

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

O.A.No. 98 of 1998

DATE OF DECISION. 21.8.1998.....

Dr D.K. Borah

(PETITIONER(S))

Mr M.Chanda and Ms N.D. Goswami

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India and others

RESPONDENT(S)

Mr S. Ali, Sr. 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.98 of 1998

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

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

Dr Dibyendu Kumar Borah,
Chief Medical Officer,
12 Assam Rifles, Imphal.
By Advocates Mr M. Chanda and
Ms N.D. Goswami.

.....Applicant

-versus-

1. The Union of India, through the Secretary to the Government of India, Ministry of Health & Family Welfare, New Delhi.
2. The Secretary, Government of India, Minsitry of Home Affairs, New Delhi.
3. The Director General, Assam Rifles, Minsitry of Home Affairs, Headquarters, DGAR, Shillong.
4. Col. P.S. Bedi, Deputy Director, (M.S.) Branch, Headquarters, DGAR, Shillong.
5. Col. S.L. Upreti, DDMS, Directorate General of Assam Rifles, Shillong.

.....Respondents

By Advocate Mr S. Ali, Sr. 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, Delhi.

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

The applicant is at present working as Chief Medical Officer under the respondents and posted at Montripukuri, Imphal. The applicant is in employment under the Central

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Health Services Organisation under the Ministry of Health and Family Welfare, Government of India. By Annexure 1 order dated 30.7.1996 he was transferred to Central Government Health Scheme (CGHS for short), Delhi after considering his representation. The said Annexure 1 order of transfer was issued by the Under Secretary to the Government of India, Ministry of Health and Family Welfare. However, contrary to his transfer order, he was not released from the Assam Rifles. Situated thus, he submitted two representations dated 2.12.1996 and 29.7.1997 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. The respondents have entered appearance. In spite of several adjournments the respondents have not filed any written statement. Therefore, this Tribunal proceeded to hear the case without the written statement.

4. I have heard Ms N.D. Goswami, learned counsel for the applicant and Mr S. Ali, learned Sr. 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 19.9.1997 passed in original application No.102/1997 and 103/1997. Mr Ali 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