

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH,
JAIPUR.

Jaipur, the 2nd day of August, 2011

ORIGINAL APPLICATION No.329/2011

CORAM :

HON'BLE MR.ANIL KUMAR, ADMINISTRATIVE MEMBER

Dr.Renu Khandelwal,
Medical Officer,
CGHS, WC No.4, Bani Park,
Jaipur.

... Applicant

(By Advocate : Shri Dharmendra Agarwal, proxy counsel for
Shri Tanveer Ahmed)

Versus

1. Union of India through
Director, CGHS,
Directorate General of Health Services,
Nirman Bhawan,
New Delhi.
2. Addl.Director,
CGHS, Kendriya Sadan Parisar,
Block-B, Ground Floor, Sector-10,
Vidyadhar Nagar,
Jaipur.
3. Shri R.K.Gupta,
Addl.Director, CGHS,
Kendriya Sadan Parisar,
Block-B, Ground Floor, Sector-10,
Vidyadhar Nagar,
Jaipur.
4. Dr.Sneh Arya,
Medical Officer, posted at CGHS,
W.C.No.3,
Jaipur.

... Respondents

(By Advocate : - - - - -)

Anil Kumar

ORDER (ORAL)

The applicant has filed this OA praying for the following relief :

"By an appropriate order or direction the impugned Office Order No.CGHS/JPR/3-2/2011(Admn.)/2720-25 dated 20.6.2011 (Ann.A/1) & its operation may kindly be quashed and set aside."

2. The applicant is aggrieved by the impugned order dated 20.6.2011 (Ann.A/1), whereby she has been transferred from CGHS, WC No.4, to the CGHS, WC No.5. Grievance of the applicant is that she is a physically challenged employee having permanent disability of 50% and the CGHS, WC No.5, does not have the facilities for the persons with disabilities.
3. That CGHS, WC No.5, Jyoti Nagar, Jaipur, does not have adequate facilities for moving and walking for a disabled person like the applicant, therefore, it is not possible for her to join and work at CGHS, WC No.5. Therefore, in view of the beneficial legislation of the Act of 1995 [Persons with Disabilities Act, 1995 and Rules thereunder] applicant's transfer order (Ann.A/1) be quashed and set aside in the interest of justice.
4. The applicant has also stated that respondent No.3 prompted him to issue the order because of malice, which is evident from Ann.A/8.
5. The applicant has also represented against the impugned transfer order (Ann.A/1) to the Director (Administration), CGHS, Nirman Bhawan, New Delhi, vide Ann.A/3 dated 11.7.2011, which representation has not been decided so far.
6. Heard learned counsel for the applicant. Since the representation of the applicant (Ann.A/3) is still pending consideration before the Director (Administration), the present OA is premature. However, the Director (Administration),

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before him the representation of the applicant is pending, is directed to decide the representation of the applicant within a period of two months from the date of receipt of a copy of this order. The applicant would also be at liberty to file a fresh OA, if she feels aggrieved by the decision to be taken by the Director (Administration) on her representation.

7. In the meantime, the respondents are directed not to relieve the applicant, if she has not been relieved so far, from her present place of posting till a decision is taken by the Director (Administration) on the representation of the applicant (Ann.A/3).

8. With these observations, the OA stands disposed of at admission stage. No order as to costs.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

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