

**Central Administrative Tribunal
Principal Bench**

OA No.3044/2016

New Delhi, this the 30th day of November, 2017

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)

Raj Kumar Verma, Aged 43 years,
S/o Shri Babu Lal Verma,
Working as Staff Nurse(Male) in
CGHS Wellness Centre, Netaji Nagar,
New Delhi,
R/o 179/9, Kishangarh, Car Market,
Basant Kunj, New Delhi.

...Applicant

(By Advocate : Shri Yogesh Sharma)

Versus

1. Union of India through
The Secretary,
Ministry of Health & Family Welfare,
Nirman Bhawan, New Delhi.
2. The Director General,
Directorate General of CGHS,
Ministry of Health & Family Welfare,
Nirman Bhawan, New Delhi.
3. The Additional Director,
CGHS, Kendriya Sadan Parisar,
Block-B, Ground Floor, Sector-10,
Vidyadhar Nagar,
Jaipur (Raj.).
4. Sh. Mohsin Ahmed Qureshi,
(Staff Nurse, CGHS),
Through the Additional Director,
CGHS, Kendriya Sadan Parisar,
Block-B, Ground Floor, Sector-10,
Vidyadhar Nagar, Jaipur (Raj.)

...Respondents

(By Advocate : Shri Rajinder Nischal)

ORDER (ORAL)

Mr. V. Ajay Kumar, Member (J) :-

Heard both sides.

2. The applicant while working as Staff Nurse in the Safdarjung Hospital, New Delhi, on his request, was transferred to CGHS Jaipur vide Annexure-A/2 order dated 22.05.2014. As a result, the applicant lost his seniority in the Safdarjung Hospital and was also stated that he will be placed at bottom of the list of Staff Nurse of CGHS Jaipur. However, the applicant was not allowed to join at Jaipur as the vacancy against which he was transferred, was filled up with some other Staff Nurse. As a result, the applicant was posted at CGHS Wellness Centre at Delhi with bottom seniority. In spite of this, the respondents vide Annexure-A/1 dated 29.07.2016, considered the case of another Staff Nurse from Kalawati Saran Children's Hospital and posted him at CGHS Jaipur. Hence, the OA.

3. Once the respondents have already considered the case of the applicant for posting at Jaipur and when the applicant could not be posted at Jaipur, in view of filling up of the said vacancy by another Staff Nurse, the respondents ought to have considered the case of the applicant immediately for the next vacancy in preference to all

others. However, the respondents vide Annexure-A/1 dated 29.07.2016, considered the case of another person.

4. It is submitted on behalf of the respondents that whenever any existing or future vacancy is available at Jaipur, the case of the applicant would be considered.

5. In the circumstances, the OA is disposed of by directing the respondents to consider the case of the applicant for transfer and posting at CGHS Jaipur in any existing or future vacancies in preference to others. No costs.

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member (J)

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