

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI-5.

O.A. No. 108 of 1998

21.8.1998
DATE OF DECISION.....

Dr Vinay Kumar Omar

(PETITIONER(S))

Mr B.D. Konwar

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India and others

RESPONDENT(S)

Mr G. Sarma, 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



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.108 of 1998

Date of decision: This the 21st day of August 1998

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

Dr Vinay Kumar Omar,
Medical Officer, Central Health Service,
30 Assam Rifles, Pegong, North Sikkim,
C/o 99 APO.

By Advocate Mr B.D. Konwar.

.....Applicant

-versus-

1. The Union of India, represented by the
Secretary to the Government of India,
Ministry of Health and Family Welfare,
New Delhi.

2. The Under Secretary to the
Government of India,
Ministry of Health and Family Welfare,
Department of Health, New Delhi.

3. The Director General of Assam Rifles,
Ministry of Home Affairs, DGAR,
Shillong.

4. The Commandant,
30 Assam Rifles, Pegong, North Sikkim,
C/o 99 APO.

.....Respondents

By Advocate Mr G. Sarma, Addl. C.G.S.C.

.....

O R D E R

BARUAH.J. (V.C.)

The applicant has filed this application seeking direction to the respondents to release him from the Directorate General, Assam Rifles, to his parent department i.e. Central Government Health Scheme, Allahabad.

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

The applicant is at present working as Medical Officer in 30 Assam Rifles and posted at Pegong, North Sikkim. The applicant is in employment under the Central Health Services Organisation under the Ministry of Health

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and Family Welfare, Government of India. By Annexure K order issued by the Under Secretary to the Government of India, Ministry of Health and Family Welfare, dated 15.7.1997 the applicant was transferred to Central Government Health Scheme (CGHS for short), Allahabad, following his representation dated 24.9.1996. However, in spite of the transfer order he was not released from the Assam Rifles. Situated thus, he submitted two representations dated 13.10.1997 and 4.4.1998 to the authority for his early release. In spite of his representations he was not released from the Assam Rifles. Hence the present application.

3. In due course the respondents have entered appearance and filed written statement. The only ground taken in the written statement is that as there is a dearth of doctors it has not been possible for the Assam Rifles to release the applicant.

4. I have heard Mr B.D. Konwar, learned counsel for the applicant and Mr G. Sarma, learned Addl. C.G.S.C. Mr Konwar submits that the authority unreasonably refused to release the applicant depriving his right to go back to his parent department. He further submits that this case is squarely covered by the order of this Tribunal dated 19.9.1997 passed in original applications No.102/1997 and 103/1997. Mr Sarma also agrees that this case is covered by the said decision of this Tribunal.

5. In view of the above I dispose of this application with direction to the respondents to release the applicant as early as possible, at any rate within a period of three months from the date of receipt of this order.

6. The application is accordingly disposed of. No order as to costs.


(D. N. BARUAH)
VICE-CHAIRMAN