

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 02.02.2015

OA No. 291/00070/2015

Mr. S.P. Sharma, counsel for applicant.

Heard learned counsel for the applicant.

2. Learned counsel for the applicant submitted that the applicant is a cancer patient, who has been operated twice. On his request, the applicant was transferred from Tonk to Kota vide order dated 13.08.2014 (Annexure A/6). Now by letter dated 27.01.2015 (Annexure A/1), he has again been transferred to Tonk on the basis of the letter written by Dr. Sanjeev Kwatra, who was looking after the work of CMO at Kota in the absence of the applicant. The learned counsel for the applicant referred to the order dated 15.01.2015 (Annexure A/12) in which it is clearly mentioned that Dr. Sanjeev Kwatra is temporarily attached to the post of CMO (NMSG) Kota till the applicant joins. The order further states that Dr. Kwatra will revert back to his post at Tonk on joining of Dr. R.S. Nayak (applicant) at Kota. The applicant had joined at Kota on 13.01.2015. Therefore, Dr. Kwatra should have joined at Tonk. But now instead of Dr. Kwatra being sent to Tonk, applicant has been transferred to Tonk at the fag end of his service. Moreover, applicant is a cancer patient who needs sympathetic consideration. The applicant joined at Kota on 13.01.2015 after he was issued a fitness certificate. He will retire on 31.07.2015 on attaining the age of superannuation. Thus, he has less than six months' time to retire. The learned counsel for the applicant argued that the letter dated 27.01.2015 (Annexure A/1) needs to be quashed and set aside.

Anil Kumar

3. The learned counsel for the applicant seeks liberty to file a representation against his transfer order dated 27.01.2015 (Annexure A/1) to the Secretary, Ministry of Labour and Employment, Government of India, Shram Shakti Bhawan, Rafi Marg, New Delhi (Respondent No. 1).

4. The applicant is at liberty to file such a representation within a period of 10 days from today. If such a representation is received by the respondent no. 1 then he (respondent no. 1) is directed to consider and decide the same in accordance with the provisions of law by a reasoned and speaking order within a period of two months from the date of receipt of a copy of the representation from the applicant.

5. The applicant is directed to provide a copy of the complete paper book of the O.A. along with a copy of this order to the respondent no. 1.

6. In the interest of justice, the effect and operation of the letter dated 27.01.2015 (Annexure A/1) shall remain stayed till the disposal of the representation of the applicant by the respondent no. 1, if so filed by the applicant within the stipulated time. It is made clear that during the interregnum period, the applicant (Dr. R.S. Nayak) would perform the function of the Chief Medical Officer, Beedi Workers Welfare Allopathic Dispensary, Kota.

7. If any prejudicial order is passed by the respondent no. 1 then the effect of the this order will remain in force till 15 days after the order is passed by the respondent no. 1 on the representation of the applicant.

Anil Kumar

8. It is further made clear that if no representation is filed by the applicant within the specified period then the direction issued vide this order shall automatically have no effect.

9. With these observations and directions, the present Original Application is disposed of with no order as to costs.


(ANIL KUMAR)
ADMINISTRATIVE MEMBER

Kumawat