

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCE

JAIPUR, this the 12th day of September, 2005

ORIGINAL APPLICATION No.261/2005

CORAM:

HON'BLE MR.M.L.CHAUHAN, MEMBER (JUDICIAL)

Dr. S.K.Patodi s/o Shri Poonam Chand Jain age 48 years
at present posted Senior Divisional Medical Officer
(Health and Family Welfare), Ajmer r/o H.No.18,
Servashwer Nagar, Ajmer.

.. Applicant

(By Advocate: Shri S.C.Sethi)

Versus

1. Union of India through
General Manager,
Northern-Western Railway,
Jaipur.
2. Divisional Rail Manager,
Northern Western Railway,
Ajmer.
3. Dr. Vipin Pandey
Chief Medical Superintendent,
North Western Railway, Ajmer.
4. Dr. J.N.Mehra,
Sr. D.M.O. (H.&F.W.)
North Western Railway,
Ajmer.

..' Respondents

(By Advocate: Shri Anupam Agarwal for resp. 1 and 2)

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ORDER (ORAL)

The applicant has filed this Original Application against the impugned order dated 17.5.2005 (Ann.A1) whereby the applicant was posted to work in Carriage First Aid Post, AII in addition to looking after the work of Industrial Health in workshop at AII instead ~~to~~ work on the post of Sr. DMO (H&FW) which work he was performing prior to issuance of the impugned order.

2. Notice of this application was given to the respondents. The respondents have filed reply thereby stating that it was only an order of assigning of duties to the applicant and it cannot be termed as transfer order, which the authority concerned was competent to pass.

3. The applicant has also filed rejoinder thereby leveling allegations of malafide against respondent No.3 who has passed the impugned order.

4. Parties were heard at length. At the time of arguments, the learned counsel for the applicant submitted that he will be satisfied at this stage, if the applicant is permitted to file representation against the impugned order to the higher authorities.

In view of the submissions made by the learned counsel  for the applicant and without entering into the merits

of the case, I am of the view that it will be in the interest of justice if the applicant is granted two weeks time to file representation to the competent authority against the impugned order dated 17.5.2005 (Ann.A1). In case such representation is filed, the competent authority will decide the representation in accordance with law and pass appropriate order within a period of six weeks from the date of receipt of the representation.

5. In view of what has been stated above, the present OA is disposed of with no order as to costs.


(M. L. RAUHAN)

Member (J)

R/