

## Central Administrative Tribunal Principal Bench

OA-3742/2017

**New Delhi, this the 04<sup>th</sup> day of January, 2018**

**Hon'ble Mr. Justice Permod Kohli, Chairman  
Hon'ble Ms. Praveen Mahajan, Member (A)**

Dr. Rajiv Gupta,  
S/o Late Dr. S.P. Gupta,  
R/o Flat no. 2, Plot No. 64,  
"Vardhan Apartment", Indraprastha,  
Extension, Delhi-110092.

... Applicant

(By Advocate : Sh. S.D. Singh)

## Versus

1. East Delhi Municipal Corporation  
Through its Commissioner,  
419 FIE, Udyog Sadan,  
Patparganj, Delhi-110092.
2. Administrative Officer (H),  
East Delhi Municipal Corporation  
419 FIE, Udyog Sadan,  
Patparganj, Delhi-110092.
3. Director Hospital Administration,  
DHA (HQ)/EMDC,  
Udyog Sadan, Patparganj, Delhi.
4. Dr. M.P. Singh,  
Addl. Med. Superintendent,  
SDN Hospital, Shahdara, Delhi.

## Respondents

(By Advocate : Ms. Sangeeta Rai)

**ORDER(ORAL)****Hon'ble Mr. Justice Permod Kohli**

Vide order dated 30.11.2017, Ms. Sangeeta Rai was asked to seek instructions whether the applicant would be subjected to the administrative control of a person junior to him. She has today reported that since the applicant would be senior most Doctor in the Poly Clinic where he has been transferred by impugned transfer order dated 25.07.2017, he would be Head of Department and thus there is no question of him being subjected to any administrative control of any person junior to him.

2. In this view of the matter, we are of the considered view that the impugned transfer order cannot be interfered with. It is settled law that transfer is an exigency of service. No person has a right to remain at a particular post or place. It is the prerogative of the employer to depute an employee as may be required in the interest of institution/organisation. It is stated in the counter affidavit that in East Delhi Municipal Corporation, there are only two Radiologists. The applicant, is a diploma holder in Radiology and the other Doctor is a specialist with Degree in Radiology. It is stated that in view of the requirement of a Doctor in the interest of patient care, the applicant has been transferred to Poly Clinic, Shahdara. Ms. Sangeeta Rai, learned counsel for the respondents submits on instructions that the

applicant would be made Head of Department on the basis of his seniority.

3. We do not find any valid ground to interfere. OA is accordingly dismissed.

**(Praveen Mahajan)**  
**Member (A)**

**(Justice Permod Kohli)**  
**Chairman**

/ns/