

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, 234/4 A.J.C Bose Road Nizam Palace Kolkata**

ORDER SHEET

COURT NO. : 1

07.08.2018

O.A./351/1131/2018
(MENTIONED)

DR R K HALDER
-V/S-
HEALTH

ITEM NO:7

FOR APPLICANTS(S) Adv. :

Mr. P.C. Das
Ms. T. Maity

FOR RESPONDENTS(S) Adv. :

Mr. S.K. Ghosh

Notes of The Registry	Order of The Tribunal
	<p>This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-</p> <p>“8.(a) To pass an appropriate order directing upon the respondent authority to include the name of the applicant in the office order No. 2865 dated 18th July, 2018 by transferring him from CHC, Rangat to Port Blair or nearby Port Blair by modifying and/ or rectifying the office order No. 2865 dated 18th July, 2018 because he is a senior-most doctor and he has completed one year of service as Chief Medical Officer in CHC, Rangat;</p> <p>(b) To pass an appropriate order directing upon the respondent authority to transfer your applicant from CHC, Rangat to Port Blair who is duly complied with the earlier transfer order dated 30th March, 2017 and as per the Transfer Policy dated September 2017 after completion of one year tenure of service, he is entitled to re-post him to G.B. Pant Hospital, Port Blair.</p> <p>(c) To declare that the applicant being a senior-most doctor holding the Degree of Post-Graduate is entitled to be considered for his transfer from CHC, Rangat to Port Blair in view of the Transfer Policy dated September 2017 circulated by the Andaman & Nicobar Administration vide office order dated 30th November, 2017 to the Health Department.”</p> <p style="text-align: right;">V/S</p>

2. Heard Mr. P.C. Das leading Ms. T. Maity, ld. counsel for the applicant and Mr. S.K. Ghosh, ld. counsel for the respondents.

Mr. S.K. Ghosh submitted that he has received instruction from the respondent authorities over phone that copy of the O.A. has not been received by them. On my instruction, Mr. P.C. Das undertakes to serve an extra copy of the O.A. to Mr. Ghosh today.

3. Mr. P.C. Das, ld. counsel for the applicant submitted that the applicant who is the senior most doctor under the respondents, seeks transfer from CHC, Rangat to Port Blair as he completed minimum tenure of one year as Chief Medical Officer in CHC, Rangat. Mr. Das further submitted that the applicant is entitled for transfer from Rangat to Port Blair after completion of one year at Rangat as per the transfer policy of September, 2017 circulated by the Andaman & Nicobar Administration vide office order dated 30th November, 2017 to the Health Department. It is submitted by Mr. Das that the applicant has filed a detailed representation to the Respondent No.3 i.e. the Principal Secretary(Health), Andaman & Nicobar Administration, Secretariat, Port Blair on 19.07.2018(Annexure A/5) ventilating his grievances therein, but received no response to the same till date, therefore, the applicant would be satisfied for the present if a direction is given to the Respondent No.3 i.e. the Principal Secretary(Health), Andaman & Nicobar Administration, Secretariat, Port Blair to consider and dispose of the representation of the applicant dated 19.07.2018(Annexure A/5) as per rules within a specific time frame.

4. Though no notice has been issued to the respondents, I think it would not be prejudicial to either of the parties, if the above prayer of the ld. counsel for the applicant is allowed.

5. Accordingly the Respondent No.3 i.e the Principal Secretary(Health), Andaman & Nicobar Administration, Secretariat, Port Blair is directed to consider and dispose of the representation of the applicant dated 19.07.2018(Annexure A/5) by passing a well reasoned order keeping in mind the rules and regulations governing the field within a period of six weeks from the date of receipt of this order and communicate the result to the applicant forthwith.

After such consideration, if the claim of the applicant is



found to be genuine, then the respondent authorities shall transfer the applicant from Rangat to Port Blair within a further period of six weeks from the date of taking decision in the matter. 6. It is made clear that I have not gone into the merits of this case and all the points raised in the representation are kept open for consideration by the respondent authorities as per rules and regulations governing the field.

6. With the aforesaid observations and directions, the O.A. is disposed of at the stage of admission itself.

7. As prayed by ld. counsel for the applicant, a copy of this order along with the paper book be transmitted to Respondent No.3 by the Registry through speed post for which ld. counsel for the applicant shall deposit the cost within one week. A free copy of this order be given to ld. counsel for the respondents.

(A.K. PATNAIK)
MEMBER (J)

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