

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO:143-of-1997

DATE-OF-ORDER:-10th February, -1997

BETWEEN:

Dr.P.PANDURANGA RAO

APPLICANT

AND

1. Union of India rep. by its
Secretary to Government,
Ministry of Health & Family Welfare,
New Delhi 110 011,
2. The Director General of Health Services,
New Delhi 110 011,
3. The Director,
Central Govt. Health Scheme,
New Delhi 110 011,
4. Dr.(Smt.) Jeevanlatha Srivastava,
Sr.Chief Medical Officer, CGHS,
Begumpet, Hyderabad 500016,
5. Sri S.N.Sharma,
Assitant Depot Manager,
Central Medical Stores,
K.S.Bhavan, Begumpet,
Hyderabad 500 016.

Respondents

COUNSEL FOR THE APPLICANT: Mr. A.RAMALINGESWARA RAO

COUNSEL FOR THE RESPONDENTS: Mr.V.RAJESWARA RAO, Adl.CGSC

CORAM:

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

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

ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Mr.A.Ramalingeswara Rao, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned standing. counsel for the official respondents.

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2. The applicant in this OA while working as Additional Director, Central Government Health Scheme, Hyderabad was transferred in the same grade by the impugned order No.A.22012/6/93-CHS-II dated 22.1.97 (Annexure A-1). This order is challenged in this OA.

3. The facts of this case as submitted by the applicant are as follows:-

The applicant complains that he is being transferred frequently. He joined the present post on 9.12.94. Within a short time he was transferred in the same grade to the All India Institute of Physical Medicine and Rehabilitation, Bombay in November 1995. But that order was cancelled. Once again in July 1996 he was transferred as Deputy Director General (Medical), P&T, Hyderabad. But that order was also cancelled subsequently. In January 1997 the respondents for some inexplicable reasons issued the present transfer order which in the opinion of the applicant is arbitrary.

4. The applicant submits that he has been repeatedly transferred to accommodate someone else as he is effectively controlling the alleged illegal activities of R-4 and R-5. One of the officials, who is the beneficiary of the CGHS namely Shri S.Ganesh Chander had addressed a complaint to the DIG, CBI, Hyderabad on certain alleged misappropriation of Central Government Health Scheme drugs by CGHS Stores Section. As that complaint was forwarded to him, he had ordered an inquiry against R-4 and R-5 on the alleged misuse of medicines in Stores of CGHS Hyderabad.

Thus R-4 and R-5 are prejudiced against him and because of that, they managed to get his transfer order issued by R-3. This fact came to his knowledge as he received an anonymous letter wherein it is averred that R-5 is spending money lavishly to get him transferred from his present place.

5. In view of the above reasons, the applicant feels that his present transfer order is on malafide considerations and hence cannot be sustained.

6. The learned standing counsel for the respondents submits that the applicant was transferred by the impugned order dated 22.1.97 by the competent authority. He was informed subsequently also by the letter dated 7.2.97 by R3 to handover the charge of the post of Additional Director to R-4 and carry out the transfer order. The learned standing counsel also produced a letter addressed to R-3 by R-4 wherein R-4 had stated that she has assumed the charge of the post of Additional Director, CGHS, Hyderabad on the afternoon of 7.2.97 as per the orders dated 7.2.97.

7. The applicant now submits that he has not handed over the charge to R-4. Even in the order of R-3 dated 7.2.97, R-3 had instructed him to hand over the charge to R-4 and that order does not say that R-4 can assume the charge without being handed over by him. As he has not handed over the charge to R-4, assumption of charge by R-4 does not arise. He further submits that he is still holding the post of Additional Director, CGHS, Hyderabad and he has not relieved from that post.

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8. At this juncture, it is not necessary for us to adjudicate whether the applicant ~~to handover~~ ^{has handed over} the charge to R-4 or not as the representation of the applicant dated 29.1.97 addressed the Union Health Minister with copies to R-1 to R-3 is pending. It is for R-3 and R-2 to decide the mode of handing over and taking over charge besides deciding admissibility of the letter dated 7.2.97 issued by R-4. The representation of the applicant dated 29.1.97 is still to be disposed of.

9. Under the above circumstances, we are of the opinion that justice will be done to the applicant if a direction is given to R-1 to dispose of the representation of the applicant dated 29.1.97 in accordance with law after taking due note of all the contentions raised in his representation dated 29.1.97. As we have already left open the admissibility of the letter of R-4 dated 7.2.97 to the Respondents, R-1 ^{should} ~~also~~ decide the admissibility of the said letter. In case the applicant continues as Additional Director, CGHS, Hyderabad, he should not be relieved till the disposal of his representation dated 29.1.97. If the applicant is deemed to have been relieved, then he should apply for leave in accordance with law and the respondents should sanction that leave as per rules till such time his representation is disposed of. In order to ensure that the applicant is not asked to continue on leave indefinitely if he has to be granted leave, it is essential that his representation dated 29.1.97 should be disposed of quickly.

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Hence we set a time limit of one month for disposal of his representation dated 29.1.97 from the date of receipt of a copy of this order in case the applicant has to take his own leave.

10. In case the applicant is going to be aggrieved by the reply to be given by R-1 to his representation dated 29.1.97, then he is at liberty to take such action as provided for in law.

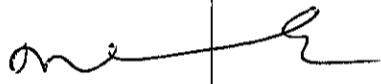
11. The OA is ordered accordingly at the admission stage itself. No order as to costs.

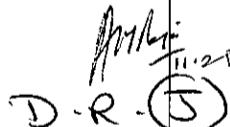

(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

10.2.97

DATED:- 10th February, - 1997
Dictated in the open court.

vsn


(R. RANGARAJAN)
MEMBER (ADMN.)


D.R. (S)

10.2.97

3.6.1.

O.A.NO.143/97

Copy to:

1. The Secretary to Government,
Ministry of Health and Family Welfare,
New Delhi.
2. The Director General of Health Services,
New Delhi.
3. The Director, Central Government Health Scheme,
New Delhi.
4. One copy to Mr.A.Ramalingeswara Rao, Advocate,
CAT, Hyderabad.
5. One copy to Mr.V.Rajeswara Rao, Addl.CGSC,
CAT, Hyderabad.
6. One copy to D.R.(A), CAT, Hyderabad.
7. One copy to Library, CAT, Hyderabad.
8. One duplicate copy.

YLKR

08/143/97
C.C. today

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13/2/97

Typed By
Compared by

Checked By
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

Ep
The Hon'ble Shri B.S. Jai Parameshwar

DATED: 10. 2. 97 *rcj*

ORDER/JUDGEMENT
R.A/C.P./M.A.NO.

in
O.A.NO. 143/97

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLKR

II COURT

केंद्रीय प्रशासनिक विधिकरण
Central Administrative Tribunal
DESPATCH

11 FEB 1997

हैदराबाद आयोजन
HYDERABAD BENCH