

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No. 1126 of 2004

Jabalpur, this the 21st day of December, 2004

Hon'ble Mr. Madan Mohan, Judicial Member

Dr. Surendra Kumar Jain, S/o Late Shri Munnalal Jain,
Aged 56 years, Chief Medical Officer (Non Functional
Selection Grade), Bidi Worker Welfare Fund
Dispensary, Indore, r/o Bunglow
No.4 West, Residency Area, Indore

Applicant.

(By Advocate – Shri K.N.Pethia)

Versus

1. Union of India represented
by Secretary, Ministry of Labour & Employment,
Jaisalmer House, Man Singh
Road, New Delhi.
2. Welfare & Cess Commissioner,
Labour Welfare Organisation,
Ministry of Labour & Employment,
797, Shanti Kunj,
South Civil Lines, Jabalpur
3. Dr. N.S. Gehlot, Medical
Officer, BWWF, Damoh/BWWF
Dispensary, Indore

Respondents.

O R D E R (Oral)

By filing this OA, the applicant has sought the following main
reliefs :-

“8.1 The impugned transfer order Annexure A-1 dated
24.11.2004 being malafide one be set aside.

8.2 The Respondents be directed to consider and decide the
representations of the applicant dated 2.12.2004 and 6.12.2004
(Annexure A-6).

8.3 Till the decision of the OA the Respondents 1 & 2 be
directed to keep the impugned order in abeyance.”

(Signature)

2. Heard the learned counsel for the applicant.

3. The brief facts of the case are that the applicant was initially appointed in the year 1974 as Junior Medical Officer. His date of birth is 1st August, 1948 and he is likely to retire on superannuation on 1st August, 2008. The applicant has been transferred to Damoh from Indore, while he is suffering from severe type of Psoriasis since last twelve years and is taking treatment from the authorized Government specialists in skin disease, and such type of treatment is not possible in a small town like Damoh. For this complicated disease the applicant has to take leave of 32 days medical rest from 27th September, 2004 to 28th October, 2004 (Annexure A-4). The learned counsel for the applicant argued that the representation of the applicant in this regard dated 6.12.2004 (Annexure A-7) is still pending for consideration with the respondents. He further argued that the applicant will be satisfied if directions are given to the respondents to consider and dispose of the said representation of the applicant within a prescribed time period and meanwhile the applicant be not disturbed from the present place of posting.

4. Accordingly, this Original Application is disposed of in the admission stage itself even without issuing any notices to the respondents by directing them to consider and dispose of the said representation of the applicant dated 6.12.2004 (Annexure A-7) by passing a speaking, detailed and reasoned order within a period of two months from the date of receipt of a copy of this order. Meanwhile the applicant shall not be disturbed from the present place of posting. The applicant is also directed to send a copy of this order as well as the copy of the petition to the respondents immediately.



(Madan Mohan)
Judicial Member