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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No 541/97

Date of Order: 5.5.97

BETWEEN :

Dr. G.G.Ramesh

.. 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.

3. Dr. Sudha Rani, Chief Medical Officer,  
C.G.H.Scheme, New Delhi.

.. Respondents.

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Counsel for the Applicant

.. Mr. K. Sudhakara Reddy

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. K. Sudhakar Reddy, learned counsel for the applicant and Mr. N.R. Devraj, learned standing counsel for the respondents.

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2. It is stated that Sri N.Rama Mohan Rao has withdrawn  
<sup>'has'</sup> from this case and Sri K. Sudhakar Reddy filed vakalat in this case today.

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3. The applicant was transferred to Delhi as per impugned order No. A.22012/17/94-CHS.II, dt. 31.1.97 (A-1). The applicant's counsel further brought to our notice the order No. A22012/17/94-CHS.II, dt. 21.4.97 whereby the Ministry considered the transfer order of the some other medical officers of CGHS and allow them to retain at Hyderabad. The name of the applicant is not found ~~at~~ <sup>be</sup> list. However, <sup>in</sup> the note under this order states that the request of other Doctors as mentioned in the Ministry's letter dt. 31.1.97 requesting ~~from~~ <sup>for</sup> retention in CGHS, Hyderabad have been considered in the Ministry sympathetically but it has been found not feasible to accept the requests.

4. The applicant filed this O.A. praying for setting aside the impugned order dt. 31.1.97 and also the order dt. 21.4.97 of R-1 and for consequential relief to retain him at Hyderabad.

5. The applicant has filed a representation for his retention at Hyderabad by his representation dt. 3.3.97 (A-4). But it appears that no reply has been given to his representation. The note in order dt. 21.4.97 is a general one and there is no reference in that order that this is applicable to the applicant also on the basis of his representation dt. 3.3.97. In all the transfer cases this Bench is consistently taking the view that the respondents should dispose of the representation of the applicant if filed against the transfer orders. In the present case, the applicant has submitted a representation dt. 3.3.97. That representation has to be disposed of. The learned counsel for the applicant also submits that in terms of the policy decision of transfer the applicant has to be posted in any of the other dispensaries in Hyderabad zone. It is not

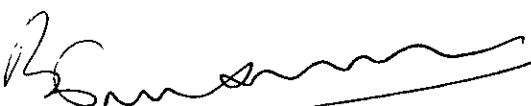
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clear whether the zone consists of dispensaries in Hyderabad.

However we do not want to express any opinion in the absence of the reply to the OA. We leave it to R-1 to decide the issue in accordance with the rules and regulations inforce and suitably reply the applicant to his representation dt. 3.3.97.

6. It is stated that his reliever has already joined. In view of the above it will not be in order if we direct the respondents to put him back in the dispensary from which he <sup>cannot</sup> was relieved. However the applicant also to be on leave indefinitely. In view of the above the respondents should dispose of the representation of the applicant dt. 3.3.97 on or before 5.6.97. Till such time the applicant may be granted leave if he applies for the same in accordance with the rules.

7. With the above direction the OA is disposed of at the admission stage itself. No costs.

  
( B.S. JAI PARAMESHWAR )

Member (Judl.)

5.5.97

  
( R. RANGARAJAN )

Member (Admn.)

Dated: 5th May, 1997

(Dictated in Open Court )

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Amrit  
6-5-97  
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