

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :::GUWAHATI-5..

O.A.No.195 of 1997

17.7.1998
DATE OF DECISION.....

!! Dr D. Dutta (PETITIONER(S))

Mr C. Choudhury and Mr J. Sarmah ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India and others RESPONDENT(S)

Mr A.K. Choudhury, Addl. C.G.S.C.

THE HON'BLE MR JUSTICE D.N. BARUAH, VICE-CHAIRMAN

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.195 of 1997

Date of decision: This the 17th day of July 1998

The Hon'ble Mr Justice D.N. Baruah, Vice-Chairman

Dr Digbijoy Dutta,
Medical Officer,
Central Health Service,
28 Assam Rifles, C/o 99 A.P.O.Applicant
By Advocates Mr C. Choudhury and
J. Sarmah.

- versus -

1. The Union of India, through the
Secretary to the Government of India,
Ministry of Health and Family Welfare,
New Delhi.
2. The Secretary to the Government of India,
Ministry of Home Affairs,
Government of India,
New Delhi.
3. The Director General of Assam Rifles,
Ministry of Home Affairs,
Assam Rifles, Shillong.
4. The Deputy Director (Admn),
Assam Rifles, Shillong.Respondents
By Advocate Mr A.K. Choudhury, Addl. C.G.S.C.

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O R D E R

BARUAH.J. (V.C.)

The applicant has filed this application seeking certain directions from this Tribunal to the respondents.

2. Facts for the purpose of disposal of this application are:

On 16.2.1993 the applicant joined as Medical Officer in 28 Assam Rifles. In June 1995 the applicant made a representation before the authority for posting to Static Organisation on compassionate ground. Thereafter,

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in November 1995 the applicant submitted another representation seeking transfer on compassionate ground. On 19.1.1996 Annexure 4 order was passed under the signature of the Under Secretary to the Government of India, transferring the applicant from 28 Assam Rifles to Government of National Capital Territory of Delhi on compassionate ground. The said order was communicated to the concerned unit on 9.2.1996. In March 1996 the applicant was allowed to move to the Government of National Territory of Delhi without any reliever. On 26.4.1996 Annexure 6 order was passed modifying the earlier order of transfer dated 19.1.1996. By Annexure 6 order dated 26.4.1996 the applicant was allowed to go to Delhi subject to the arrival of reliever from Delhi. By Annexure 7 order dated 12.2.1997 the applicant was transferred to 8 Assam Rifles, Tuensang, Nagaland, vide order No.A-1566 dated 12.2.1997. The applicant sought a personal interview with the 2nd respondents through proper channel. However, no communication was made to the applicant from the Headquarter. By Annexure 8 order the applicant was asked to remain at 28 Assam Rifles for six months. Thereafter he was asked to go to Tuensang. Being aggrieved the applicant has approached this Tribunal by filing the present application.

3, By order dated 5.9.1997 this Tribunal stayed the order of transfer dated 12.2.1997. At present the applicant is at 28 Assam Rifles on the strength of the said stay order.

4. After filing of this application the respondents have filed written statement. The only ground taken by the respondents is that as suitable reliever was not found the applicant had not been allowed to join his place of choice posting.

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5. We have heard Mr C. Choudhury, learned counsel for the applicant and Mr A.K. Choudhury, learned Addl. C.G.S.C. Mr C. Choudhury submits that the applicant has a reasonable expectation of joining at his place of choice of posting after serving for a certain period in the Assam Rifles and the authority also passed necessary orders for joining at the National Capital Territory of Delhi. Mr A.K. Choudhury, on the other hand, submits that the reason for not allowing the applicant to carry out the order of transfer to Delhi is non-availability of a suitable reliever.

6. On hearing the learned counsel for the parties I find no reason to keep the applicant at 28 Assam Rifles for an indefinite period. Therefore, I dispose of this application with direction to the respondents to pass release order within three months from the date of receipt of this order to enable the applicant to join at the National Capital Territory of Delhi. The respondents are further directed that till the expiry of the period of three months the applicant shall be allowed to remain at 28 Assam Rifles.

7. With above observation the application is accordingly disposed of. No order as to costs.


(D. N. BARUAH)
VICE-CHAIRMAN