

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 12.11.98

OA 214/98 with MAS 184 and 202/98

Dr. M.K. Srivastava s/o late Shri Pratap Narain Srivastava r/o F-4, Vinayak Path, Bani Park, Jaipur.

... Applicant

Versus

1. Union of India through the Under Secretary to the Government, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi.
2. The Director, Central Government Health Scheme, Nirman Bhawan, New Delhi.

... Respondents

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

For the Applicant ... Mr. Manish Bhandari  
For the Respondents ... Mr. V.S. Gurjar

O R D E R

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

Dr. M.K. Srivastava has filed this application under Section 19 of the Administrative Tribunals Act, 1985, challenging the order at Annexure A-1 dated 9.6.98, by which he was transferred from Jaipur to Chennai as Additional Director, Central Government Health Scheme.

2. Heard the learned counsel for the parties. Records of the case have been carefully perused. Counsel for the parties have agreed to this matter being disposed of at the stage of admission.
3. During the pendency of the application, the order at Annexure A-1, referred to above, has been modified vide Annexure MAR-1 dated 12.8.98 and the applicant stands transferred now as Senior Regional Director in the Regional Office of Health and Family Welfare, Chandigarh. The learned counsel for the applicant has produced before me a copy of the representation dated 24.10.98, which the applicant has made to the Secretary to the Government of India, Ministry of Health and Family Welfare, New Delhi, praying therein for his retention at Jaipur. The applicant has stated in the representation that he shall be retiring within a period of three years and if he is disturbed from Jaipur, it may cause a lot of difficulties to him and his family. It has also been stated by the applicant that the post on which he is posted now could be given to any other person of the same cadre namely Dr. Shyam Lal, presently working as Senior Regional Director, Regional Office of Health and Family Welfare, Jaipur. The learned counsel for the applicant,

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instead of pressing the application on merits, wants the aforesaid representation to be decided on merits taking into consideration all the facts and circumstances stated therein.

4. In the circumstances, the present application is disposed of, at the stage of admission, with a direction to respondent No.1 to decide the applicant's representation dated 24.10.98 within a period of 15 days from the date of receipt of a copy of this order. Stay granted on 16.6.98 and modified on 19.6.98 stands discharged. MA 184/98, for vacation of the stay, and MA 202/98, for permitting amendments to be made in the OA, have become infructuous. These are dismissed as having become infructuous and also stand disposed of accordingly. No order as to costs.

GK  
(GOPAL KRISHNA)  
VICE CHAIRMAN

VK