rao, learned counsel for the applicant and Mr.N.R.Devraj, learned standing counsel for the respondents.

2. Mr.V.Venkateswara Rao submits that no objection certificate was given to him to handle this case by Mr.N. Rama Mphana Rao. He has also filed vakalat in this case.

3. The applicant is presently working as CMO in CGHS, Humayun Nagar, Hyderabad. She was transferred by the impugned order dt. 31.1.97 (A-16). She has been posted to Labour Welfare Organisation, Hyderabad, against the vacant post. The applicant

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submits that if she is posted LWO organisation she may be shifted out of Hyderabad ~~also~~ as there are number of dispensaries in Labour Wing ^{organisation} outside Hyderabad. ~~also~~. She further submits that she has a case for posting her in Hyderabad in CGHS unit.

4. The applicant submits that she is a specialised Paediatrician. Hence her services can better be utilised in Hyderabad instead of posting her ^{to} ~~in~~ LWO where her services may not be of much use. She has some family problems also to go outside Hyderabad.

5. This OA is filed challenging the impugned proceedings dt. 31.1.97 and also the order No.A.22012/17/94-CHS.II, dt. 21.4.97 (A-17) whereby certain Doctors are allowed to continue in Hyderabad under R-1 and a consequential direction to set aside those orders and retain her at CGHS, Hyderabad.

6. The learned counsel for the respondents submits that the order dt. 21.4.97 was not known to him and has not been intimated to the counsel. Hence he pleads that challenging that order may not be appropriate. It is further stated that the order dt. 21.4.97 is a truncated order.

7. Be that as it may, the question that is to be looked into is whether the transfer order dt. 31.1.97 is to be set aside or not. The applicant herself has submitted a detailed representation to R-1 dt. 5.3.97 explaining her position and requesting for retaining her in CGHS, Hyderabad. That representation is still to be disposed of.

8. In view of the facts and circumstances of this case following direction is given:-


R-1 should dispose of the representation of the applicant dt. 5.3.97 expeditiously by a speaking order. Till

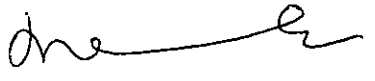
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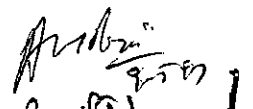
such time, the representation is disposed off, she should be allowed to continue in the present post. If a relief has already been posted vice her she should be allowed to continue in the present post till the reliever joins at Hyderabad. If her reliever joins in the intervening period before the disposal of her representation she should be allowed to go on leave in accordance with the rules. In that case the applicant should submit a leave application requesting the respondents to grant her leave till the disposal of her representation.

9. The OA is ~~ordered~~ accordingly at the admission stage itself. No costs.


(B.S. JAI PARAMESHWAR)
Member (Judl.)
8/5/97


(R. RANGARAJAN)
Member (Admn.)

Dated: 8th May, 1997
(Dictated in Open Court)


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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

✓
THE HON'BLE SHRI R.R. S. RAJAN : M(A)

AND

✓
THE HON'BLE SHRI B.S. JAI PARAMESHWAR:
M(J)

DATED: 8/5/97

ORDER/JUDGEMENT

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

in

O.A.No.

540/97

ADMITTED INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS
DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

II COURT

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केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal प्रेषण/DESPATCH 19 MAY 1997 हैदराबाद बेंच HYDERABAD BENCH
