

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. 186/02

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SECTION OFFICER (Judl.)

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No. 186 / 2002

Misc Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicant(s). Dr. Ashok Kumar Nigam

-Vs-

Respondant(s) Govt. of Assam

Advocate for the Applicant(s) In person

Advocate for the Respondant(s) C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
-----------------------	------	-----------------------

21.6.02

Issue notice of motion. Returnable by 3 weeks.

List on 15.7.02 for Admission.

K. K. Sharma
Member

B/D 599563
11/5/2002

1m

15.7.2002

Heard Dr. A.K. Nigam in person.

The application is admitted. Call for the records, returnable by four weeks. In the meantime the applicant may submit a fresh representation claiming choice posting before the authority within seven days from the date of receipt of the order.

Dr. Nigam mentioned that one post of Chief Medical Officer is already vacant in the P & T Deptt., Bhopal and there are five to six likely vacancies in C.G.H.S., Bhopal itself. Dr. Nigam

Steps taken.

NS
17/6/02

1-7-2002

Notice prepared and sent to D. Section for issuing of the same to the respondents through Regd. post with A.D. vide D.No. 1878 to 1880 Dtd. 2/7/02

Contd./2

(2)
contd.

2
15.7.2002 may file his representation indicating those place of posting before the Secretary to the Govt. of India, Ministry of Health and Family Welfare.

Let this application be listed for order on 16.8.2002. pendency of this application shall not deter the respondents to ~~the~~ consider/case of the applicant for transferring and posting out any of his choice place of posting


Vice-Chairman

bb

16.8.02 Heard applicant in person and Mr. A. Deb Roy, Sr.C.G.S.C. for the respondents. Mr. A. Deb Roy prays for four weeks time for filing of written statement. Prayer is allowed, List on 13.9.02 for orders.

No. wks has been
blecl.


Member

lm

13.9.02 Application is admitted. The respondents has already filed written statement. The case may now be listed for hearing.

List on 9.10.02 for hearing.


Vice-Chairman

pg

9.10.2002

Heard Mr. A. B. Nigam in
person and Mr. A. Deb Roy, Sr.C.G.S.C.
for the respondents.
Hearing concluded,
Judgment reserved.

M/s
A. B. Nigam
9/10/02

11.10.02

Judgement delivered in ~~open~~
open Court, kept in separate sheets.
The application is allowed in terms
of the order. No order as to costs.

30.10.2002

Copy of the Indet
has been sent to the
Office, for issuing
the fine to the applicant
as well as to the
for C.G.S.C.

bb


Vice-Chairman

iff

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. /~~XXX~~ No. 186 of 2002. ~~XX~~

DATE OF DECISION. 11.10.2002.....

Dr. Ashok Kumar Nigam.

APPLICANT(S)

In person

ADVOCATE FOR THE APPLICANT(S)

-VERSUS-

U.O.I. & Others.

RESPONDENT(S)

Mr. A. Deb Roy, Sr. C.G.S.C.

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE MR JUSTICE D.N. CHOWDHURY, 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.

6

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.186 of 2002.

Date of Order : This 11th Day of October, 2002.

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

Dr.Ashok Kumar Nigam
S/o Late R.C.Nigam
Aged 53 years
Chief Medical Officer
2 Assam Rifles
C/O 99 APO. Applicant.

Applicant appeared in person.

- Versus -

1. Union of India
Through Secretary to Govt. of India
Ministry of Health and Family Welfare
Nirman Bhawan, New Delhi-110 001.
2. Director General
Ministry of Home Affairs
Assam Rifles
P.O:- Shillong- 793 001.
3. Dy. Director (M.S.)
Assam Rifles
P.O:- Shillong - 793 001. Respondents.

By Mr.A.Deb Roy, Sr.C.G.S.C.

O R D E R

CHOWDHURY J.(.V.C.):

The issue relates to posting and transfer.

1. The applicant was initially appointed under Ministry of Health and Family Welfare, New Delhi on 13.9.1976 as Jr. Medical Officer and was posted at Andaman & Nicobar Island, wherein he served for a period from 13.9.76 to 10.2.1984. The applicant was thereafter posted at Bhopal vide order dated 9.1.1984. He was thereafter transferred to Jabalpur and again to Bhopal. By order dated 12.6.98 the applicant was transferred to Assam Rifles, Shillong. The applicant assailed the order of transfer in O.A.456/98. By order dated 30.8.1999 in the said O.A. the Tribunal disposed the application with the following order :-

Condd./2

"5. In the facts and circumstances of the case, we further direct the respondents to keep the transfer order in abeyance till May, 2000 i.e. upto the present academic session of the applicants daughter. However, if in the exigencies of work, the applicant's transfer is considered necessary, the authorities may release him but allow him to retain the accommodation at Bhopal upto May, 2000 on the existing term. The O.A. is disposed of with the above terms."

By order dated 23.12.1999 the applicant was transferred which was assailed by the applicant in O.A.577/2000 before the CAT Jabalpur Bench. The said O.A. was finally disposed by the Jabalpur Bench on 17.7.2000 with the following observations and directions :

"In the circumstances, we direct the respondents-department to retain the applicant at Bhopal till the first week of August, 2000 either by taking him back on duty or granting him leave in accordance with the rules. If the applicant has not yet joined the place of his posting i.e. Shillong, the respondents shall not take any disciplinary action against him. After the first week of August, 2000, the applicant is directed to join the place to which he has been transferred vide order dated 12.6.2000 (Annexure-A1). If he has not been paid TA/DA, then he will be paid TA/DA accordingly. It is seen that the applicant has attained the age of 55 years and he is being transferred to hard station. If in future any opportunity arises, the applicant may be transferred back/accommodated to any other place of his choice."

The applicant finally joined as Chief Medical Officer in the 2 Assam Rifles in September, 2000.

2. By this application the applicant has sought for a direction to post the applicant at CGHS, Bhopal in the light of the direction issued in O.A.577/2000 dated 17.7.2000. In the application the applicant contended that on the face of the directions issued by the Jabalpur Bench, it was incumbent on the part of the respondents to post him at Jabalpur, when posts were vacant at Jabalpur. The applicant also contended that he has completed his tenure and therefore in terms of the policy decisions the respondents are duty bound to post him at a place of his own choice.

3. The respondents submitted its written statement. According to the respondents, the three posts in CGHS, Bhopal was filled up, therefore question of posting the applicant at Bhopal was not possible. The respondents also stated that there is shortage of Medical Officers in the Assam Rifles. The Assam Rifles has taken steps to release the CGHS Doctors before the end of the financial year and consequently the applicant would not be relieved.

4. I have heard Dr.A.K.Nigam, the applicant at length and also Mr.A.Deb Roy, learned Sr.C.G.S.C. During the course of hearing the applicant placed before the Bench order bearing No.A.22012/45/2001-CHS.II dated 23.10.2001, wherein amongst others Dr.J.P.Shakya, CMO(NFSG) was transferred from CGHS, Jabalpur to CGHS, Bhopal and order No.A.22012/44/2001 CHS II dated 18.12.2001, wherein Dr.D.K.Khatrri, SMO and Dr. V.S.Tomar, SMO were transferred from CGHS, Jabalpur to CGHS, Bhopal. Dr.Nigam submitted that despite the post being vacant, the respondents refused to carryout the order passed by the Jabalpur Bench in O.A.577/2000 for posting the applicant at Bhopal. Dr.Nigam also submitted that he has completed his tenure posting and accordingly he was to be posted forthwith in his choice place of posting. Dr.Nigam submitted that he was posted in N.E.Region ^a for tenure and on completion of his tenure, it was incumbent on the authority to post him as per his choice. He further submitted that the discretion of posting an officer at end of his tenure is coupled with a duty and therefore he earned the benefit of posting in choice place of posting on completion of his tenure. In support of his contention, Dr.Nigam referred to the decision rendered by the Bench in O.A.148, 149/1991 disposed on 24.4.92 in Binod Kumar - vs - U.G.I. & Others. Mr.A.Deb Roy, learned Sr.C.G.S.C., on the other hand, submitted that in terms of the observations made by this Bench on 15.7.2002 in this O.A. the case of the applicant was considered by the

Transfer Committee and in the absence of any vacancy the Transfer Committee could not be acceded to his request.

5. The materials on records clearly pointed out that vacancies were available for accommodating the applicant at Bhopal and in terms of the directions of the Tribunal in O.A.577/2000 the concerned authority was duty bound to consider his case for "transferring back/accommodation to any place of his choice". No reasons were ascribed by the respondents as to why the said considerations were not made. At any rate, the applicant has now completed his tenure, therefore, in terms of the Govt. policy, the authority is required to consider the case of the applicant for posting him in a place of his choice. The applicant since completed his stint, it is incumbent on the authority to accommodate him in a suitable place of posting without further delay on the pretence of discovering/unearthing a substitute. On completion of tenure in the case of tenure posting, it is incumbent on the respondents to post the applicant in a suitable place of his choice in conformity with the professed policy. Such posting on completion of the terms is not to be linked with the availability of replacement/substitutes. The respondents are accordingly directed to ^{consider the case for the} transferring applicant out from the N.E. Region and to post him in any other place of his choice. The authority shall take all the necessary steps for posting the applicant at CGHS, Bhopal, if not available at Bhopal, he may be posted in any other place of his choice within a period of two months from the date receipt of the order.

The application is accordingly allowed. There shall, however, be no order as to costs.

(D.N.CHOWDHURY)
VICE CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

O.A.NO. 186 /2002

Dr. Ashok Kumar Nigam

S/O late R.C. Nigam

Age 53 years

Chief Medical Officer

2 Assam Rifles

C/O 99 APO

APPLICANT

VS.

The Union of India & Others

RESPONDENTS

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Station Guwahati

Dated 2002

APPLICANT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

OA 186 2002

Dr. Ashok Kumar Nigam
 S/O late R.C. Nigam
 Age 53 years
 Chief Medical officer
 2 Assam Rifles
 C/O 99 APO

APPLICANT

VS

1. Union of India
 Through Secretary to Govt. of India
 Ministry of Health and Family Welfare
 Nirman Bhawan, New Delhi 110001.
2. Director General
 Ministry of Home Affairs
 Assam Rifles
 P.O. Shillong 793001
3. Dy. Director (M.S.)
 Assam Rifles
 P.O. Shillong 793001

Sep 2000 /
Complete his
Tenure.

RESPONDENTS

DETAILS OF APPLICATION

1. **ORDERS AGAINST WHICH THE APPLICATION IS MADE.**

That no order is being challenged by way of this application but the application is against the inaction of the respondents as they have not considered the transfer of the applicant to the choice of place of posting as per direction of Hon'ble CAT Jabalpur passed on 17-7-2000 in OA No. 577/2000. **(ANNEXURE - A-1).**

2. **JURISDICTION :** The applicant submits that the subject matter of the application is within the jurisdiction this tribunal.3. **LIMITATION:** The applicant further submits that the application is within the limitation as prescribed under section 21 of Administrative Tribunal Act.4. **FACTS OF THE CASE:**

4-1 That the applicant was initially appointed as Junior Medical officer in the office of Respondent No. 1 and posted in Andaman & Nicobar w.e.f. 13-9-76 and worked there for eight years from 13-9-76 to 10-2-84. The Andaman & Nicobar is a Hard Station. The post tenure of such Hard area is 2-3 years. After tenure employee is transferred to his choice of place. The applicant was retained in A&N islands for eight years and after that applicant was transferred to Delhi Administration which was not applicant's choice.

4-2 That applicant was frequently transferred for 7 times as under

- (a) From A&N Island to Delhi Administration.
- (b) From Delhi Administration to CGHS Ahmedabad

Aural

- 12/
- (c) From CGHS Ahmedabad to ROH Bhopal.
 - (d) From ROH Bhopal to Telecom Factory Jabalpur.
 - (e) From Telecom Factory Jabalpur to ROH Bhopal.]
 - (f) From ROH Bhopal to P&T Bhopal
 - (g) From P&T Bhopal to Assam Rifles.

The applicant always complied with the all orders. But the applicant was transferred for second time to N.E. Region Assam Rifles vide order **Annexed A-2** without any justification or reasons whatsoever. The said order dated 12-6-98 was arbitrary, unique, with malice and bad in law as applicant was relieved back dated. This order dated 12-6-98 was received by the applicant on 17-6-98. Thus applicant had already served P&T Department for six days so this order was inoperative and non-executable secondly the relieving authority of the applicant was Department of Post and not the department of Health.

- 4-3 That the vide order dated 7-6-94 **Annexure A-3** the applicant was transferred from RHO Bhopal to P&T Bhopal the applicant could not join his new assignment and on his approaching the Ministry of communication New Delhi, Section Officer S.K. Singal demanded bribe for his joining P&T Department. The Section officer was caught red handed while accepting bribe and the same case is under trial in Special Court of Delhi **Annexure A-4.**
- 4-4 That the applicant was above 45 years at the time of transfer, and as per recruitment to the Junior Class I of the CHS, i.e. appointment order dated 9.1.84 para (ix) (b), the applicant should not have been posted to Assam Rifles. **Annexure A-5.**
- 4-5 That against the transfer order to Assam Rifles applicant approached the Hon'ble Tribunal bench at Jabalpur and an OA 456/99 **Annexure A-6** was registered. This OA was disposed of with the direction under para 5 that "if in exigencies of work applicant's transfer is considered necessary, the authorities may release him". Taking garb or camouflage of "Exigency of work" the applicant was relieved from his duty vide order dated 1-11-99 in pursuance of Ministry of Health and Family Welfare OM No. C-17011/10/98-CHS dated 26.10.99 and Department of Posts, New Delhi Order No. 11-21/98-SPG dated 29.10.99 in which no exigency was shown **Annexure A-7.**
- 4-6 As the applicant was relieved of his duty without any exigency of work, he approached the Hon'ble Tribunal, Jabalpur Bench against the said relieving order dated 1-11-99 under OA No.738/99. In its order, the Hon'ble CAT directed the applicant to represent the Secretary Health for cancellation of his transfer to Assam Rifles within five days and directed the Secretary Health, to dispose of applicant's representation with 30 days by a speaking order **Annexure A-8.** The respondents rejected applicant's representation on the ground that his transfer was on ground of complaints. **Annexure A-9.**
- 4-7 That the above contention of the respondent is absurd, totally false, and fabricated as no enquiry has been conducted till date nor any disciplinary action has been initiated. Had

A-9

the complaint been found true the applicant would have been subjected to disciplinary action. More than three years after this letter dated 23-12-99 and about 10 years after the so-called complaint have been passed but the applicant has never been asked to explain or comment on any complaint. Thus on the basis of false complaint the applicant was transferred to a Hard station as a punishment which is against the principle of natural justice. "No person should be punished unheard." Moreover in number of cases the Hon'ble Supreme Court has held that an employee should not be transferred on complaint basis.

4-8 That the applicant again approached Hon'ble Tribunal, Jabalpur Bench against the order 23-12-99 and OA 577/2000 was registered. The Hon'ble CAT Jabalpur in its judgement **Annexure A-10** directed the applicant to join Assam Rifles and also directed respondents that **"If in future any opportunity arises the applicant may be transferred back/accommodated to any other place of his choice."**

4-9 That the applicant came to know that at Bhopal CGHS is likely to begin functioning **Annexure-11** so he applied for his transfer back to Bhopal in compliance of the Hon'ble Tribunal's order vide **Annexure A-12** to **Annexure A-17** but all his repeated requests were flouted and unheard. Now CGHS has begun to function and three doctors have already been posted at Bhopal since Sept 2001 at Bhopal.

4-9 That the applicant has been repeatedly requesting for his transfer to Bhopal vide his application dated 16-7-2001, 9-1-2001, 10-12-2001, 2-1-2002, 15-2-2002 and 15-4-2002 **Annexure A-12** to **A-17**. The request of the applicant is not being considered by the respondents intentionally to harass him. The respondents are flouting the directive of Hon'ble CAT Jabalpur passed in OA 577/2000 dated 17-7-2000, which can also invite the Contempt of Tribunal's orders proceedings against the respondents.

4-10 **GROUND WITH LEGAL PROVISIONS.**

5.1 Respondents have infringed the fundamental rights of Article 14 and 16 of the constitution of India by transferring the applicant to a hard station for second time that too at the age of 53 years and retaining several junior doctors in MP Circle more than 20 to 25 years and never posted to any Hard Station.

5.2 As per FR&SR appendix 9 there is fixed tenure posting of 2-3 years in hard area. When applicant has already served in A&N Island for 8 years, as per principle of natural justice some other Doctor who was young, healthy and not served the remote area should have been posted there. Thus respondents have out-rightly flouted the provision of FR&SR.

5.3 As per appointment order of the applicant, he should not have been posted to the post connected with the defence of India, Assam Rifles after the age of 45 years.

Annexure A-5.

6. **DETAILS FOR THE REMEDIES EXHAUSTED.**

The applicant declares that he has exhausted all remedies available to him as explained in facts of the case Applicant has no other remedy except by way of this application.

Atul

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7. **MATTERS NOT FILED FOR PENDING BEFORE ANY COURT OF LAW.**

The applicant declares that he has not filed any application or suit or writ before any court of law on the subject matter of the case.

8. **RELIEF SOUGHT**

The applicant beg to pray that Hon'ble CAT may be pleased to direct the respondents to post the applicant at CGHS Bhopal in view of directive of Hon'ble Tribunal Jabalpur passed in OA 577/2000 dated 17-7-2000.

9. **INTERIM RELIEF.**

The respondents may be directed not to post any other doctor at Bhopal, till the applicant is posted at Bhopal, CGHS.

10. **PARTICULARS OF BANK DRAFT.**

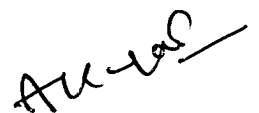
Bank draft No. "00-1201" 16 dated 11-05-02 for Rs. 50/- in favour of Registrar CAT Guwahati payable at Guwahati Branch.

11. **LIST OF ENCLOSURES**

Please see on cover page.

VERIFICATION

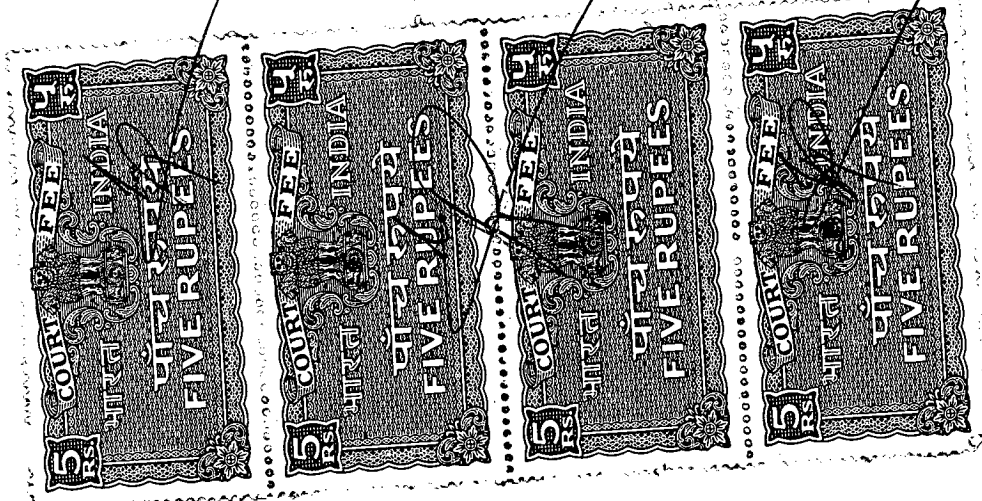
I, Dr. A.K. Nigam S/O late R.C. Nigam, age 53 years working as Chief Medical Officer in the O/o 2 Assam Rifles R/O C/O 99 APO do hereby verify that the contents of para 1 to 11 are true to my personal knowledge and that I have not suppressed any material fact.



Signature of the applicant

Dated 2002

Place : Guwahati.



15-6

SL. NO. 83/2002.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

OA _____/2002

Dr. Ashok Kumar Nigam

APPLICANT

VS

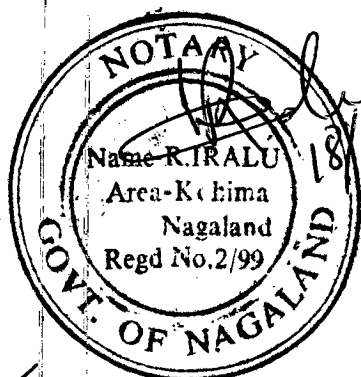
Union of India and others

RESPONDENTS

AFFIDAVIT

I, Dr. Ashok Kumar Nigam, Son of Late R.C. Nigam ages about 53 years, Chief Medical Officer, 2 Assam Rifles, C/O 99 APO do hereby state on oath as under:-

1. That I am the Petitioner in the instant original application and as such I am well conversant with the facts of the case. Therefore, I am filing the accompanying writ petition and swear this affidavit in its support.
2. That the contents of the said application from paras 1 to 11 are true to my personal knowledge and belief.



VERIFICATION

I, Dr. Ashok Kumar Nigam, the above signed deponent, do hereby verify that the contents of the above affidavit from paras 1 to 2 are true to my personal knowledge and belief.

Verified and signed on this 18th day of May 2002 at Guwahati.

Ashok
DEPONENT

Ashok
DEPONENT

ANNEXURE-A 1

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

O.A.577 of 2000

Dr. Ashok Kumar Nigam,
aged about 51 years,
S/o late Shri R.C. Nigam,
R/o Quarter No. P-5/2,
P&T Colony, Char Imli,
Bhopal.

- Applicant

Versus

Union of India,
through the Secretary,
Ministry of Health & Family
Welfare, New Delhi.

- Respondent no.1

The Director General of Posts,
Dak Bhawan, Sansad Marg,
New Delhi.

- Respondent no.2

The Chief Post Master General,
Dak Bhawan, Bhopal.

- Respondent no.3

Counsel:

Smt. Shobha Menon for the applicant

Coram:

Hon'ble Mr. Justice R.N. Ray - Vice Chairman
Hon'ble Mr. H.O. Gupta - Member (A)

ORDER

(Passed on this the 17th day of July, 2000)

By Hon'ble Mr. Justice R.N. Ray, Vice Chairman -

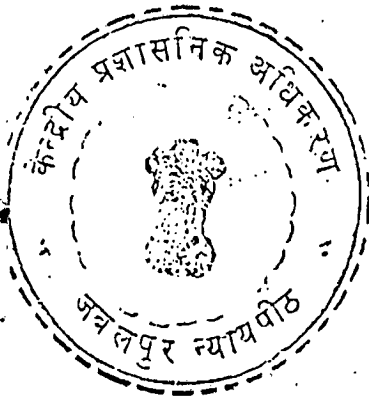
This O.A. has been filed challenging the
order of transfer dated 23.12.1999 (Annexure-A-1) on
the grounds stated therein.

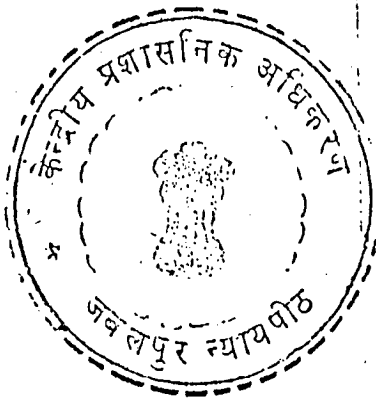
2. The applicant was initially appointed under the
Ministry of Health and Family Welfare w.e.f. 27.4.1976
as a Junior Medical Officer and was posted at Andaman
and Nicobar Islands wherein he served for a period

Contd.....2/-

Attested

Dr. S. Biswas
Medical Officer (CHS)
32 Bn Assam Rifles





17

:: 2 ::

from 30.9.1976 to 10.2.1984. It is contended that Andaman & Nicobar Islands is a hard station/remote area. Thereafter the applicant was posted at Bhopal vide order dated 9.1.1984. Subsequently, the applicant was transferred from the Telecom Factory, Jabalpur to Regional Office for Health and Family Welfare, Bhopal. He joined there and on 7.6.1994 the respondent no.1 transferred the services of the applicant from ROH-PW to P&T, Bhopal. The applicant was not relieved and on approaching the Ministry, one Shri S.K. Singhal who was then the Section Officer demanded illegal gratification, a report of which was filed with the C.B.I. Accordingly, the said Shri Singhal was trapped and a criminal prosecution case was filed which is still pending before the Special Court, New Delhi. Vide order dated 12.6.1998, the applicant was transferred in the same capacity to Assam Rifles, Shillong. The applicant was relieved vide order dated 12.6.1998. Aggrieved by the said order of transfer, the applicant moved to the Tribunal by filing O.A. 456/98. Vide order dated 30.8.1999, the Tribunal passed the following order -

Contd:....3/.

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:: 3 ::

"5. In the facts and circumstances of the case, we further direct the respondents to keep the transfer order in abeyance till May, 2000 i.e. upto the present academic session of the applicant's daughter. However, if in the exigencies of work, the applicant's transfer is considered necessary, the authorities may release him but allow him to retain the accommodation at Bhopal upto May, 2000 on the existing terms. The O.A. is disposed of with the above terms."



Aggrieved with the above order of the C.A.T., the applicant moved the High Court at Jabalpur by preferring Writ Petition which was registered as Writ Petition No.4159/1999. The said petition was dismissed by the High Court vide order dated 29.9.1999 with the observation that if the applicant prefers a representation for retention of the house, then that should be considered sympathetically.

3. It has been contended by the applicant that though the order of transfer has been passed due to administrative exigency, but actually it has been passed with a view to harass the applicant because he got the Section Officer who wanted illegal gratification from the applicant trapped red-handed while accepting gratification. It has been further contended that the applicant's eldest daughter's engagement ceremony is fixed on 1.8.2000 and marriage is fixed on 8.12.2000 and he must be permitted at least to stay till December, 2000. The order of transfer has been

Contd.:..4/-

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passed in administrative exigency but is punitive in nature. Be that as it may. The applicant has prayed for staying the order of transfer, as a matter of interim relief.

4. Duly considered the submissions of the applicant and perused the O.A. along with the pleadings and Annexures. We have also gone through the decision of the Ernakulam Bench of the C.A.T. in R. Sadsiv N. Nair Vs. Director of Education, Union Territory of Lakshadweep and others, (1993) 24 ATC 308 relied upon by the applicant. We find that the applicant has already been relieved. Moreover, the applicant is liable to be transferred as he is holding a transferable post. As such we do not find anything to interfere with the order of transfer but since the applicant's daughters' engagement ceremony is fixed on 1.8.2000 and during such time if the applicant is required to join at the place of his posting, that is, Shillong, it will cause him great hardship. [In the circumstances, we direct the respondent-department to retain the applicant at Bhopal till the first week of August, 2000 either by taking him back on duty or by granting him leave in accordance with the rules. If the applicant has not yet joined the place of his posting i.e., Shillong, the respondents shall not take any disciplinary action against him. After the first week of

Contd...5/-





August, 2000, the applicant is directed to join the place to which he has been transferred vide order dated 12.6.2000 (Annexure-A-1). If he has not been paid TA/DA, then he will be paid TA/DA accordingly. It is seen that the applicant has attained the age of 55 years and he is being transferred to a hard station. If in future any opportunity arises, the applicant may be transferred back/accommodated to any other place of his choice.

5. With the above observations/direction, this O.A. is disposed of at the admission stage.

Sd/-
(H.O. Gupta,
Member(A)

Sd/-
(R.N. Ray)
Vice Chairman

पृष्ठान्तर्गत सं ओ/न्या. 1587 जलपुर, दि. 19.7.00
प्रतिलिपि जयेंधित:-

- (1) सदित, जलपुर न्यायालय, जलपुर
- (2) अध्यक्ष श्री/श्रीमती/वृ. के सदस्य
- (3) प्रवर्ती श्री/श्रीमती/वृ. के सदस्य
- (4) न्यायालय, जलपुर न्यायाधीश
सदना एवं आवश्यक कार्यवाही हेतु

Sub. Shobha
High Court

19.7.00
उप सचिव

No.C.13019/14/97-NV(CHS.II)
Government of India
Ministry of Health & Family Welfare

New Delhi, the 12th June, 1998.

O R D E R

The President is pleased to order the transfer of Dr.A.K. Nigam, Chief Medical Officer of the Central Health Service, at present working under the Department of Posts to Assam Rifles in public interest with immediate effect.

2. It is also stated that Dr.A.K.Nigam stands relieve w.e.f. the date of issue of order. He may be treated as substitute to Dr. (Mrs.) Kalyani Behera, Medical Officer.

S. Sridhar
(S. SRIDHAR)

UNDER SECRETARY TO THE GOVT. OF INDIA

To

1. Additional Director General(SGP), Department of Posts, Dak Bhavan, New Delhi with reference to their letter No.26-5/97-SPG dated 2.4.98.

It is requested that Dr.A.K.Nigam, CMO may please be relieved of his duties immediately, with instructions to report for duty to the Director General, Assam Rifles, Shillong - 793 011. His charge relinquishment reports, in triplicate, may please be obtained and forwarded to this Ministry for further necessary action.

2. Director General, Assam Rifles, Shillong - 793 011.

It is requested that Dr.A.K.Nigam, CMO may please be allowed to join as soon as he reports for duty. The charge assumption reports, in triplicate, in his respect may please be obtained and forwarded to this Ministry for further necessary action.

3. Dr.A.K.Nigam, CMO, P & T Dispensary No.II, Bhopal (Madhya Pradesh)
4. Chief Post Master General, Madhya Pradesh Circel, Bhopal.
5. CHS.I/CHS.v Sections.

Attested

Dr. S. Biswas
Medical Officer (CHS)
32 Bn Assam Rifles

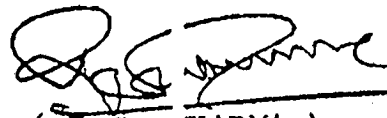
No.A.22012/73/93-CHS.II
Government of India
Ministry of Health & Family Welfare

New Delhi, dated the 7th June, 1994

O R D E R

The President is pleased to order the transfer of the following Medical Officers/Chief Medical Officers of the Central Health Service with immediate effect in public interest:-

Name of the officer	Present place of posting	Transferred to
Dr. A.K. Nigam, CMO	ROH&FW, Bhopal	P&T Bhopal
Dr. P. Nema, CMO	Deptt. of Posts	CGHS Jabalpur
Dr.(Miss) Rohini Prathaban, MO	LWO, Jabalpur	CGHS Jabalpur
Dr. D.K. Khatri, MO	LWO, Jabalpur	CGHS Jabalpur



(R.C. SHARMA)

UNDER SECRETARY TO THE GOVT. OF INDIA

The Regional Director, Regional office of Health & Family Welfare, 131/16, Maharana Pratap Nagar, Bhopal-462 111.

The Deputy Director General(M), Deptt. of Posts, Dak Bhavan, New Delhi.

The Welfare Commissioner, Labour Welfare Orgn., 4-Narmada Road, Jabalpur

Deputy Director, Central Govt. Health Scheme, 23-Napier Town, Russel Chowk, Jabalpur.

Officer concerned

CHS.I/CHS.V Sections

Ministry of Labour, Jaisalmer House, Man Singh Road, New Delhi.

CHS (CGHS.II)/RD Cell.

Sh. J.S. Gusain, Asstt.

Sh. Sohan Lal, LDC

The concerned doctors may please be relieved of their duty and allowed to join at their new place of posting. Their charge assumption/ relinquishment reports may please be sent to this Ministry.

Attested

Dr. S. Biswas
Medical Officer (CHS)
32Bn Assam Rifles

Indian Express

2 Feb 1995

CBI charge-sheets postal official

EXPRESS NEWS SERVICE

NEW DELHI - A Section-Officer in the Department of Post's office of the Deputy Director-General (medical) was on Wednesday charge-sheeted by the Central Bureau of Investigation for indulging in corrupt practices.

Posted at the Dak Bhavan - the Department's national headquarters, the accused, S.K. Singhal, was caught red-handed by the sleuths of the CBI on June 28 last while accepting bribe from a medical official who had been transferred to the Department's Bhopal office as the Chief Medical Officer.

The complainant, Dr A.K. Nigam, was earlier posted as the Regional Director in the Ministry

of Health and Family Welfare's Bhopal office.

On June 7, he was informed that he had been transferred to the P & T Department.

However, Dr Nigam could not commence duty in his new office as the previous incumbent, Dr R.C. Sisodia, had not been issued the relieving order. Consequently, he rang up the Deputy Director-General's New Delhi office on June 24 to inquire about the reasons for the delay in issuing the relieving order to his predecessor.

According to Dr Nigam, his call was attended by a person who later identified himself as S.K. Singhal, the Section-Officer of the Department.

The latter told him that he could assume his new responsi-

lities, but only after paying a bribe. The Section-Officer asked the complainant to come to New Delhi to settle the amount.

Dr Nigam duly contacted Singhal after reaching the Capital on June 27. The hapless doctor was directed to pay Rs 10,000 if he wanted to see his predecessor out. Sensing his inability to pay the amount, the Section-Officer agreed to reduce the amount to Rs 5,000.

Dr Nigam informed the CBI (anti-corruption branch) about Singhal's offer. The latter was arrested in his Dak Bhavan office on June 28 by a police party led by Inspector R.S. Tokas while accepting the bribe from the complainant.

Attested

Dr. S. Biswas
Medical Officer (CHS)
32 Bn Assam Rifles

ANNEXURE-A 5 24

REGISTERED

NO.A.12025/487/83-CHS.I
 Government of India
 Ministry of Health and Family Welfare
 (Department of Health)

New Delhi, dated the 9/1/84

MEMORANDUM

Subject: Recruitment to the Junior Class I of the CHS.

On the recommendations of the UPSC, the President is pleased to offer Dr. A.K. Nigam an appointment to Junior Class I of the CHS and posts him/her as Medical Officer under the Delhi Administration, Delhi.

on the following terms and conditions:-

(i) The appointment is on an officiating basis only, on probation for a period of two years from the date of appointment which may be extended or curtailed at the discretion of the competent authority. He/She will be considered for confirmation in Junior Class I Scale (Rs. 700-1300) in his/her turn after the satisfactory completion of probation and on the availability of a permanent vacancy. The officer may be required to undergo such training as Govt. may prescribe. Failure to complete the period of probation to the satisfaction of the competent authority will render the candidate liable to be discharged from service at any time without any notice and assigning any reason or reversion to any post on which he/she may be retaining a lien. After the satisfactory completion of the period of probation, the termination will be by giving one month's notice on either side. The appointing authority, however, reserves the right of terminating his/her service forthwith or before the expiration of the stipulated period of notice by making payment to him/her for the unexpired period.

THE CANDIDATE SHOULD HAVE COMPLETED SATISFACTORILY THE COMPULSORY ROTATING INTERNSHIP BEFORE JOINING SERVICE. IN CASE WHERE THIS HAS NOT BEEN COMPLETED, FULL DETAIL SHOULD BE FURNISHED FOR CONSIDERATION OF THE GOVERNMENT.

(ii) The scale of pay of the post is Rs. 700-40-900-EB-40-1100-50-1300. The initial pay of such candidates as are in Govt. service will be fixed according to rules and those who are not in Govt. service will be fixed at the minimum of the pay scale.

(iii) Non practising allowance is admissible at the following rates.

- | | |
|---------------------------|----------------------|
| a. 1st to 5th stages | Rs. 150/- per month. |
| b. 6th to 10 stages | Rs. 200/- per month. |
| c. 11th stage and onwards | Rs. 250/- per month. |

(iv) Dearness and other allowances will be admissible according to orders of the Central Government.

(v) Private practice of any kind whatsoever including laboratory and consultant practice is prohibited.

(vi) The officer will be required to contribute compulsorily to the GP Fund in accordance with the rules in force from time to time.

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Attested

Dr. S. Biswas
 Medical Officer (CHS)
 32 Bn Assam Rifles

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(vii) The appointment carries with it the liability to serve in any part of India or outside.

(viii) The appointment is subject to his/her being declared medically fit by a duly constituted Medical Board. He/She has been medically examined and found fit for Govt. service.

(ix) The officer, shall, if so required, be liable to serve in any Defence services or post connected with the Defence of India for a period of not less than 4 years including the period spent on training, if any, provided (a) the officer shall not be required to serve as aforesaid after the expiry of ten years from the date of appointment, (b) the officer shall not ordinarily be required to serve as aforesaid after attaining the age of 45 years.

(x) On appointment, the officer will be required to take an oath of allegiance to the Constitution of India or make a solemn affirmation to that effect in the prescribed proforma.

(xi) A declaration in the enclosed form to the effect that the officer does not have more than one wife living or that having a spouse living, is not married in any case in which such marriage is void by reasons of its taking place during the life time of such spouse is not married to a person who is already having a wife living is or that she is not married in any case in which marriage is void by reasons of the husband having a wife living at the time of such marriage should be submitted. The declaration duly filled in may please be returned.

~~The officer is not entitled to any travelling allowance for joining the appointment.~~

(xiii) Other terms and conditions will be governed by the relevant rules and orders that may be in force from time to time.

(xiv) No request for change in the place of posting will be entertained in any circumstances.

(xv) NO REQUEST FOR EXTENSION OF JOINING TIME FOR DOING POST-GRADUATION OR CONTINUANCE OF POSTGRADUATION WILL BE ENTERTAINED IN ANY CIRCUMSTANCES. THE CANDIDATE WILL HAVE TO CHOOSE BETWEEN POST-GRADUATION OR JOINING THE CENTRAL HEALTH SERVICE.

2. If any declaration given or any information furnished by the officer proves to be false or the officer is found to have wilfully suppressed any material information, he/she will be liable for removal from service and such other action as Government may deem necessary.

3. This Ministry may please be informed within 15 days of the date of receipt of this Memorandum whether or not the offer of appointment on the above terms and conditions is acceptable to him/her and also return the declaration. In case the offer is acceptable, he/she should report to ————

contd. 3.

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the Secretary, M&PH Deptt., Delhi Administration, Chan Nath Marg,
Delhi

for a posting/duty under intimation to this Ministry. If no reply is received within the stipulated period of 15 days, the offer of appointment will be treated as cancelled.

4. The following certificate(s) (in original) together with a copy(ies) thereof must be furnished along with the acceptance of the offer of appointment:-

1. Compulsory Rotating Internship ~~xxxMBG~~
2. S/G or S/T certificate in the prescribed form from the competent authority ~~xxx~~

THE APPOINTMENT IS SUBJECT TO THE RESULT OF THE CIVIL WRIT PETITION NO. 1144/83 IN THE HIGH COURT OF DELHI.

IN ALL FUTURE CORRESPONDENCE, THE FILE NO. GIVEN AT THE TOP OF THIS MEMORANDUM MAY ALWAYS KINDLY BE QUOTED.

To
✓ Dr. A.K. Nigam, Medical Officer,
G.B. Pant Hospital,
Port Blair,
A&N Islands - 744104

J. R. Singh
(JOGINDAR SINGH)
UNDER SECRETARY
H

Dr. Ashok Kumar Nigam,
 Chief Medical Officer,
 P&T Dispensary No.2,
 Aged about 48 years,
 S/O Late Shri R.C. Nigam,
 R/O Qtr. No.P-5/2, P&T Colony,
 Char Imli,
 Bhopal.

Applicant

Versus

1. Secretary,
 Govt. of India,
 Ministry of Health & Family Welfare,
 New Delhi.
2. Director General of Post,
 Dak Bhawan, Sansad Marg,
 New Delhi.
3. The Chief Postmaster General,
 Dak Bhawan,
 Bhopal.

Respondents

Counsel

Shri S.Paul for the applicant.

Shri S.C. Sharma for the respondents.

Coram

Hon'ble Mr. Justice R.N.Ray, Vice Chairman

Hon'ble Mr. H.O.Gupta, Member (A)

ORDER(Passed on this the 30th day of August, 1999)By Hon'ble Mr. Justice R.N.Ray, Vice Chairman

This Original Application has been filed challenging the order dated 12.6.98, Annexure-A1 by which the applicant was transferred from Bhopal to Assam Rifles (Shillong). The applicant was initially appointed under the Ministry of respondent No.1 on 27.4.76 as Junior Medical Officer. Copy of the letter is marked as Annexure-A2. In pursuant to that a notification was issued by the Ministry vide order dated 29.10.76, Annexure-A3. Thereafter the applicant was posted at Andaman & Nicobar by respondent No.1 and he served there w.e.f. 13.9.76 to 10.2.84. It has been asserted that

Attested

Dr. S. Biswas
 Medical Officer (CHS)
 32 Bn Assam Rifles

Andaman & Nicobar is declared to be a hard station/remote area for which incentives are given to the employees posted therein. Appendix 9 of FR/SR Part-I showing the same, is filed, as Annexure-A4. Thus the applicant has rendered about 8 years of service at the remote/hard station at Andaman & Nicobar. Clause 9 of the order dated 9.1.84 transferring the applicant from Andaman & Nicobar to Delhi is filed as Annexure-A5. The applicant was transferred from Telecom Factory, Jabalpur to Regional Office for Health and Family Welfare, Bhopal, vide order dated 4.5.90, Annexure-A6. The applicant was again transferred from RCH-FW Bhopal to P & T Bhopal vide order dated 7.6.94, Annexure-A7. The applicant was not relieved and on his approaching the Ministry, one Section Officer, Shri S.K. Singhal demanded a bribe for his relieving. The applicant reported the matter to the C.B.I. who in turn trapped Shri Singhal red handed. Criminal case against Shri Singhal is still pending in the Court. The applicant is a material witness in the said criminal case registered as Case No. RC 36/94 C.B.I./A.C.B. The summons issued to the applicant as a witness is filed as Annexure-A8. . However, the applicant was relieved and he joined in pursuance to the order dated 7.6.94 at P&T Dispendary, Bhopal and he is continuing there satisfactorily. It is pertinent that the applicant has already crossed 48 years of his age and as per the conditions laid down in the order dated 9.1.84, he cannot be proceeded either to a remote/hard station or to a Defence Establishment for two counts :

(i) He has rendered 10 years of service after his appointment.

(ii) He has attained /crossed the age of 45 years.

The impugned order dated 12.6.98, Annexure-A1 was served by the respondent No.1 on the applicant directly by speed

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and the Assam Rifles is also a Central Health Service participating Unit. As per C.H.S. Rules 12 of 1996, the services of a CHS Doctor are transferable anywhere in any C.H.S. Unit in India. It is true that the applicant comes under the Ministry of Health and Family Welfare but Assam Rifle is also a Central Health Service participating Unit. The respondents further submit that the applicant has not exhausted remedy available to him and he has not filed any representation as such as per Rule 20 of the Administrative Tribunals Act, the present Original Application is not maintainable and the application should be dismissed.

3. The applicant has filed rejoinder. The applicant's counsel contended that the transfer order was engineered due to the reason of the C.B.I. case arising out of complain of the applicant due to which high ups were not happy with the applicant and also with a view to retain Dr. Nirmala Shukla and to accommodate Dr. R.C. Sisodia at Bhopal. Other matters pointed out in the rejoinder are nothing but repetition of the Original Application. The decisions cited by the applicant are not applicable in view of the fact that Assam Rifles is also a Central Health Service participating Unit.

4. We have heard the learned counsel for both sides the parties. Based on pleadings, we are of the view that the Assam Rifles is neither an Armed Force of defence services nor his posting is connected with the Defence of India like the Army, Navy or Air Force. It is Para-Military Force connected with insurgency or for any such law and order situation in N.E. Region.

td..5/-



post on 17.6.98. By this order the applicant was directed to be transferred from P&T Dispensary, Bhopal to Assam Rifles (Shillong). He was directed to report to the Director General, Assam Rifles (Shillong) and Shillong is a remote area/hard station as per Appendix 9 of FR/SR Part-I. The applicant's daughters are studying in M.B.A. and Class XIth in Madhya Pradesh. The applicant has undergone with Major operations in Chaturbhai Mawawala Kidney Hospital Ahmedabad on 2.3.98 and a certificate to this effect has been filed as Annexure-A9. The Post Operational problems may arise if the applicant is required to work on hard stations and also on account of his being a patient of Diabetes and Hypertension. It is also contended that so many doctors who are working for more than 10 years and who were never posted in a hard station are not chosen for transfer. One Dr. Nirmala Shukla was posted at Bhopal for the last 15 years as she was facing Departmental Enquiry under Rule 14 of the CCS(CCA) Rules, 1965. She was not thoughtworthy of transfer and the applicant, who obediently carried out his various transfer orders of Delhi, Andaman, Ahmedabad, Bhopal, Jabalpur and again Bhopal, has been picked up and chosen for this arbitrary treatment. The applicant's parent Department where his lien is maintained is Ministry of Health & Family Welfare and he cannot be posted by way of transfer or deputation by the Principal employer/parent department to serve under another Department (Assam Rifles) without obtaining his consent and on that account Annexure-A1 dated 12.6.98 needs to be quashed.

2. The respondents filed reply and it has been submitted therein that the applicant's order of transfer was passed in the interest of administrative exigencies

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But they are not at all Defence Forces. So the crossing the age of 45 years should not be taken into account to cancel the transfer order. The C.H.S. Cadre Officers are transferred to the participating Organisation and not to a particular Dispensary by the respondent No.1 as may be seen from Annexure A/7. Further the applicant is in Bhopal since 1990. We are also not convinced that transfer was ordered with malafide intentions. We do not, therefore, find any merit in the contentions of the applicant relating to his transfer to Assam Rifles. So, we are not going to interfere with the impugned order of transfer.

5. In the facts and circumstances of the case, we however, direct the respondents to keep the transfer order in abeyance till May, 2000 i.e. upto the present academic session of applicant's daughters. However, if in the exigencies of work, applicant's transfer is considered necessary, the authorities may release him but allow him to retain the accommodation at Bhopal upto May, 2000 on the existing terms. The Original Application is disposed of with the above terms but without any order as to costs. Interim order, if any, stands vacated.

Sd/—

(H.O. Gupta)
Member(A)

Sd/—

(R.N. Ray)
Vice Chairman

पुस्तक सं. 1394 31.8.79

जिला न्यायाधीश, जयपुर, दि.

(1) रजिस्ट्रार, जयपुर, दि. 31.8.79

(2) जिला न्यायाधीश, जयपुर, दि. 31.8.79

(3) जिला न्यायाधीश, जयपुर, दि. 31.8.79

(4) जिला न्यायाधीश, जयपुर, दि. 31.8.79

सदर अतिरिक्त न्यायाधीश, जयपुर

उप रजिस्ट्रार

Shri S. Paul
High Court of MP
Jabalpur

TRUE COPY

(Smt. Shobha Menon)
ADVOCATE

Counsel for Applicant

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DEPARTMENT OF POST, INDIA
O/O CHIEF POSTMASTER GENERAL, M.P. CIRCLE, BHOPAL, 462012.

Memo No: STA.1-935/Posting.
Dated at Bhopal the 1.11.1999.

The Chief Postmaster General, M.P. Circle, Bhopal is pleased to issue the following orders in pursuance of Ministry of Health and Family Welfare O.M. No. C-17011/10/98-CHS dated 26.10.99 and Department of Posts, New Delhi Order No. 11-21/98-SPG dated 29.10.99 -

Dr. A.K. Nigam, Chief Medical Officer, P&T Dispensary No.2, Bhopal is hereby relieved from the Department of Posts with immediate effect with a direction to report to the Director General, Assam Rifles, Shillong at the earliest.

Posting orders vice Dr. Nigam are being issued separately.

(M.R. Tijare.)
Asstt. Postmaster General (Staff),
M.P.Circle, Bhopal 462012.
Tel. Office 0755/550612.
FAX 0755/556547.

A copy of this memo is issued to ---

1. The Director General (SGP Section), Department of Posts, Dak Bhawan, Sansad Marg, New Delhi 110001.
2. The Director General, Assam Rifles, Shillong 793011.
3. The Postmaster General, Indore / Raipur.
4. The Dy. Director of Accounts, Postal, Bhopal 462003.
5. The Chief Medical Officer Incharge, P&T Dispensary No.2, Bhopal.
6. Dr. A.K. Nigam, Chief Medical Officer, P&T Dispensary No. 2, Bhopal 462003.
7. Personal File of the officer.
8. Spare.

Attested

31/11/99
Dr. S. Biswas
Medical Officer (CHS)
Bn Assam Rifles

THE CENTRAL ADMINISTRATIVE TRIBUNAL: JABALPUR **ANNEXURE-A 8**O.A. NO.738/99

APPLICANT:

Dr. Ashok Kumar Nigam aged about 50 yrs
S/o Late R.C. Nigam R/o Quarter No.
P-5/2, P&T Colony, Char Imly Bhopal.

V E R S U S

RESPONDENTS:

1. Union of India through: Secretary
Ministry of Health & family Welfare,
NEW DELHI
2. Director General of Post Dak Bhawan
Sansad Marg, New Delhi.
3. Chief Post Master General
Dak Bhawan, Bhopal.

COUNSEL

Smt. Sobha Menon for the applicant.

CCRAM

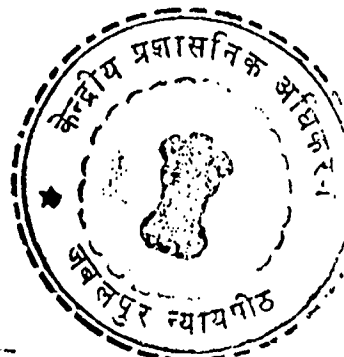
Hon'ble Shri Justice R.N. Ray, Vice Chairman

Hon'ble Shri H.O. Gupta, Member (A)

ORDER

(Passed on this the 3rd day of Dec. 1999)

By: Hon'ble Shri Justice R.N. Ray, Vice Chairman



Heard learned counsel for the applicant.

This O.A. has been filed challenging the order dated 29.10.1999 issued by the Assistant Director General (SGP), Ministry of Communications, New Delhi (Annexure A/4) by which the applicant has been transferred and directed to join as Chief Medical Officer at Assam Rifles, Shillong. The applicant's case is that he was initially appointed under the Ministry of Health & Family Welfare w.e.f. 27.4.76 as a Junior Medical Officer and was posted at Andaman & Nicobar wherein he served for a period from 30.9.76 to 10.2.84. That station has been declared to be hard station/

Attested

Dr. S. Biswas
Medical Officer (CHS)
32 Bn Assam Rifles

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remote area, for which incentives are being given to the employees posted thereon. In that station, the applicant rendered about 8 years of service. Thereafter, he was posted to several places. After having been transferred from the Telecom Factory, Jabalpur to Regional Office for Health & Family Welfare, Bhopal, he joined there and thereafter on 7.6.94, respondent no.1 transferred the services of the applicant from RCH-PW to P&T, Bhopal. The applicant however, was not relieved and on approaching the Ministry, one Shri S.K. Singhal who was then the Section Officer, demanded illegal gratification, a report to which was filed in the CBI and accordingly the said Shri Singhal was trapped and a criminal prosecution is still pending against Shri Singhal before the Special Court in New Delhi, which resulted some adverse repercussions on officers at New Delhi, as a result of which, vide order dated 12.6.98, the applicant was transferred in the same capacity to Assam Rifles, Shillong. In the said order, it was mentioned that the applicant stands relieved with effect from the date of issue of the order i.e. 12.6.98, despite the fact that the said order was received and communicated to the applicant on 17.6.98 (Annex.A/1). Aggrieved by the said order of transfer, the applicant moved this Tribunal by preferring an O.A. registered as O.A. No. 456/1998. That O.A. was disposed of by this Tribunal with the following directions:-

"5. In the facts and circumstances of the case we further direct the respondents to keep the Transfer order in abeyance till May 2000 i.e. upto the present academic session of the applicant's daughters. However, if in the exigencies of work the applicants transfer is considered necessary, the authorities may release him but allow him to retain the accommodation at Bhopal upto May, 2000 on the existing term. The O.A. is disposed of with the above terms."

2. Being aggrieved by the said order, the applicant moved the High Court of Judicature at Jabalpur by preferring a writ petition which was registered as WP No.4159/1999, which was dismissed by the Division Bench of the High Court vide its order dated 29.9.99. However, a direction was given that the petitioner may make representation for retention of the house, which should be considered sympathetically.

3. The applicant has already submitted a representation to the Secretary, requesting that he may be permitted to continue at Bhopal (Annexure A-3 to this OA). Appendix 9 I(ii) to the Fundamental Rules clearly stipulates that in case of officers who are in occupation of their entitled type of accommodation, they will be allotted accommodation of one type below the type of accommodation under their occupation in the same or nearby locality or Hostel Accommodation. In case of officers request for allotment of alternative accommodation, can not be acceded to.



4. Vide impugned order dated 29.10.99 (Annex.A-4) the applicant has been relieved in pursuance with the Ministry of Health & Family Welfare's O.M. dated 26.10.99, with a direction to the applicant to report to the Director General of Assam Rifles, Shillong at the earliest. The applicant has not been given an opportunity to draw his TA/DA. To support his contention that the instant transfer order is not in public interest/exigency and it was done with an oblique motive, the applicant has stated that Dr. S.D. Sen, CMO working in the same capacity while the applicant, was

36 transferred on 11.9.98 from Bhopal to Aligarh, (Annexure A/6) was not relieved and the same order came to be cancelled vide order dated 3.12.98 (Annexure A/7). Similarly, Dr. (Smt) N. Shukla, Chief Medical Officer came to be posted in his place. But the said Dr. (Smt) Shukla came to be accommodated for a period of 3 years at the Bhopal Gas Tragedy Relief & Rehabilitation Department. (Annex. A/9).

5. Duly considered submissions. It is an accepted principle that in public service, transfer is an incident of service. It is not an undisputed preposition that an appointing authority has full discretion in the matter of transfer. The authority concerned is the best judge to decide how to distribute and utilise the services of its officers/employees. However, this power must be exercised honestly, bonafide and reasonably. It should be exercised in public interest. If such exercise of power in the garb of public interest is done, that amounts an oblique motive and it amounts to malafide and colourable exercise of powers. The courts interfere in such cases only. It is the basic principle of rule of law and rule of good administration that the administrative actions should be just and fair. That is to say that the authority who is exercising their power should take such action which should suit the purpose and that exercise of power should be in good faith and that there must not be any misuse and abuse of such power.

6. In the impugned order, there is no mention that the instant order was passed due to any exigency. We do not know whether such exigency was existing which compelled

-5-

the authority concerned to transfer the applicant to Shillong as ordered above. The fact remains that the applicant made a representation but this is unanswered as yet. In the circumstances, we dispose of this O.A. with a direction that if the applicant sends a copy of this order alongwith a copy of Annexure A/3 to this OA to the Secretary, Government of India, Ministry of Health and Family Welfare, New Delhi, alongwith a fresh representation relating to cancellation of the impugned order, then the respondent no.1 i.e. the Secretary, Govt. of India, Ministry of Health and Family Welfare New Delhi shall have to dispose of the same by speaking order, within 30 days from receipt of the same. The applicant shall have to send such representation as mentioned above, by speed post, to avoid delay, within 5 days from this date and shall also forward a copy of the same to respondent no.3 for his information. It is ordered that so long, that representation is not finally disposed of by a reasoned order by respondent no.1, the impugned order of transfer shall be kept in abeyance.

7. In the event if the representation stands allowed, then the period of absence of the applicant since he was relieved till the date of resuming duties shall be regularised as per rules, or in the alternative, if the representation stands rejected, the same period of absence i.e. from the date he is relieved and the date of his joining to the transferred station should be regularised as per rules.

8. It is further observed that since the applicant has been relieved, unless he resumes his duty, he can not be paid his remuneration, so the respondent no.1 must

....6....



dispose of the representation within one month from the date of receipt of the same and the applicant must send his representation along with a copy of this order by speed post within five days from today.

9. This O.A. is disposed of with the above directions. No costs.



Sd/—

(H.O Gupta)
Member (A)

Sd/—

(R.N. Ray)
Vice Chairman

प्रमाणित सं ओ/न्याय 237 जयपुर, दि 3.12.99

पल्लिविधि अग्रे दितः--

- (1) सचिव, उच्च न्यायालय वार एगोरिगुराज, जयपुर
- (2) आदेशक श्री/सी.एन.एस. वी. वगैरहल Smt. S. Menon, A.C.
- (3) फायदी श्री/सी.एन.एस. वी. वगैरहल J.P.
- (4) न्यायालय, जयपुर, जयपुर न्यायालय

सूचना एवं आवश्यक कार्यवाही हेतु

उप सचिव

3.12.99

ANNEXURE-A 9

BY SPEED POST - 39

No.C-17011/10/98-CHS II
 Government of India
 Ministry of Health and Family Welfare

Nirman Bhavan: New Delhi - 110011
 Dated the 23.12.1999

To

Dr. A.K. Nigam,
 CMO,
 Q.No. P-5/2, P&T Colony,
 Char Imil,
 Bhopal - 462016 (Madhya Pradesh)

SUBJECT: Request for cancellation of transfer order of Dr A K Nigam, CMO - directions of CAT, Jabalpur Bench in OA No. 738/99/ dated 3.12.99.

Sir,

As per the directions of the Hon'ble Tribunal, to consider and dispose of the representation (to be submitted within 5 days by the applicant) by speaking order within 30 days, Dr.Nigam's representation dated 5th December, 1999 addressed to Secretary, Ministry of Health & Family Welfare and received in this Ministry on 7th December, 1999 has been examined carefully.

2. While it may be true that Dr AK Nigam may have worked in remote area like Andaman & Nicobar Islands for several years the fact remains that there have been several complaints against Dr AK Nigam about his alleged misbehaviour with lady doctors of P&T Dispensary as well as Regional Office of Health & Family Welfare at Bhopal. In fact, there have also been several complaints that Dr Nigam was instrumental in sending anonymous and frivolous representation involving character assassination of officers of the Dte. General of Health Services, and in fact a legal notice was served on him by the then Deputy Director(Shri T K Murugan), Dte General of Health Services, for making false allegations. Further, order have also been issued on 12.8.1998 for conducting a preliminary enquiry against the officer for harrasment of lady doctors who have complained against his misbehaviour. This enquiry is yet to be completed.

3. The Central Health Service Rules also contain liability to serve anywhere in India as one of the terms and conditions of service.

Attested

Dr. S. Biswas
 Medical Officer (CHS)
 32 Bn Ass'n Rifles

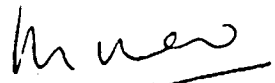
4. Keeping in view the above factors it was decided that it would be desirable to transfer Dr AK Nigam out of Bhopal and the said orders were issued on 12.6.1998 in public interest with immediate effect transferring him to Assam Rifles, as a substitute to Dr Kalyani Behera who was transferred out of Assam Rifles. This was challenged by Dr AK Nigam before the CAT Jabalpur Bench in OA No. 456/98.

5. The Hon'ble CAT vide order dated 30.8.99 considered the right of the government to transfer a government servant and felt convinced that the transfer was not ordered with malafide intentions. It, therefore decided not to interfere with the impugned order but only directed the Government to keep the transfer order in abeyance till May 2000 and also allow him to retain the government accommodation up to May, 2000. Dr. Nigam approached the Hon'ble High Court against the CAT's order dated 30.8.99 who vide their orders dated 24.9.99, refused to interfere with the orders of the Tribunal as it considered that the transfer was purely an administrative matter. It further observed that Dr. Nigam could make a representation to Government for retention of the house. Accordingly orders were issued on 26.10.1999 directing the P&T Department to relieve Dr Nigam immediately to join Assam Rifles but allow him to retain government accommodation till May, 2000 keeping in view his domestic circumstances.

6. However, in another OA No. 738/99 filed by Dr Nigam, the Hon'ble CAT vide their order dated 3.12.99, expressed doubts whether there was any exigency fit enough to warrant the transfer of Dr Nigam to Assam Rifles. The Government is not aware as to the contents of the application filed by Dr. A.K. Nigam as no notice was received and the views of the Government were not heard before passing the above ex-parte order.

7. Keeping in view the above facts and circumstances the Secretary(Health) as the competent authority has decided that the transfer of Dr AK Nigam should be held in abeyance till May, 2000 or till the enquiry is completed, whichever is earlier, and he should also be allowed to retain the Government accommodation till such time.

8. Dr AK Nigam is informed accordingly. This disposes of his representations dated 15.10.99 and 5.12.99.


(K. SUJATA RAO)

JOINT SECRETARY TO THE GOVT OF INDIA

Copy to:

Smt Aruna Jain, Director(Staff), Department of Posts, Dak Bhavan, for necessary action.

ANNEXURE-A 10

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

O.A.577 of 2000

Dr. Ashok Kumar Nigam,
aged about 51 years,
S/o late Shri R.C. Nigam,
R/o Quarter No. P-5/2,
P&T Colony, Char Imli,
Bhopal.

- Applicant

Versus

Union of India,
through the Secretary,
Ministry of Health & Family
Welfare, New Delhi.

- Respondent no.1

The Director General of Posts,
Dak Bhawan, Sansad Marg,
New Delhi.

- Respondent no.2

The Chief Post Master General,
Dak Bhawan, Bhopal.

- Respondent no.3

Counsel:

Smt. Shobha Menon for the applicant

Coram:

Hon'ble Mr. Justice R.N. Ray - Vice Chairman
Hon'ble Mr. H.O. Gupta - Member (A)

ORDER

(Passed on this the 17th day of July, 2000)

By Hon'ble Mr. Justice R.N. Ray, Vice Chairman -

This O.A. has been filed challenging the
order of transfer dated 23.12.1999 (Annexure-A-1) on
the grounds stated therein.

2. The applicant was initially appointed under the
Ministry of Health and Family Welfare w.e.f. 27.4.1976
as a Junior Medical Officer and was posted at Andaman
and Nicobar Islands wherein he served for a period

Contd.....2/-

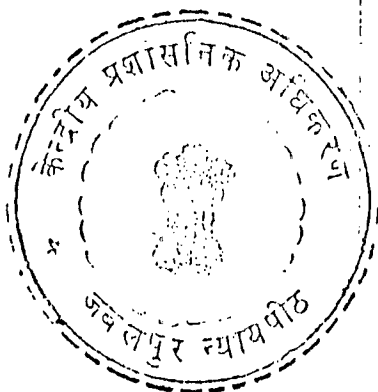
Attested

Dr. S. Biswas
Medical Officer (CHS)
32 Bn Assam Rifles



42

:: 2 ::



from 30.9.1976 to 10.2.1984. It is contended that Andaman & Nicobar Islands is a hard station/remote area. Thereafter the applicant was posted at Bhopal vide order dated 9.1.1984. Subsequently, the applicant was transferred from the Telecom Factory, Jabalpur to Regional Office for Health and Family Welfare, Bhopal. He joined there and on 7.6.1994 the respondent no.1 transferred the services of the applicant from ROH-PW to P&T, Bhopal. The applicant was not relieved and on approaching the Ministry, one Shri S.K. Singhal who was then the Section Officer demanded illegal gratification, a report of which was filed with the C.B.I. Accordingly, the said Shri Singhal was trapped and a criminal prosecution case was filed which is still pending before the Special Court, New Delhi. Vide order dated 12.6.1998, the applicant was transferred in the same capacity to Assam Rifles, Shillong. The applicant was relieved vide order dated 12.6.1998. Aggrieved by the said order of transfer, the applicant moved to the Tribunal by filing O.A. 456/98. Vide order dated 30.8.1999, the Tribunal passed the following order -

Contd....3/-

(1)

:: 3 ::

"5: In the facts and circumstances of the case, we further direct the respondents to keep the transfer order in abeyance till May, 2000 i.e. upto the present academic session of the applicant's daughter. However, if in the exigencies of work, the applicant's transfer is considered necessary, the authorities may release him but allow him to retain the accommodation at Bhopal upto May, 2000 on the existing term. The O.A. is disposed of with the above terms."

Aggrieved with the above order of the C.A.T., the applicant moved the High Court at Jabalpur by preferring Writ Petition which was registered as Writ Petition No.4159/1999. The said petition was dismissed by the High Court vide order dated 29.9.1999 with the observation that if the applicant prefers a representation for retention of the house, then that should be considered sympathetically.

3: It has been contended by the applicant that though the order of transfer has been passed due to administrative exigency, but actually it has been passed with a view to harrass the applicant because he got the Section Officer who wanted illegal gratification from the applicant trapped red-handed while accepting gratification. It has been further contended that the applicant's eldest daughter's engagement ceremony is fixed on 1.8.2000 and marriage is fixed on 8.12.2000 and he must be permitted at least to stay till December, 2000. The order of transfer has been

Contd:....4/-



:: 4 ::

passed in administrative exigency but is punitive in nature. Be that as it may. The applicant has prayed for staying the order of transfer, as a matter of interim relief.

4. Duly considered the submissions of the applicant and perused the O.A. along with the pleadings and Annexures. We have also gone through the decision of the Ernakulam Bench of the C.A.T. in R.Sadsiv N.Nair Vs. Director of Education, Union Territory of Lakshadweep and others, (1993) 24 ATC 308 relied upon by the applicant. We find that the applicant has already been relieved. Moreover, the applicant is liable to be transferred as he is holding a transferable post. As such we do not find anything to interfere with the order of transfer but since the applicant's daughters' engagement ceremony is fixed on 1.8.2000 and during such time if the applicant is required to join at the place of his posting, that is, Shillong, it will cause him great hardship. In the circumstances, we direct the respondent-department to retain the applicant at Bhopal till the first week of August, 2000 either by taking him back on duty or by granting him leave in accordance with the rules. If the applicant has not yet joined the place of his posting i.e. Shillong, the respondents shall not take any disciplinary action against him. After the first week of

Contd...5/-



5. With the above observations/direction, this O.A. is disposed of at the admission stage.

Sd/-
(H.O. Gupta)
Member (A)

Sd/-
(R.N.Ray)
Vice Chairman

पूरांजा सं ओ/न्या..... 1587 जयलपुर, दि. 19.7.08
प्रतिनिधि जयलपुर:-

- (1) रजिस्ट्रार, जिला न्यायालय ता. १५/०५/२०१९, जयपुर
- (2) हाथेलाल शी/सी/सी/पु को कार्यवाही
- (3) प्रदीप शी/सी/सी/पु को कार्यवाही
- (4) नंदलाल, सोहन, जयपुर नगरपालिका
राजगंगा एवं आवासीय कार्यवाही हेतु
- P-10
19

१०८.११
 १९.७.००

Sub. Shobha Menon
High Court of S.P.
Jabalpur

ANNEXURE-A''

27

MOST IMMEDIATE
BY SPEED POST

NO.S.11012/10/2001 CGHS DESK-I
Directorate General of Health Services
(CGHS DESK-I)

Nirman Bhavan, New Delhi-110 011
Dated 11/9/01

To

The Addl. Dir./Dy. Dir./Jt. Dir.
Central Govt Health Scheme

Sub: Extension of CGHS facilities to the cities of
Bhopal, Chandigarh & Shillong - regarding

Sir/Madam,

It has been decided to extend CGHS facilities to
Bhopal, Chandigarh and Shillong during the current
financial year 2001-2002. It is requested to please
send the names of persons alongwith their service
particulars of all categories of staff including
Medical Officers who are interested to be posted in
these stations by the end of this month.

The applicants requesting for their posting will
not be allowed to withdraw their names at any stage.

Yours faithfully,

L. Nongpiur
11/9/01
(DR.(MRS.) L. NONGPIUR)
Addl.Dy.Dir.Genl.(HQ) CGHS

Attested

Dr. S. Biswas
Medical Officer (CHS)
32 Bn Assam Rifles

From : Dr A K Nigam, CMO
29 Assam Rifles
C/O 99 APO

To : The Secretary to Govt of India
Ministry of Health and family welfare
Nirman Bhawan, New Delhi

(Through proper channel)

Sub Request for transfer from Nagaland to RHO Bhopal

Sir,

I beg to state that I was transferred vide No. C 13019/14/97 (CHS II) dated 12th Jun 1998 and reported my duty at Shillong on 22nd Sep 2000. Now I am working in remotest area of N.E Region (Nagaland). Now I am about to complete one year in this Hard Station.

Myself is 53 yrs old and suffering from various serious ailments and same problem is with my wife. Due to non availability of proper medical aid in Nagaland our life is at stake.


Kindly see annexure, The CAT - Jabalpur in case No O.A. 577 of 2000, the CAT has given direction which reads as "It is seen that the applicant has attained the age of 55 yrs and he is being transferred to a hard station. If in future any opportunity arises, the applicant may be transferred back/accommodated to, any other place of his choice". For your information I have already completed my hard area tenure of A & N-Islands for eight years since 1976 to 1984.

So you are earnestly requested to transfer me to RHO Bhopal.


Thanking you sir profusely in anticipation of early favourable orders please.

Yours faithfully

Dt : 16/07/2001


Dr A K Nigam

Attested


Dr. S. Biswas
Medical Officer (CHS)
32 Bn Assam Rifles

From : Dr A K Nigam
Chief Medical Officer
29 Assam Rifles
G/O 99 APO

ANNEXURE-A 13

To : The Secretary to Govt of India
Ministry of Health & Family Welfare
Nirman Bhawan, New Delhi

Sub : REQUEST FOR TRANSFER FROM ASSAM RIFLES TO
CGHS BHOPAL LIKELY TO START FUNCTIONING IN
BHOPAL - REGARDING

Sir,

With due respect I would like to draw your kind attention and for sympathetic consideration please.

I was transferred vide your O.No. 13019/14/97-CHS II dated 12th June 1998 and reported my duty in Assam Rifles on 22 Sep 2000.

I am 54 yrs old and suffering from Diabetes, Hypertension. My wife is also suffering from Hypertension. Due to age factor and illness myself and my wife can not tolerate the extreme climate of N E region. Moreover, my two young daughters are alone in Bhopal. There is nobody to look after them in Bhopal. It has come to my knowledge that in Bhopal C G H S is going to start functioning. So keeping in view my age and illness factors, you are requested to transfer me to either C G H S Bhopal or RHO Bhopal.

Thanking you sir in anticipation of favourable orders please.

Yours faithfully,

Dated : 9th Nov 2001

(Dr A K Nigam)

Attested

Dr. S. P. Das
Medical Officer (CEC)
32 B A

ANNEXURE-A 14

From : Dr A K Nigam
Chief Medical Officer
29 Assam Rifles
C/O 99 APO

To : The Secretary to Govt of India
Ministry of Health & Family Welfare
Nirman Bhawan, New Delhi.

SUB : REQUEST FOR TRANSFER FROM ASSAM RIFLES
TO CGHS BHOPAL

Sir,

With due respect I would like to draw your kind attention and for sympathetic consideration please.

I was transferred vide your O. NO.13019/14/97-CHS II dated 12th June 1998 and reported my duty in Assam Rifles on 22 Sep 2000.

I am 54 years old and suffering from Diabetes, Hypertension. My wife is also suffering from Hypertension. Due to age factor and illness myself and my wife can not tolerate the extreme climate of NB region. Moreover my two young daughters are alone in Bhopal. There is nobody to look after them in Bhopal. It has come to my knowledge that in Bhopal CGHS has started functioning. So keeping in view my age and illness factors, You are requested to transfer me to either CGHS Bhopal or RHO Bhopal.

Thanking you Sir in anticipation of favourable order please.

Yours faithfully,

Dated : 10 Dec 2001

(Dr A K Nigam)

Attested

Dr. S. Biswas
Medical Officer (CHS)
32 Bn Assam Rifles

From : Dr A K Nigam
Chief Medical Officer
2 Assam Rifles
C/O 99 APO

To : The Secretary to Govt of India
Ministry of Health & Family Welfare
Nirman Bhawan, New Delhi

(Through proper channel)

Sub : REQUEST FOR CHOICE POSTING REGARDING

Sir,

In continuation to my application dated 16 Jul 2001 hereby I am again submitting few lines for favour of your information and sympathetic orders please.

I was transferred vide your O. No. 13019/14/97-CHS II dated 12 June 1998 and reported my duty in Assam Rifles on 22 Sept 2000.

Kindly refer my case O. A No. 577 of 2000 versus Union of India and order passed on 17th July 2000 which reads as "The applicant has attained the age of 55 Yrs and he is being transferred to a hard station. If in future any opportunity arises the applicant may be transferred back/Accommodated to any other place of his choice" for your information I am completing about 1 1/2 Yrs in Assam Rifles. The postings of medical officers is in process for CGHS Bhopal and there are vacancies for 10-12 Doctors in Bhopal. So you are requested to transfer me to CGHS Bhopal.

Needless to say that for the act of this kindness I shall remain obliged.

Thanking you sir,

Yours faithfully,

Dated : 2 Jan 2002.

Acc
(Dr A K Nigam)

Document copy submitted for early action please
Attested

Dr. S. Biswas
Medical Officer (CHS)
32 Bn Assam Rifles

(Dr A K Nigam)

From : Dr AK Nigam
 CMO
 2 Assam Rifles
 C/O 99 APO

To : The Secretary to Govt of India
 Ministry of Health & Family Welfare
 Nirman Bhawan, New Delhi

Subject : AN HUMBLE REQUEST FOR THE TRANSFER FROM
 ASSAM RIFLES TO C.G.H.S BHOPAL

Reference : 1. My Applications dated 16/7/01, 10/12/01, 11/01 & 02/0
 2. CAT's Judgement in O.A 577/2000 dated 17 July
 2000 regards.

Sir,

In the subject and reference cited as above I would like to bring to your kind notice few lines for favour of your information and sympathetic consideration please.

Vide transfer order No. C 13019/14/97-AV CHS II dated 12 Jun 98 I was transferred and posted to Assam Rifles and reported duty on 22 September 2000. I served in Andaman & Nicobar for eight years from 13 Sep 1976 to 10 Feb 1984. The tenure of service in hard station is 2-3 years. I am 53 yrs old suffering from Diabetes, Hypertension and undergone two major operations for kidney problem in the year 1998. I should not have been posted again to hard area that too in age group of 53 yrs with fatal ailments. And in case if there was any exigency of work in Assam Rifles. Some other Medical Officer who was young healthy and not served in hard area, should have been posted. There were several Doctors in M.P circle only who were in the same place for 20-25 yrs and never served hard area. out of many many I will name a very few of them viz :-

1. Dr PC Nema, CMO Jabalpur - 29 yrs
2. Dr DD Manawatkar, Jabalpur - 22 Yrs
3. Dr SD Sen, Bhopal - 22 Yrs
4. Dr(Mrs) M Manawatkar, Jabalpur- 22 Yrs
5. Dr RC Sisodia, Bhopal - 24 Yrs

The above mentioned Doctors are continuing in the same station and same deptt for 20-25 Yrs. whereas undersigned had completed eight years in Bhopal which is very short period as compared to the tenure of those Doctors. As a principle of natural justics any one of them should have choosen for the posting to Assam Rifles.

My transfer to Assam Rifles was engineered by the officials of P&T deptt by misguiding and furnishing false information to Ministry of health which is clearly evident from the following facts :-

Vide order No. A 22012/73-93 CHS II dated 07 Jun 94. I was transferred from RHO Bhopal to P&T Bhopal. I could not resume my new assignment and on my approaching to Dak Bhawan new Delhi. Section officer SK Singhal demanded bribe for the same. I reported the matter to CBI who in turn trapped section officer redhanded while accepting bribe money and the same case is under trial in special court of Delhi Annexure-1. at that time Dr RC Sisodia, CMO was working in P&T Bhopal for

Attested

Contd.....2/-

Dr. S. Biswas
 Medical Officer (CHS)
 32 Bn Assam Rifles

17 yrs and state Govt was facing problems due to his criminal and antisocial activities which was brought to the notice of P&T deptt Bhopal vide their letter Annexure No-2. Now as there was fresh bribe case, Dr RC Sisodia was forced to be relieved from Bhopal to Jabalpur and then only I could join my new assignment. But Dr RC Sisodia was not happy at Jabalpur and immediately he began his try for transfer back to Bhopal. Regarding his transfer to Bhopal state Govt again objected Annexure-3. The then CPMG ASIS PAUL also objected for the transfer of Dr RC Sisodia- Annexure-4. Similarly I also requested for cancellation of my transfer order and reported various matters to DG P&T. The matter was investigated by the then C.P.M.G SK Aggarwal. In his enquiry report he submitted false report to DG P&T that state Govt has no objection in case if Dr RC Sisodia is reposted in Bhopal. SK Aggarwal not only favoured Dr Sisodia but strongly objected cancellation of my transfer order. The reason for this undue favour to Dr RC Sisodia is self explanatory or can be understood even by an ordinary man and is an indicative of his oblique motive to bring Dr RC Sisodia back to Bhopal.

As the officials of P&T deptt were unhappy with me due to CBI trap of their section officer and CPMG SK Aggarwal was blindly supporting Dr RC Sisodia ultimately I was relieved from P&T Bhopal on dated 16 Jun 2000 and Dr RC Sisodia was allowed to join on the same date without handovering his charge of Jabalpur which he handed over after one week.

For cancellation of my transfer order I approached CAT for 3 times, then to High Court and Supreme court. But all my efforts were defeated by money power of Dr RC Sisodia as he had purchased all my lawyers. Any way at the end Dr Sisodia's houses were raided by CBI on the direction of Central Vigilance commission in the month of July 2001 and disproportionate property worth one crore was seized Ann-5. Now facing criminal cases of CBI, Income Tax etc. As result now he is under suspension.

In Bhopal my mother aged 90 yrs and two younger daughters are all alone. There is nobody to lookafter them. I am also aged 53 yrs suffering from various fatal ailments and presently suffering from Enlarged prostate for which I am proceeding on E.L on dated 17 March 2002 for the operation of the same. All ailments enumerated by me is not an excuse and in case it there is any doubt I may be referred to Medical board for the verification of the same.

As I am completing 1 1/2 yrs in N.E (The tenure is 2 yrs for staff with service above 10 yrs) and already served hard tenure of Andaman of eight years. There is no proper medical facilities which may endanger my life at any time, further CAT Jabalpur has directed in my case O.A 577/2000 dated 17 July 2000 to accommodate me in Bhopal as and when opportunity arises. As now in Bhopal CGHS has began functioning w.e.f 26 Jan 2002. I may easily be accommodated there without any disturbance to any Medical Officer.

So you are very earnestly requested to transfer me to CGHS Bhopal. Needless to say for the act of this kindness I shall ever remain grateful. In case if my prayer is not acceded I shall be left with no choice except to seek legal aid for redressal of my grievances.

Thanking you Sir in anticipation of favourable order please

Yours faithfully,

Dated : 15th Feb 2002.

(Dr AK Nigam)

From: Dr. A.K. Nigam CMO
2 Assam Rifles
C/o 99 APO

To,

The Secretary to Govt. of India
Ministry of Health & Family Welfare
NEW DELHI.

(Through Proper Channel).

Subject: Request for transfer from Nagaland to CGHS Bhopal.

Sir,

Respectfully I beg to state few lines for your kind and sympathetic consideration and favourable orders.

- (1) That I was appointed as Junior Medical Officer and posted on first appointment at Andaman & Nicobar with effect from 13.9.1976.
- (2) That I worked at Andaman & Nicobar for about 8 years and transferred to Delhi in 1984, Ahmedabad in Aug. 84 RHO Bhopal in Sept. 88 Telecom Factory Jabalpur in Sept. 89 RHO Bhopal in June, 1990 subsequently I was posted at P&T Dispensary Bhopal in July 1994.
- (3) That Andaman & Nicobar is hard station and accordingly to provision of Rules tenure at such hard station is only two years whereas the undersigned was compelled to work at this station for about 8 years from 1976 to 1984.
- (4) That after shifting from hard station I was subjected to frequent transfer from place to place up to 1994. Even after my joining to P&T dispensary I was again transferred to hard station (Assam Rifles) in 1998 just after 4 years whereas the tenure of Doctors in P&T deptt. is eight years.
- (5) That I had approached CAT Jabalpur to cancel my transfer. The CAT Jabalpur stayed the operation of transfer till final decision of DA No. 456/98.
- (6) That the DA was finally decided on 30.8.98 with direction to keep the transfer in abeyance till May 2000 and in exigency if it is considered necessary he may be relieved.
- (7) The department without justification or exigency ordered relieving orders on 29.10.99 which was challenged by way of petition in CAT Jabalpur. The CAT Jabalpur. The CAT Jabalpur in DA 738/99 Dated- 3.12.99 directed the undersigned to represent the Secretary to consider cancellation of transfer which will be decided by the Govt. Within 30 days.

Attested

Dr. S. Biswas
Medical Officer (CHS)
32 Assam Rifles

Contd..2.

- (8) That the undersigned made a representation with humble submission to cancel the transfer. The authority however rejected the request on the ground of complaint against him and other unjustified grounds vide letter No. C 17011/10/98-CHS II dated 23.12.99.
- (9) That after protracted litigation I ultimately joined the Assam Rifles on 22.09.2000.
- (10) That I was subjected to frequent transfer and also worked at hard station. According to provisions of Rules, 2 years tenure is prescribed for posting at hard station/remote locations and thereafter the employee is to be transferred to his choice of station.
- (11) That I have already completed more than 1 1/2 Years at Assam Rifles and also worked at Andaman & Nicobar island for about 8 years I requested for transfer to choice station vide my application dated 16.7.2001, 9.11.2001, 10.12.2001, 20.01.2002 and 15.2.2002. I hope that my request will be receiving attention of the authority for transfer as per choice and expecting transfer orders especially in view of the facts that there has been vacancy in the newly opened CGHS dispensary at Bhopal on 26.01.2002.
- (12) That the requests were made solely on the direction of CAT Jabalpur passed on 17.07.2000 in AD No-577/2000 in which it is clearly directed that "if in future any opportunity arises the applicant may be transferred back/accommodated to any other place of choice".
- (13) That I may add here that I have already explained in detail various reasons/ circumstances justifying my request for transfer made earlier and the department will act in fairness and in the interest of Justice issue order of my transfer to Bhopal against the vacancy in newly opened CGHS Dispensary.

Thanking you sir in anticipation of favourable order please.

Yours faithfully,



DATED: 15 /4/2002

(DR. A.K. NIGAM)

Filed by 13/9/02
(A. DEBROY)
Sr. C. C. C.
C. A. T., Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

O.A NO 186 OF 2002

Dr AK Nigam

.....Applicant

Vs

Union of India and Others

.....Respondents

Reply to Original Application submitted by the Respondents.

BRIEF FACTS OF THE CASE

1. Dr AK Nigam, Chief Medical Officer (CMO), is seeking transfer from Assam Rifles to CGHS, Bhopal. Dr AK Nigam has earlier remained posted at ROH&FW, Bhopal from June 1990 to Jul 1994 and later from Jul 1994 to May 2000 at P&T Dispensary Bhopal. There were several complaints against him. Some of the allegations against him were as follows:-

2. As per the instructions of the Director, Postal Services, Bhopal, Dr Nigam was directed to prescribe medicines as far as possible from the stock available in the dispensary in order to minimise heavy expenditure on local purchases. Dr Nigam questioned the authority of the CMO In-Charge in giving him directions in his letter dated 24 Apr 1996 besides making various allegations against her.

3. Dr Nigam is in the habit of consuming liquor even during duty hours. Most often he is in the habit of remaining in the dispensary after closing and indulging in all sorts of undesirable activities. The residents of the neighbouring area are also fed up with the undesirable activities and heavy consumption of liquor. They had made a joint complaint against him to CPMG on 09 May 1997.

4. Dr Nigam has been prescribing costly non-formulary medicines and tonics of some particular unknown company repeatedly to many patients since 21 Feb 1997. This was brought to the notice of CPMG with a copy to DDG (M), Posts, Min of Communications. Due to the prompt action taken by DDG (M), Dr Nigam had stopped this practice.

5. Dr Nigam is mainly responsible for the heavy expenditure on local purchase of medicines in the P&T dispensary.

6. There were also complaints from RD Bhopal against Dr AK Nigam and it was alleged that he was spoiling the atmosphere in the ROH&FW.

7. It was in view of these serious complaints that he was transferred to Assam Rifles vide order dated 12 June 1998. Dr AK Nigam resisted his transfer and filed a case in CAT Jabalpur challenging the transfer order. His case in CAT was dismissed and he joined Assam Rifles only on 22 Sep 2000.

8. It is further submitted that at present there is shortage of medical officers in the Assam Rifles and there are requests pending from several doctors who have spent much more time in Assam Rifles than Dr Nigam. Moreover, MHA have informed Ministry of Health vide letter dated 08 Jul 2002 that the RRs of Assam Rifles Cadre have been framed and recruitment process is on and the newly recruited doctors will be available for posting before the end of this financial year. They have also informed that they are unable to relieve the CHS doctors without getting their substitutes at present. It is also mentioned that all

CHS posts in Assam Rifles have already been decadred and would be filled by Assam Rifles itself.

9. It is also submitted that it was decided that Dr Nigam might not be considered for posting to Bhopal as he had already been transferred from there on a complaint lodged against him. CGHS has been established only recently in Bhopal. CGHS, Bhopal has sanctioned strength of three doctors. All the three posts at present stand filled up.

PARAWISE REPLY

10. That with reference to statement made in Para 1 to 4.1 of the petition the deponent begs to offer no comments being matter of records and factual.

11. That with reference to averments made in Para 4.2 of the O.A the deponent begs to submit that the applicant was transferred from P & T Department to Assam Rifles on the basis of complaints received against applicant. Details of the complaints have been given in brief facts stated herein before. It is therefore, denied that the applicant was transferred without any justification or reasons whatsoever. Due to administrative reasons it was decided to relieve the applicant from the date of issue of transfer order and as such instructions were given to relieve the applicant to report for duty to Assam Rifles.

12. That with reference to averments made in Para 4.3, the respondents beg to offer no comments being matters of record.

13. That the averments made in Para 4.4, the respondents begs to submit that due to administrative reasons and on the basis of complaints received against him while he was posted at P&T Dispensary Bhopal, the applicant was posted to Assam Rifles. It is also clarified that Assam Rifles being under Ministry of Home Affairs is a CHS participating unit and any CHS officer is liable to serve there and it is not a Defence service.

14. That with reference to averments made in Para 4.5, the deponent herein begs to submit that as per directions dated 30 Aug 99 of CAT, Jabalpur Bench, due to exigency of works, the respondent being the

cadre controlling authority directed Deptt of Posts vide letter dated 26 Oct 1999 to relieve the applicant immediately as he was under transfer to Assam Rifles vide order dated 12 Jun 1998 and also as the post was lying vacant there for more than one year.

15. That with reference to averments made in Para 4.6, the deponent begs to state that in the speaking reply dated 23 Dec 1999 given by the respondent to the applicant as per the directions dated 03 Dec 1999 of Hon'ble CAT, Jabalpur Bench in OA No 738/99, the transfer of the applicant to Assam Rifles was also held in abeyance till May 2000 and finally the applicant joined Assam Rifles only on 22 Sep 2000.

16. That with reference to Para 4.7 the deponent begs to state that the averment of the applicant is incorrect. It is mentioned that a legal notice was served on the applicant by the Deputy Director, Directorate General of Health Services for making false allegations. Further an order had also been issued on 12 Aug 1998 for conducting of preliminary enquiry against the applicant for harassment of lady doctors who have complained against his misbehaviour. The Enquiry Officer while submitting his report had suggested to transfer the applicant out of Bhopal.

17. That with reference to averments made in Para 4.9, the deponent begs to offer no comments being matters of record.

18. That with reference to averments made in Para 4.9 the deponent herein begs to submit that according to the work allocation, the level of disposal of cases in CHS Division, all cases of transfer/posting of officers below rank of SAG level will be submitted to Addl Secretary after the same is placed before a Committee of Officers who shall consider the same keeping in view the various factors such as public interest, vacancy position, MCI norms, requirements of participating units of CHS, genuineness of individual request, other Govt instructions on the subject etc before deciding the same. As such, the request of the applicant for his transfer from Assam Rifles will be considered in the

Transfer Committee. The request of the applicant for his transfer to CGHS, Bhopal was made in Nov 2001 and the doctors were posted to CGHS, Bhopal in Sep 2001. At present there is no vacancy at CGHS/RHO Bhopal.

19. That with reference to averments made in Para 4.10 of the OA, the deponent herein begs to submit that the contention of the applicant that his request is not being considered by the respondents intentionally to harass him is denied. The respondents are not flouting the directive of the Hon'ble CAT, Jabalpur Bench passed in OA 577/2000 dt 17 Jul 2000. It is mentioned that at present there is shortage of Medical Officers in the Assam Rifles and there are requests pending from several doctors who have spent much more time in Assam Rifles than Dr. Nigam. Moreover MHA have informed that the RRs of Assam Rifles Cadre have been framed and recruitment process is on and the posting newly recruited doctors will be started before the end of this financial year. Further relieving of CHS doctors from Assam Rifles without getting their substitutes will adversely affect the functioning of Assam Rifles, of which most of the units are committed in operations. All CHS posts in Assam Rifles will be decadred and would be filled by Assam Rifles. It is also submitted that the application dated 10 Dec 2001 of applicant for posting to Bhopal was referred to MHA, which was not considered in the Transfer Committee Meeting held on 07 Aug 2002 under the Chairmanship of Special Secretary.

A true copy of Minutes of Transfer Committee Meeting dated 07 Jul 2002 is attached ad Annexure - I

20. That with reference to ground made in Para 5.1 and 5.2, the respondents beg to submit that as per Rule 12 of CHS Rule, 1996, officer appointed to service shall be liable to serve anywhere in India and abroad. Thus the transfer from one place to another is generally a condition of service and the employee cannot be said to have aggrieved by the same.

21. That with reference to grounds made in Para 5.3, it is submitted that reply has already been given in Para 14 above.

22. That with reference to grounds made in Para 6 & 7 of the OA, the deponent herein begs to offer no comments.

23. That with reference to grounds made in Para 8 & 9 of the OA, the deponent herein begs to submit that same has already been replied vide Para 10 above.

V E R I F I C A T I O N

I Major S George, age 35 years, Son of Late Mr. KM George, working as Joint Assistant Director (Legal) in the Office of the Directorate General Assam Rifles being authorised to hereby verify and declare that the statements made in this written statement are true to my knowledge, information and believe and I have not suppressed any material fact.

And I sign this verification on this ____ day of

Sep 2002.


Deponent

स. सहायक निदेशक (बिधि)
Joint Assistant Director (Legal)
महानिदेशालय असम राईफल्स
Director General Assam Rifles
शिलांग ७६३०११
Shillong 793011

MINUTES OF THE 27th MEETING OF THE TRANSFER COMMITTEE HELD ON 07.08.2002 UNDER THE CHAIRMANSHIP OF SPECIAL SECRETARY

The 27th Meeting of the Transfer Committee to consider cases for transfer of officers of the Central Health Service (CHS) on the basis of the requirements of the participating units of CHS, vacancy position and individual requests was held today under the Chairmanship of Shri G. R. Patwardhan, Special Secretary. The following members of the Committee were present:

1. Prof. Y.N.Rao, DDG(M), Dte.GHS,
2. Dr. (Smt) L. Nongpiur, Director, CGHS (By invitation as ST and Lady Member)
3. Dr. A.C. Hazarika, Addl. Director, CGHS (Hqrs) - By invitation
4. Ms Anu Garg, Dir.(A&V), Dte.GHS
5. Shri A.K. Dash, Director (Staff), Deptt. of Posts - By invitation
6. Shri G. K. Chanana, Deputy Secretary(CHS), Deptt. of Health.

Shri B.P. Sharma, Joint Secretary, Deptt. of Health incharge of CHS Div. being on tour could not attend the meeting. Dr. (Smt.) Madhuri Sharma, DDG(P), Dte.GHS has superannuated and was represented by DDG(M) who is looking after her work in the Dte.GHS. The officers from the CHS Division assisted the Committee.

2. The following guidelines were kept in view while recommending cases of officers for postings and transfers:

- (a) To post, as far as possible, both the husband and wife if they happen to be both members of the CHS - together at the same station.
- (b) To avoid transfer in case of officers who have less than 5 years to retire unless they have represented/requested for it.
- (c) To attempt to fill up posts of specialists in Polyclinics of CGHS especially outside Delhi.
- (d) To attempt to fill up teaching posts in Medical Colleges/Dental Colleges on priority.
- (e) To post officers returning from deputation/job abroad to places where vacancies exist for long periods.
- (f) To shift/transfer officers from sensitive posts like APHO/PHO, after 5 years.

- 9 R.

3. The Committee was informed that Dr. A.K. Nigam, CMO, Assam Rifles filed an OA no. 186/2002 in CAT, Guwahati Bench seeking transfer to CGHS, Bhopal. The Hon'ble CAT, Guwahati Bench has passed an interim order on 15.07.02 as under:

"Heard Dr.A.K.Nigam in person. The application is admitted. Call for the records, returnable by four weeks. In the meantime the applicant may submit a fresh representation claiming choice posting before the authority within seven days from the date of receipt of the order."

Dr.Nigam mentioned that one post of Chief Medical Officer is already vacant in the P&T Deptt., Bhopal and there are five to six likely vacancies in CGHS, Bhopal itself. Dr. Nigam may file his representation indicating those place of posting before the Secretary, Govt. of India, Ministry of Health and Family Welfare.

Let this application be listed for order on 16.08.02. Pendency of this application shall not deter the respondents to consider the case of the applicant for transferring and posting out any of his choice place of posting."

17/7/02

4. Dr. A.K. Nigam has submitted his representation dated 17th July, 2002 which has been received in the Ministry on 23.07.2002. Dr. Nigam in his representation has stated, in brief, that he is 53 years old suffering from Diabetes, Hypertension and Kidney problems. his mother is 90 years old, his daughter is studying in engineering college, there is nobody to look after them and that he has completed tenure of one year and 10 months in Assam Rifles. He has also stated that he had been transferred or victimized by P&T Department, Bhopal and that it will be not good for him to be posted in P & T Bhopal. Therefore, he has requested for being posted in CGHS, Bhopal where according to him few posts are likely to fall vacant.

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v. Dr. Nigam is mainly responsible for the heavy expenditure on local purchase of medicines in the P&T dispensary.

6. There were also complaints from RD, Bhopal against Dr. A.K. Nigam and it was alleged that he was spoiling the atmosphere in the ROH&FW. ✓

7. It was in view of these serious complaints he was transferred to Assam Rifles vide order-dated 12.6.98. Dr. A.K. Nigam resisted his transfer and filed a case in CAT, Jabalpur challenging the transfer order. His case in CAT was dismissed and he joined Assam Rifles only on 22.9.2000.

8. It was also informed that at present there is shortage of Medical Officers in the Assam Rifles and there are requests pending from several doctors who have spent much more time in Assam Rifles than Dr. Nigam. Moreover, Ministry of Home Affairs have informed this Ministry vide their letter dated 08.07.02 (copy enclosed) that the Recruitment Rules of Assam Rifles Cadre have been framed and recruitment process is on and the newly recruited doctors will be available for posting before the end of this financial year. They have also informed that they are unable to relieve the CHS doctors without getting their substitutes at present. It is also mentioned that all CHS posts in Assam Rifles have already been debarred and would be filled by Assam Rifles itself.

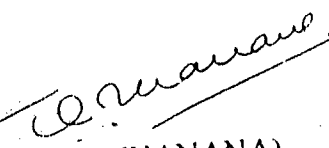
9. CHS has been established only recently in Bhopal. CHS, Bhopal has sanctioned strength of three doctors. All the three posts at present stand filled up. The names of the doctors are Dr. J.P. Shukla, Joint Director, (DOB: 13.10.47), Dr. D.K. Khatri, CMO (DOB: 18.8.58) and Dr. V.S. Tomar, SMO (DOB: 04.10.51). None of

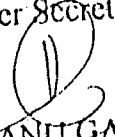
P & T

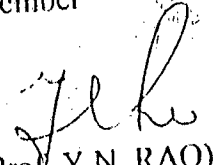
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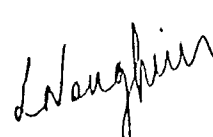
these doctors is likely to superannuate in the near future. The earliest retirement will take place only in Oct. 2007. In view of this, there is at present no post vacant or likely to be vacant before October 2007 in CGHS, Bhopal. Dr. A.K. Nigam has himself stated that he may not be posted in P & T Bhopal.


The Transfer Committee deliberated in detail on the subject and after hearing Shri A.K. Dash-Director (Staff), Deptt. of Posts and the Director, Central Government Health Scheme (CGHS) decided that the request of Dr. A.K. Nigam cannot be acceded to.



(G. K. CHANANA)
DS (CHS)
Member Secretary



(Ms. ANU GARG)
Dir. (A&V) Dte. GHS
Member

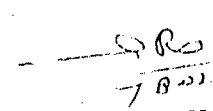

(Prof. Y.N. RAO)
DDG(M). Dte. GHS
Member


(Dr. (Smt) L. NONGPIUR)
Director, CGHS


(A.K. DASH)
Director (Staff)
Deptt of Posts


(Dr. A.C. HAZARIKA)
Addl Director
CGHS - Hqrs


(B.P. SHARMA)
Joint Secretary
Member


(G. R. PATWARDHAN)
Special Secretary
Chairman

24/8/02

Dr. Nigam has been prescribing costly nonformulary medicines

and tonics of some particular unknown company repeatedly to

many patients since 21.2.97. This was brought to the notice of

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

O.A NO. 186/2002

Dr AK Nigam

Chief Medical Officer

2nd Assam Rifles

C/o 99 APO

- Applicant

Vs

Union of India and other

- Respondents.

Most humbly I beg to pray and submit my humble submissions before this Hon'ble court with reference to the letter dated 14th Aug 2002 from respondent No 1 (copy enclosed).

1. That the respondent objected to my transfer from North East to Bhopal on the ground that :-

"At present there is shortage of medical officers in Assam Rifles"

In reply to this I would like to submit that, there is no shortage of medical officers in Assam Rifles. There are 97 medical officers for 34 Battalions. Moreover 65 doctors for Assam Rifles are joining in the last week of September or first week of October 2002. These doctors have been recruited specially for "Assam Rifles cadre". At present in my location there are 4 doctors available for medical aid to Assam Rifles. Apart from that there is one well equipped military hospital and one District civil hospital to provide medical aid for 2nd Assam rifles.

- 1.1 Just ^{few} ~~the~~ months back respondent No - 1 has transferred four doctors in spite of "so called shortage of doctors". They are as follows:-

- (i) Dr. (Mrs) Natasha Verma from IGAR (North) to Delhi.
- (ii) Dr.(Mrs) Sutapa Sikdar from 16 Assam Rifles to Delhi.
- (iii) Dr D C Deuri from Shillong to Delhi.
- (iv) Dr. (Mrs) Kiran from 11 Assam Rifles to C.G.H.S. Jabalpur

If there was shortage of Doctors, these doctors should not have been transferred. By objecting my transfer this is highly discriminatory and against principle of natural justice.

- 1.2 Even if there is shortage of doctors it is the duty of respondents to arrange doctors from Central Health Services as there are about 3000 doctors and some doctors are continuing in same area and same station for 20 - 30 years. Even in Bhopal lot of such doctors are there who have never served remote area.

2. **"There are requests pending from several doctors who spent much more time in Assam Rifles than Dr. Nigam"**

In reply to this, I would like to submit, that it is wrong to say that there are requests pending from several doctors who are waiting for their transfer. There is not a single Central Health scheme doctor who is waiting or requesting for transfer.

- 2.1 These doctors who are requesting for transfer and spent much more time than me belong to Assam Rifles and they are recruited specially for Assam rifles hence they have no right to claim for their transfer out of North East area. Whereas I have been transferred to North East on deputation for a fixed tenure of two years. Beyond two years respondents have no authority to retain me after this period, whereas these doctors have to retire from Assam Rifles itself.

Contd.....p/2

- 2.2 Further my case cannot be compared with these doctors as I have already completed my hard area tenure of Andaman & Nicobar for 8 years i.e., from 1976 to 1984. As I have completed my tenure of hard area, I should not have been posted again to North East area for second time. Even then here also I have completed my second tenure of North East on 10 September 2002 officially. Hence I have earned or achieved the right of transfer to my choice place of posting as per the policy of "fixed tenure and transfer to place of choice".
- 2.3 At present I am 53 years old and suffering from Diabetes, Hypertension and kidney problem. At this age I cannot sustain hilly terrain and high altitude climate of North East. Moreover at this age with various ailments I cannot undertake hard duties of Assam Rifles. As per terms and conditions of my appointment I should not be posted to a post connected with defence of India after the age of 45 years and after 10 years of service (Annexure A-5 para IX).
- 2.4 Further my mother is aged 85 years and younger daughter Richa Nigam age 19 years are alone in Bhopal. There is nobody to look after them and my ailing mother requires my presence and service with her.
3. **"They have also informed that they are unable to relieve Central Health Scheme doctors without substitute"**
- In reply to this, I have to submit that, there are more than enough doctors in Assam Rifles so there should be no problem if I am relieved even without any substitute.
- 3.1 Within a span of two years the respondents have relieved 5 doctors.
- (1) Dr Arvind Kumar, 2 Assam Rifles
 - (2) Dr. A Shrivastava, 27 Assam Rifles
 - (3) Dr. SR Dhar, 30 Assam Rifles
 - (4) Dr. V Kumar, 17 Assam Rifles
 - (5) Dr. A Bandopadhyaya, 29 Assam Rifles
- These doctors were relieved inspite of shortage of doctors and without any substitute. Now the respondents are refusing to relieve me which is highly discriminatory and against principle of natural justice.
- 3.2 It is the duty of respondents to arrange substitute. Applicant has no role in arranging substitute. In case of O.A 233/2001 Hon'ble Tribunal Guwahati has observed that "It is the duty of the respondent to find out reliever and it is not for the applicant to ferret out such substitute".
- 3.3 Further to state that while I was transferred from P&T Bhopal to Assam Rifles there was no such precondition that on my transfer out of North East I will not be relieved without any substitute.
4. **"Posting in P&T is done by Ministry of communication"**
- In reply to this I have to submit that, it is absolutely wrong to say that posting in P&T is done by Ministry of Communication. All doctors of P&T Deptt belong to Central Health Services and their posting is done by Health Ministry (see Annexure A-3 my transfer from P&T Bhopal to Assam Rifles and Annexure A-2 posting from RHO Bhopal to P&T Bhopal).
5. **"C.G.H.S. Bhopal has sanctioned strength of three doctors. All three posts at present stand filled up.....in view of this there is at present no post vacant or likely to be vacant before October 2007 in C.G.H.S Bhopal"**
- In reply to this I have to submit that, In case of Dr. AK Nigam Vs Union of India, O.A 577/2000 dated 17/7/2000. Hon'ble Tribunal Jabalpur has directed that "It is seen that the applicant has attained the age of 55 years and he is being transferred to a hard station. It in future any opportunity arises, the applicant may be transferred back/accommodated to any other place of his choice (Annexure A-1).

- 5.1 In July 2001 there was a news in National Dailies that in Bhopal Central Govt Health Scheme is going to begin functioning and there is proposal for three dispensaries and at least 9-10 doctors will be posted in Central Govt Health Scheme immediately I Applied in July 2001 for my transfer to Bhopal. Then respondent No 1 issued a circular Annexure A-11 on 11 September 2001 inviting applications from medical officers for posting at Bhopal. Again I applied in November 2001, December 2001 and January 2002. There were ample opportunities to post me at Bhopal but all my representations were unheard and intentionally ignoring my posting three doctors from Jabalpur were posted at Bhopal in January 2002. Though my representations were submitted well in advance and there was direction from Hon'ble Tribunal Jabalpur to post me at Bhopal, but ignoring my representations and direction of Hon'ble Tribunal Jabalpur these doctors were posted at Bhopal. As respondents have ignored the directions of the Hon'ble Tribunal Jabalpur which may also invite a case of contempt of court against the respondents.
6. Hence the applicant has earned/acquired the right of "choice posting" on the following grounds:-
- (1) As per the directions of the Hon'ble Tribunal Jabalpur in its O.A 577/2000 dated 17/7/2000. I should be transferred back to Bhopal (Annexure A-1).
 - (2) Applicant has already completed his remote/hard area tenure for 8 years in Andman and Nicobar Islands from 1976 to 1984. So I should not have been posted again to hard area of North East for second time as per rule and principle of natural justice.
 - (3) Applicant has again completed his North East tenure of 2 Years.
 - (4) Applicant's posting to North East is against the terms and conditions of appointment. I should not have been posted to Assam Rifles after the age of 45 years and after 10 years of service (Annexure A-5 paragraph IX).
7. It is therefore respectfully, prayed that your Lordship be pleased to direct the respondents to post the applicant at C.G.H.S Bhopal. And for which act of your kindness the humble applicant, as in duty bound shall ever pray.

Dated : 13 September 2002

Place : Guwahati

Signature of the applicant

(Dr. A K Nigam)

VERIFICATION

I, Dr. AK Nigam son of RC Nigam age 53 years working as Chief Medical Officer in o/o 2nd Assam Rifles C/O 99 APO do hereby verify that the contents of para 1 to 7 are true to my personal knowledge and belief and information and I put my hand on this the 13 day of September 2002 at Guwahati.

Dated : 13 September 2002

Place : Guwahati

Signature of the applicant

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CAT CASE/MOST IMMEDIATE
SPEED POST

No.C.17011/4/2002-CHS.II
Government of India
Ministry of Health & Family Welfare

New Delhi, the 14th Aug., 02

To

✓ Dr.A.K. Nigam.
CMO,
2, Assam Rifles,
C/o 99 APO

Sub:- OA No. 186/2002 filed by Dr.A.K. Nigam, CMO (CHS), Assam Rifles
before CAT Guwahati bench - reg.

Sir,

I am directed to refer to your letter dated 17.7.02 on the above
subject and to say that the Hon'ble CAT Guwahati bench have directed as
under:-

"Heard Dr.A.K.Nigam in person. The
application is admitted. Call for the records,
returnable by four weeks. In the meantime
the applicant may submit a fresh
representation claiming choice posting before
the authority within seven days from the date
of receipt of the order.

Dr.Nigam mentioned that one post of Chief
Medical Officer is already vacant in the P&T
Deptt., Bhopal and there are five to six likely
vacancies in CGHS, Bhopal itself. Dr. Nigam
may file his representation indicating those
place of posting before the Secretary, Govt.
of India, Ministry of Health and Family
Welfare.

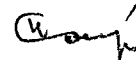
Let this application be listed for order on
16.08.02. Pendency of this application shall not
deter the respondents to consider the case of
the applicant for transferring and posting out
any of his choice place of posting."

In this connection it may be mentioned that at present there is
shortage of Medical Officers in the Assam Rifles and there are requests
pending from several doctors who have spent much more time in Assam
Rifles than Dr. Nigam. Moreover, Ministry of Home Affairs have informed
this Ministry vide their letter dated 8.7.02 (copy enclosed) that the
Recruitment Rules of Assam Rifles Cadre have been framed and recruitment
process is on and the newly recruited doctors will be available for posting
2/-

before the end of this financial year. They have also informed that they are unable to relieve the CHS doctors without getting their substitutes at present. It is also mentioned that all CHS posts in Assam Rifles have already been decadred and would be filled by Assam Rifles itself. As regards posting in Bhopal, so far P&T Deptt. is concerned, posting within the department is done by Ministry of Communication themselves. CGHS has been established only recently in Bhopal. CGHS, Bhopal has sanctioned strength of three doctors. All the three posts at present stand filled up. The names of the doctors are Dr. J.P. Shakya, Joint Director, (DOB: 13.10.47), Dr. D.K. Khatri, CMO (DOB: 18.8.58) and Dr. V.S. Tomar, SMO (DOB: 04.10.51). None of these doctors is likely to superannuate in the near future. The earliest retirement will take place only in Oct. 2007. In view of this, there is at present no post vacant or likely to be vacant before October 2007 in CGHS, Bhopal. Dr. A.K. Nigam has himself stated that he may not be posted in P & T Bhopal.

The Transfer Committee deliberated in detail on the subject and after hearing Shri A.K. Das, Director (Staff), Deptt. of Posts and the Director, Central Government Health Scheme (CGHS) decided that the request of Dr. A.K. Nigam cannot be acceded to.

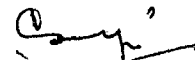
Yours faithfully,



(U.C. NANGIA)

DEPUTY SECRETARY TO THE GOVT OF INDIA

Copy to Director General, Assam Rifles, Shillong - 793 011.



(U.C. NANGIA)

DEPUTY SECRETARY TO THE GOVT OF INDIA



D.S.Mishra
Director (Pers)
Telefax: 3092956

गृह मंत्रालय
भारत सरकार
नार्थ ब्लॉक, नई दिल्ली-110001
MINISTRY OF HOME AFFAIRS
GOVERNMENT OF INDIA
NORTH BLOCK, NEW DELHI-110001

D.O.No.I-45028/02/2001-Pers.II/Pers.III

Dated: 8th July, 2002

Dear Mr Nongia,

Kindly refer to your letter no.A.22012/18/2002-CHS.II(Pt.) dated 13th June, 2002 addressed to the Director General, Assam Rifles and endorsed to MHA, (Pers-III) regarding relieving of CHS officers who are under transfer.

In this regard, I have been directed to say that almost 50% of Medical Officers in Assam Rifles-are presently lying vacant. Out of 97 serving Medical Officers at present, the majority of them come from CHS whose number is 51. Because of latest instructions of DoPT, neither adhoc appointments can be made nor those who have been appointed on adhoc earlier can get further extension. Therefore, the situation is going to be further bad when the adhoc Doctors complete their term.

The recruitment rules for the Medical Officers have been framed and the recruitment process is on. It is likely that newly recruited Doctors will be completing their basic induction trainings before the end of this financial year and will be available for postings thereafter.

In view of the above, it is not possible to relieve the CHS Doctors without getting their substitute at present. It is, therefore, requested that

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Ministry of Health and Family Welfare should not insist on relieving of Medical Officers who have been transferred by the Ministry till regular Medical Officers join the cadre in the Assam Rifles after training.

Repach

Yours sincerely,

[Signature]
(D.S. Mishra)

Shri U.C. Nangia
Deputy Secretary
Ministry of Health and Family Welfare
New Delhi.

X³

Dr A K Nigam
Chief Medical Officer
2nd Assam Rifles
C/O 99 APO

Applicant

V s

Union of India and Others

Respondents

Most humbly I beg to pray and submit my humble submissions before this Hon'ble Tribunal as under :-

(1) (a) My transfer order dated 12 June '98 from P & T Bhopal to Assam Rifles (Annexure A-2 Page 10) was shown as in public interest.

(b) When I filed a case in Hon'ble Tribunal against this order (O.A 456/99) the respondents intimated that this transfer was in exigency of service.

(c) Again I filed a case in Hon'ble Tribunal Jabalpur, respondents intimated that this transfer was on complaint basis (Annexure A-9 Page 22).

So my transfer was neither in public interest nor in exigency of service nor on the complaint basis. But my transfer was with the sole oblique motive to

accommodate Dr R C Sisodia from Jabalpur to Bhopal

(2) See annexure A-9 Page 22 Para 3 : The so called complaints against me such as misbehaviour with Lady Doctors, instrumental in sending anonymous letter, character assassination etc are false and fabricated.

These complaints pertain to the period 93-94 and I came to know about these complaints only when respondent No 1 issued a speaking order dated 23/12/1999 ^{Annex-9 page 22} on the directions of Tribunal under O.A 738/99. Before this there was no explanation or enquiry from ^{me} or any communication to me since the year 93-94 to 1999 (about 6 years). Now it is 2002 i.e., 3 years, till date there is not a single letter to me from respondent No 1 regarding these complaints.

Now as I have filed a case in this Tribunal for my transfer to Bhopal, the respondents are repeating same story after 10 years. As I have not been informed about this complaint, no enquiry, no action, no opportunity of being heard even after lapse of 10 yrs, so these complaints are false and fabricated hence null & void

- (3) In the year 1994 when I was transferred from RHO Bhopal to P & T Bhopal one section officer S K Singhal demanded a bribe of Rs.20,000/- to allow me to join. I reported the matter to CBI, who in turn caught section officer red handed while accepting bribe (Enclosure No 1). Before this Home Ministry of Govt of Madhya Pradesh was also pressurising for transfer of Dr R C Sisodia out of Bhopal. Now due to CBI case and Madhya Pradesh Govt's pressure Dr R C Sisodia was forced to be relieved from Bhopal to Jabalpur.
- (4) Dr R C Sisodia was not happy at Jabalpur soon he began his try for his transfer back to Bhopal. Home Ministry of Madhya Pradesh Govt objected for his transfer back to Bhopal from Jabalpur (Enclosure No 2) as many cases such pick-pocketing, theft cases, sex scandals and communal tension etc were pending in various courts against him.
- (5) Director of Post also objected for his transfer back to Bhopal (Enclosure No 3). Further Chief Post Master General Shri Asis Pal also objected his transfer to Bhopal (Enclosure No 4) as one Vigilance case worth Rupees sixteen lakhs was pending against Dr R C Sisodia.
- (6) Now in July 2001 CBI has raided the house of Dr R C Sisodia and seized disproportionate property worth Rupees one crore and a criminal case has been registered against him (Enclosure No 5). In spite of all objections respondent No 1 transferred Dr R C Sisodia from Jabalpur to Bhopal. Thus a criminal and anti-social officer Dr R C Sisodia was accommodated at Bhopal and to facilitate his transfer the applicant was transferred to North East as a punishment taking the plea of false and baseless complaints.

Thus it is self explanatory that all so called complaint against me were false and fabricated to accommodate Dr R C Sisodia at Bhopal and to facilitate his transfer I was transferred to Assam Rifles.

Signature of the applicant

Dated : 13th sept 2002
Place : Guwahati

(Dr A K Nigam)

Indian Express

2 Feb 1995

CBI charge-sheets postal official

EXPRESS NEWS SERVICE

NEW DELHI - A Section-Officer in the Department of Post's office of the Deputy Director-General (medical) was on Wednesday charge-sheeted by the Central Bureau of Investigation for indulging in corrupt practices.

Posted at the Dak Bhavan - the Department's national headquarters, the accused, S.K. Singhal, was caught red-handed by the sleuths of the CBI on June 28 last while accepting bribe from a medical official who had been transferred to the Department's Bhopal office as the Chief Medical Officer.

The complainant, Dr A.K. Nigam, was earlier posted as the Regional Director in the Ministry

of Health and Family Welfare's Bhopal office.

On June 7, he was informed that he had been transferred to the P & T Department.

However, Dr Nigam could not commence duty in his new office as the previous incumbent, Dr R.C. Sisodia, had not been issued the relieving order. Consequently, he rang up the Deputy Director-General's New Delhi office on June 24 to inquire about the reasons for the delay in issuing the relieving order to his predecessor.

According to Dr Nigam, his call was attended by a person who later identified himself as S.K. Singhal, the Section-Officer of the Department.

The latter told him that he could assume his new responsi-

lities, but only after paying a bribe. The Section-Officer asked the complainant to come to New Delhi to settle the amount.

Dr Nigam duly contacted Singhal after reaching the Capital on June 27. The hapless doctor was directed to pay Rs 10,000 if he wanted to see his predecessor out. Sensing his inability to pay the amount, the Section-Officer agreed to reduce the amount to Rs 5,000.

Dr Nigam informed the CBI (anti-corruption branch) about Singhal's offer. The latter was arrested in his Dak Bhavan office on June 28 by a police party led by Inspector R.S. Tokas while accepting the bribe from the complainant.

गोपनीय

मध्य प्रदेश शासन
गृह विभाग (सी-अनुभाग)

क्रमांक - एफ 24-6/93/सी-1

भोपाल, दिनांक : 27.9.97

प्रति,

प्रमुख पोस्ट मास्टर जनरल,
मध्य प्रदेश सर्किल,
भोपाल ।

विषय: डॉ० आर.सी.सिसोदिया, मुख्य चिकित्सा अधिकारी, केन्द्रीय स्वास्थ्य सेवाएँ,
डाकतार विभाग भोपाल के संबंध में ।

सन्दर्भ : आपका पत्र क्र० एस.टी.ए. - 7/9949/120 दि० 24.6.97

विषयांकित आपके उपर्युक्त संदर्भित पत्र का अवलोकन हो । डॉ० आर.सी.सिसोदिया के संबंध में गोपनीय जांच कराने पर जो तथ्य सामने आए हैं, वह निम्नानुसार हैं :-

डॉ० आर.सी.सिसोदिया, राजगढ़ जिला स्थित ग्राम गलखेड़ी के मूल निवासी हैं । इन्होंने वर्ष 1993 में सांसी समुदाय बाहुल्य ग्रामों में "समाज सुधार समिति" का गठन किया था, जिसके संयोजक डॉ०सिसोदिया हैं । "समाज सुधार समिति" के माध्यम से झगड़े, चोरी, जेबकटी, न्यायालय विचारधीन प्रकरणों को जातीय आधार पर पंचायत कर जुर्माना कर निपटारा करते हैं । जुर्माना राशि में कुछ भाग समाज के नाम पर जमा कर यह लोग हड़प रहे हैं । यह लोग कलकत्ता, बम्बई सेक्स स्केण्डल प्रकरणों में लिप्त हैं, परंतु इनके विरुद्ध साक्ष्य उपलब्ध न होने से न्यायिक दण्ड से बच जाते हैं । अब यह कानूनी प्रक्रिया के अनुभव से परिचित होकर अवैधानिक कार्य राजनीतिक आड़ में चतुरता से कर रहे हैं ।

वर्ष 1993 में घटित घटनाओं में डॉ०सिसोदिया लिप्त रहे हैं किन्तु साक्ष्य के अभाव में इनका चालान नहीं हुआ । तत्समय पंजीबद्ध अपराध क्रमांक 100, 101, 150, 155/93

निरंतर.

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न्यायालय में विचाराधीन हैं। वर्तमान में प्रत्यक्ष-अप्रत्यक्ष रूप से डॉ० सिसोदिया पार्टी बन्दी में पूर्ण सहयोग देकर "समाज सुधार समिति" की आड़ में अधिकारियों एवं वरिष्ठ नेताओं से अपनी मंशानुरूप काम कराते रहते हैं। जबसे श्री सिसोदिया जबलपुर स्थानांतरित हुए हैं तबसे ग्राम में कोई विवाद नहीं हुए हैं।

डॉ० सिसोदिया वर्ष 1994 से मुख्य चिकित्सा अधिकारी के रूप में जबलपुर में पदस्थ हैं। इनकी वहां रहने की सूचि नहीं है। यही कारण है कि श्री सिसोदिया अधिकांश समय भोपाल में रहकर बिताते हैं एवं स्थानांतरण हेतु प्रयासरत हैं। यदि इन्हें भोपाल स्थानांतरित किया गया तो इनके ग्राम की पार्टी बन्दी में लिप्त होकर ग्राम में अशांति का कारण बनने की संभावना से इंकार नहीं किया जा सकता है।

॥ डॉ० के.के. यादव ॥
अवर सचिव

ENC-3

D.O. No. VIG/7-22/93
19 November, 1997

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A.P. Shrivastava

Dear Smt. Jain,

I am enclosing a photo-copy of Dr. K.K. Yadav, Under Secretary to the Govt. of Madhya Pradesh, Department of Home relating to posting of Dr. R.C. Sisodia from Jabalpur to Bhopal.

Dr. R.C. Sisodia was working as CMO I/C, P&T Dispensary No.I, Bhopal, and he was transferred to Jabalpur as CMO I/C P&T Dispensary No.II in the year 1993. The Officer has requested for his transfer from Jabalpur to Bhopal.

The Under Secretary has intimated that Dr. R.C. Sisodia had formed some social organization in Vill. Gulkhedhi which created tension between the organisation by two groups which resulted in a complaint against Dr. R.C. Sisodia. The Under Secretary has further intimated that Dr. Sisodia had indulged himself in anti-social activities but due to non-availability of evidences no prosecution could be launched against him. He has further intimated that since Dr. R.C. Sisodia is away from Bhopal the incidence of anti-social activities has come to an end and if Dr. Sisodia is retransferred to Bhopal there will be every possibility of anti-social activities in the village.

I am, therefore, request you to kindly keep the version of Under Secretary in view while considering the transfer of the Officer from Jabalpur to Bhopal.

With regards,

Yours sincerely,

(A.P. Shrivastava)

Smt. Aruna Jain,
Director(Staff),
Department of Post,
Dak Bhavan,
New Delhi-110001.

D.O. No. STAL-935/Posting

February 8, 1996

Dear Shri Acharya,

Kindly refer to Dte. Letter No. 8-10/93-PE-I dated 18-01-96 wherein approval for diversion of a post of CMO from Jabalpur-II to Bhopal -I P&T Dispensary was conveyed.

2. At present in Dispensary No.I at Bhopal one male doctor and one lady doctor are posted. The no. of beneficiaries in that Dispensary is about 12700 and average daily attendance of patients is, male 215, women 170, and children 100. Normally child patients are attended to by the lady doctor. Thus, there is considerable work for the lady doctor who also functions as I/C of the dispensary. As such, posting of one lady Medical Officer against the diverted post may kindly be considered.

3. Dr.R.C. Sisodia, CMO P&T Dispensary No.II might apply for his transfer to Bhopal against the diverted post. It is brought to your notice that Dr.R.C. Sisodia had worked at Bhopal from 01-11-77 to 15-08-94 (i.e. for nearly 17 years) against the normal tenure of 8 years. He belongs to village Kadia-Gulkhedi (Pachore) Distt. Rajgarh (M.P.). As Govt. of M.P. reported that Shri Sisodia during his tenure at Bhopal indulged in some undesirable activities at his native place creating group tension, raising unlawful subscription and instigation of unlawful activities etc. and creating law and order problem. The Home Deptt. (C-Section) of State Govt. had taken strong objection to such activities vide their letter No. 24-6/93/C-1 dated 05-10-93, 15-04-94, and 08-09-94 and recommended Shri Sisodia's transfer outside Bhopal. State Govt. was informed of his transfer outside Bhopal. State Govt. was informed of his transfer to Jabalpur.

Further, Shri Sisodia was also involved in unauthorised procurement of medicines for more than Rs. 16 Lacks for Dispenseries at Bhopal and the case is under vigilance investigation. Under these circumstances it is suggested that his transfer back to Bhopal may not be acceded to.

With Regards,

Yours sincerely,

Shri S.K.Acharya,
D.D.G.(P), Dept.of Post,
Dak Bhavan, New Delhi-110001.

(A.S.I.S. PAUL)
Chief Post Master General
M.P. Circle, Bhopal.

दैनिक-भास्कर, भोपाल
१४ जुलाई २००१

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महानगर

STORY

सीएमओ के यहां सीबीआई छापे में एक करोड़ रुपए की संपत्ति का पता चला

■ प्रशासनिक संचालक

भोपाल। केंद्रीय जांच ब्यूरो (सीबीआई) ने डाक-तार विभाग में पदस्थ मुख्य चिकित्सा अधिकारी डा. आरसी सिसोदिया के घर और फार्म हाउस सहित चार स्थानों पर छापे मारकर लगभग एक करोड़ की अनुपम संपत्ति का पता लगाया है। संपत्ति में लगभग तीन लाख रु. नगद, दो किलो सोने के आभूषण, कई भूकान, दो कारें और बैंकों में फिक्स डिपॉजिट शामिल हैं। सीबीआई ने चिकित्सक के खिलाफ मुकदमा दर्ज कर लिया है।

ब्यूरो के स्थानीय कार्यालय से मिली जानकारी के अनुसार मुख्य चिकित्सा अधिकारी द्वारा पद का दुरुपयोग करते हुए संपत्ति अर्जित करने की शिकायत मिलने पर पहले गोपनीय जांच की गई और फिर गुरुवार

को एक साथ चार स्थानों पर छापे मारे गए। देर रात तक चली कार्रवाई में डा. सिसोदिया के 43, पुराना सुभाष नगर स्थित आवास के अलावा उनके नेहरू नगर दामाद रामबाबू और भतीजे शिवनारायण के घर तथा फंद में फार्म

गारहाई

■ तीन लाख रुपए नगद, दो किलो सोने के आभूषण मिले

■ जांच के बाद एक साथ चार स्थानों पर तलाशी अभियान चला

हाउस की तलाशी ली गई। सीबीआई सूत्रों ने बताया कि शिवनारायण डाक-तार विभाग में ही चतुर्थ-श्रेणी कर्मचारी है और गोपनी नामक गृह निर्माण समिति चलाता है। समिति के कर्माजत से ब्यूरो को इसके लाखों के

लेनदेन का पता चला है। डा. सिसोदिया के घर से 2.90 लाख नगद, फोर्ड आईकान सहित दो कीमती कारें, दो किलो सोने के जेवर, सावधि जमा और शेयर के दस्तावेज, एक रिवाल्वर, एक दुनाली बंदूक तथा अन्य कीमती घरेलू सामान ब्यूरो के दल को मिला। डा. सिसोदिया नेत्र रोग विशेषज्ञ हैं और ब्यूरो के सूत्रों का कहना है कि वे अपने भतीजे के साथ मिलकर गृह निर्माण समिति चलाते थे। सूत्रों ने बताया कि अधिकांश संपत्ति के दस्तावेज डा. सिसोदिया के पत्नी, बच्चों, दामाद और अन्य रिश्तेदारों के नाम पर हैं। पहले जबलपुर में पदस्थ रहे चिकित्सक आजकल राजधानी में डाकतार विभाग के सोमवारा स्थित कार्यालय में पदस्थ हैं। उनके सभी बैंक खाते और लाकर सील कर दिए गए हैं और जब्त किए गए दस्तावेजों का परीक्षण किया जा रहा है।

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CBI finds 19 bank accounts of Sisodia

By Our Staff Reporter

BHOPAL, JULY 14

The Central Bureau of Investigation (CBI) team has seized documents, seized from the establishments of Dr RC Sisodia, Chief Medical Officer (CMO) and found about 19 bank accounts in his name so far. The sleuths are hopeful of getting details of more movable and immovable assets of Sisodia. Although the sleuths have registered a case under Prevention of Corruption Act (PCA), the doctor has not yet been arrested.

The CBI sleuths had recovered details of property worth Rs one crore and still more details are coming up after the scrutiny of the documents. They have established about 19 bank accounts in State Bank of India (SBI), Allahabad Bank, Cooperative Bank and others. According to CBI officials, Dr Sisodia would be arrested later, when the scrutiny of the documents get completed. The department would put him under suspension, following his arrest by the CBI, they added.

CBI raids Sisodia's house

Assets worth crore seized

By Our Principal Correspondent
BHOPAL, JULY 13

CBI unearthed disproportionate assets worth rupees one crore during a raid at the residence of Dr RS Sisodia, a senior medical officer, here on Friday.

According to report, the CBI sleuths recovered many plots, cash, immovable assets and are still scrutinising the seized documents. CBI has registered a case against Sisodia, a senior medical officer in Post and Telegraph hospital.

CBI received information that Dr Sisodia is indulging in corruption and amassing huge property. He was in job since 1977 and even he has no expenses, his total earning could not exceed Rs 16 lakh but the CBI sleuths recovered documents, proving disproportionate assets worth Rs one crore. He owned two houses, number 44 and 45 in Old Subhashi Nagar. One was in his name while

other in the name of his nephew, Shivnaraayan Sisodia, who is a lineman with Post and Telegraph Department. The CBI sleuths recovered 16-

17 plots in his name or family members. In fact, he had floated a housing colony in Nehru Nagar, after purchasing 8 acre land. Although, Gunti Housing Society has 80 plots and more than 25 percent plots were in the name of his relatives. Rs 9 lakh cash were recovered from his bank account.

After the marriage of his daughter, the doctor started consultancy in the name of his son-in-law. He has invested Rs 45 lakh in DK Surbhi Housing Complex. The CBI sleuths recovered documents, proving 8 acre land in Fanda village.

The CBI also raided residences of three relatives of Sisodia. The CBI recovered farin house, agriculture land, two costly cars, revolver, 12 bore gun, 2 kg gold ornaments, bank accounts, FDR shares, bonds and cash.

CBI Raid

- CBI registers case
- Rs 45 lakh invested in Housing complex
- Rs 9 lakh in cash recovered

2. दैनिक-भास्कर, भोपाल
9 जुलाई 2001

महानगर

STOW

सीएमओ के यहां सीबीआई छापे में एक करोड़ रुपए की संपत्ति का पता चला

प्रशासनिक संचालक

भोपाल। केंद्रीय जांच ब्यूरो (सीबीआई) ने डाक-तार विभाग में पदस्थ मुख्य चिकित्सा अधिकारी डा. आरसी सिसोदिया के घर और फार्म हाउस सहित चार स्थानों पर छापे मारकर लगभग एक करोड़ की अनुपातहीन संपत्ति का पता लगाया है। संपत्ति में लगभग तीन लाख रुपए नगद, दो किलो सोने के आभूषण, कई मकान, दो कारें और बैंकों में फिक्स्ड डिपॉजिट शामिल हैं। सीबीआई ने चिकित्सक के खिलाफ मुकदमा दर्ज कर लिया है।

ब्यूरो के स्थानीय कार्यालय से मिली जानकारी के अनुसार मुख्य चिकित्सा अधिकारी द्वारा पद का दुरुपयोग करते हुए संपत्ति अर्जित करने की शिकायत मिलने पर पहले गोपनीय जांच की गई और फिर गृह

को एक साथ चार स्थानों पर छापे मारे गए। देर रात तक चली कार्रवाई में डा. सिसोदिया के 43, पुराना सुभाष नगर स्थित आवास के अलावा उनके नेहरू नगर दामाद रामबाबू और भतीजे शिवनारायण के घर तथा फंडा में फार्म

तलाशी

तीन लाख रुपए नगद, दो किलो सोने के आभूषण मिले

जांच के बाद एक साथ चार स्थानों पर तलाशी अभियान चला

हाउस की तलाशी ली गई। सीबीआई सूत्रों ने बताया कि शिवनारायण डाक-तार विभाग में ही चतुर्थ श्रेणी कर्मचारी है और गोमती नामक गृह निर्माण समिति चलाता है। समिति के क्राज्जात से ब्यूरो को इसके लाखों के

लेनदेन का पता चला है। डा. सिसोदिया के घर से 2.90 लाख नगद, फोर्ड आईकॉन सहित दो कीमती कारें, दो किलो सोने के जेवर, सावधि जमा और शेयर के दस्तावेज, एक रिवाल्वर, एक दुनाली बंदूक तथा अन्य कीमती घरेलू सामान ब्यूरो के दल को मिला। डा. सिसोदिया नेत्र रोग विशेषज्ञ हैं और ब्यूरो के सूत्रों का कहना है कि वे अपने भतीजे के साथ मिलकर गृह निर्माण समिति चलाते थे। सूत्रों ने बताया कि अधिकांश संपत्ति के दस्तावेज डा. सिसोदिया के पत्नी, बच्चों, दामाद और अन्य रिश्तेदारों के नाम पर हैं। पहले जबलपुर में पदस्थ रहे चिकित्सक आजकल राजधानी में डाकतार विभाग के सोमवारा स्थित कार्यालय में पदस्थ हैं। उनके सभी बैंक खाते और लाकर सील कर दिए गए हैं और जब्त किए गए दस्तावेजों का परीक्षण किया जा रहा है।

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CBI finds 19 bank accounts of Sisodia

By Our Staff Reporter
BHO PAL, JULY 14

The Central Bureau of Investigation (CBI) team has scrutinised documents, seized from the establishments of Dr RC Sisodia, Chief Medical Officer (CMO) and found about 19 bank accounts in his name so far. The sleuths are hopeful of getting details of more movable and immovable assets of Sisodia. Although the sleuths have registered a case under Prevention of Corruption Act (PCA), the doctor has not yet been arrested.

The CBI sleuths had recovered details of property worth Rs one crore and still more details are coming up after the scrutiny of the documents. They have established about 19 bank accounts in State Bank of India (SBI), Allahabad Bank, Cooperative Bank and others. According to CBI officials, Dr Sisodia would be arrested later, when the scrutiny of the documents get completed. The department would put him under suspension, following his arrest by the CBI, they added.

CBI raids Sisodia's house

Assets worth crore seized

By Our Principal Correspondent
BHO PAL, JULY 13

CBI unearthed disproportionate assets worth rupees one crore during a raid at the residence of Dr RS Sisodia, a senior medical officer, here on Friday.

According to report, the CBI sleuths recovered many plots, cash, immovable assets and are still scrutinising the seized documents. CBI has registered a case against Sisodia, a senior medical officer in Post and Telegraph hospital.

CBI received information that Dr Sisodia is indulging in corruption and amassing huge property. He was in job since 1977 and even he has no expenses. His total earning could not exceed Rs 16 lakh but the CBI sleuths recovered documents, proving disproportionate assets worth Rs one crore. He owned two houses, number 44 and 45

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