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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 815/97

Date of Order: 3.7.97

BETWEEN :

Dr.S.V.Kulkarni

.. Applicant

AND

1. The Union of India, rep. by
the Secretary to Govt.,
Ministry of Health & Family Welfare,
Nirman Bhavan, New Delhi.
2. The Director General of Health
Services, Ministry of Health and
Family Welfare, Nirman Bhavan,
New Delhi.
3. The Director,
Central Government Health Scheme,
Ministry of Health and Family,
Welfare, Nirman Bhavan, New Delhi.
4. The Additional Director,
Central Government Health Scheme,
Kendriya Swasthya Bhavan,
Hyderabad.

.. Respondents.

Counsel for the Applicant

.. Mr.V.Venkateswara Rao

Counsel for the Respondents

.. Mr.N.R.Devraj

CORAM:

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

J U D G E M E N T

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

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



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1. The applicant was transferred by the impugned order No. A.22012/17/94-CHS II, dt. 21.4.97 (A-2) as C.M.O. GNCT Delhi from the CGHS Hyderabad, ^{where} where he was also working as C.M.O. Against that order the applicant filed a representation dt. 14.5.97 (A-4). On 15.5.97 the applicant was relieved as per office order No. A.22012/4/84-CGHS/PF/826-31, dt. 15.5.97 (A-5). His representation was forwarded to R-1 by R-4 as can be seen from the letter No. A.22012/4/84-CGHS/PF/897-98, dt. 20.5.97 (A-6). It has been stated in that letter that due to the circumstances mentioned in that letter the presence of the applicant at Hyderabad at this crucial period is essential. Subsequently also the applicant submitted another representation dt. 10.6.97 (A-7). It is stated that none of his representations were so far replied.

3. This OA is filed for setting aside the transfer order No. A.22012/17/94-CHS-II, dt. 21.4.97 by R-1 and for a consequential relief to retain him as CMO at CGHS, Hyderabad.

4. The learned counsel for the applicant fairly submitted at the outset that the applicant had been relieved. But his representations are not yet disposed of. Hence though he may be relieved he may be accommodated in CGHS, Hyderabad till such time his representations are disposed of.

5. The learned counsel for the respondents submitted that the applicant had taken one month advance pay for preparing to proceed on transfer. That itself is an admission on the part of the applicant for carrying ^{out} the transfer. Hence at this juncture he cannot refuse to carryout his transfer.



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6. The learned counsel for the applicant denied the above submission of the respondents and said that on instructions from his client that the applicant has not taken any advance pay for preparing to carryout the transfer.

7. It is not necessary for this Bench to get into those controversies at this juncture. If he had taken the money there are clear cut rules to recovery of the money, and for other consequences if he had not taken the ^{advance} money, the records will prove the statement.

8. In the facts and circumstances of the case the only direction that can be given is that the representation of the applicant dt. 14.5.97 and 10.6.97 should be disposed of quickly. As the applicant had already been relieved it is not possible to give a direction to reinstate him in CGHS, Hyderabad. However if the applicant applies for the leave then the same should be granted in accordance with the rules till such time his representations are disposed of by R-4.

9. In the result, the following direction is given:-
The representations of the applicant dt. 14.5.97 and 10.6.97 should be disposed of by R-4 within 45 days from today. If the applicant applies for leave the same should be granted in accordance with the rules till the disposal of his representations.

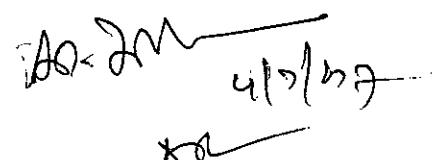
10. The OA is ordered accordingly. No costs.


(R. RANGARAJAN)
Member (Admn.)

Dated: 3rd July, 1997

(Dictated in Open Court)

sd


A. J. M.
4/7/97
J. S.

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3.43.

Copy to:

1. The Secretary to Govt., Min. of Health and Family Welfare, Nirman Bhawan, New Delhi.
2. The Director General of Health Services, Min. of Health and Family Welfare, Nirman Bhawan New Delhi.
3. The Director, Central Government Health Scheme, Kendriya Swasthya Bhawan, Hyderabad.
4. One copy to Mr.V.Venkateswara Rao, Advocate,CAT,Hyderabad.
5. One copy to Mr.N.R.Devraj,Sr.CESC,CAT,Hyderabad.
6. One copy to D.R(A),CAT,Hyderabad.
7. One duplicate copy.

YLKR

Self
25/7/97

HYDERABAD

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B. S. JAI PARAMESHWAR: M

DATED 3/7/87

ORDER/JUDGEMENT

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

in

D.A. NO. 815/97

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR

II Court.

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

DESPATCH

- 8 JUL 1997

हैदराबाद न्यायालय
HYDERABAD BENCH