

**Central Administrative Tribunal
Principal Bench**

OA No.4320/2017

New Delhi, this the 07th day of December, 2017

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

Dr. Deepak Kumar,
Asst. Professor (Pediatrics) Group 'A'
Aged about 33 years,
S/o Sh. Bhagwan Singh,
R/o 297-A, SFS Flats, C-3 Block,
Janakpuri,
New Delhi-110058.

... Applicant

(By Advocate: Shri M.K. Bhardwaj)

Versus

1. Union of India through
Its Secretary,
Ministry of Health & Family Welfare,
Nirman Bhawan, New Delhi.
2. Govt. of NCT of Delhi,
Through Chief Secretary,
Delhi Secretariat,
I.P.Estate, New Delhi-110002.
3. The Principal Secretary,
Department of Health & Family Welfare,
Delhi Secretariat,
I.P.Estate, New Delhi.

... Respondents

(By Advocate: Shri Shlok Chandra with Shri Ritesh Kumar Sharma)

ORDER (ORAL)

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

Heard the learned counsel for applicant and Shri Shlok Chandra, learned counsel, on receipt of advance notice for respondent No.1.

2. The applicant, a medical Doctor and working at the GTB Hospital, Delhi, filed the OA questioning the order dated 17.10.2017, whereunder his representation was rejected. The learned counsel for applicant while drawing our attention to the orders of this Tribunal in OA No.1414/2017 submits that the actual grievance of the applicant is that he is entitled to be continued in CHS, as per his merit and cannot be placed under Govt. of NCT of Delhi or any of its hospitals and undertakings and the representation preferred in the said OA was also pertaining to his continuation in the CHS but not specific to any hospital under the control of Govt. of NCTD. The learned counsel further submits that the respondents instead of considering his grievance of continuation in CHS passed the order, as if the applicant is only against his posting at GTB Hospital.

3. Shri Shlok Chandra, learned counsel appearing for respondent No.1, Union of India who was supposed to pass the order with regard to continuation of the applicant in CHS and to redress his grievances, has not passed any order. On the other hand, the Govt. of NCTD passed order dated 17.10.2017, as if the applicant was opposing his posting at GTB Hospital.

4. The learned counsel for Union of India submits that the applicant, even posted at GTB Hospital, he continued to be a CHS Doctor. However, the respondents are empowered to place any CHS Doctor even under the control of Government of NCT of Delhi or any of its hospitals, in terms of the conditions of the appointment of the applicant.

5. In the circumstances, the OA is disposed of without going into the merits of the case by permitting the applicant to make fresh representation ventilating his exact grievances to the respondent No.1 within two weeks from today and on receipt of the said representation, respondent No.1 shall consider the same and pass appropriate reasoned and speaking order within two months therefrom. It is made clear that in the meantime, the applicant will continue to work in the present place of posting, i.e., GTB Hospital or in any other place, as per the administrative exigencies, and as

per the orders of the respondents, in accordance with rules. No costs.

5. Let a copy of the OA, be enclosed to this order.

(Nita Chowdhury)
Member (A)

'rk'

(V. Ajay Kumar)
Member (J)