

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

O.A.No. 79 of 1998

10.11.1998
DATE OF DECISION.....

Dr Amit Sarkar

(PETITIONER(S))

Mr M. Chanda and Ms N.D. Goswami

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India and others

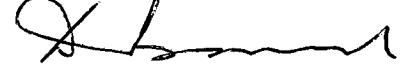
RESPONDENT(S)

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



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.79 of 1998

Date of decision: This the 10th day of November 1998.

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

Dr. Amit Sarkar,
Medical Officer (CHS),
17 Assam Rifles, C/o 99 A.P.O.Applicant
By Advocates Mr M. Chanda and Ms N.D. Goswami.

-- vs --

1. The Union of India, through the
Secretary to the Government of India,
Ministry of Home Affairs,
New Delhi.
2. The Secretary to the Government of India,
Ministry of Health and Family Welfare,
New Delhi.
3. The Director General, Assam Rifles,
Ministry of Home Affairs,
Directorate General Assam Rifles,
Shillong.
4. The Commandant,
17 Assam Rifles, Imphal-I,
C/6 99 A.P.O., Manipur.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.)

In this application the applicant has challenged the Annexure 8A order dated 22.10.1997, and prays for direction to the respondents to release him from the Directorate General, Assam Rifles, to his parent department i.e. Central Government Health Scheme, Lucknow.

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

The applicant is at present working as Medical Officer under the respondents and posted at 17 Assam



Rifles, Imphal, Manipur. The applicant is in employment under the Central Health Services, Ministry of Health and Family Welfare, Government of India. By Annexure 4 order dated 20.9.1996, issued by the Under Secretary to the Government of India, Ministry of Health and Family Welfare, the applicant was transferred to Central Government Health Scheme (CGHS for short), Lucknow in response to his representation dated 3.4.1996. However, contrary to his transfer order, he was not released from the Assam Rifles. Situated thus, he submitted two representations dated 16.6.1997 and 17.9.1997 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 by the respondents is that as suitable reliever was not found the applicant had not been allowed to join his place of choice posting.

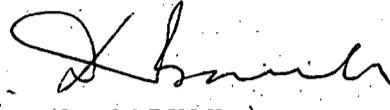
4. I have heard Ms N.D. Goswami, learned counsel for the applicant and Mr A.K. Choudhury, learned Addl. C.G.S.C. Ms Goswami submits that the authority unreasonably refused to release the applicant depriving his right to go back to his parent department. Ms Goswami further submits that this case is squarely covered by the order of this Tribunal dated 21.8.1998 passed in Original Application No.98 of 1998. Mr Choudhury 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

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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

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