

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A./100/623/2019
M.A./100/713/2019

New Delhi, this the 21st day of February, 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

Dr. Suman Lata,
W/o Shri Arun Kumar,
R/o A-3/224, Janak Puri
New Delhi - 110058

....Applicant

(Through Ms. Shobhana Takiar, Advocate)

Versus

1. North Delhi Municipal Corporation
Through its Commissioner
4th Floor, E Block,
Dr. S.P. Mukherjee Civic Centre
Jawahar Lal Nehru Marg
New Delhi-110002
2. North Delhi Municipal Corporation
Through its Additional Commissioner Health
14th Floor, E Block,
Dr. S.P. Mukherjee Civic Centre
Jawahar Lal Nehru Marg
New Delhi-110002
3. North Delhi Municipal Corporation
Through its Director, Hospital Administration
12th Floor, E Block,
Dr. S.P. Mukherjee Civic Centre
Jawahar Lal Nehru Marg
New Delhi-110002

... Respondents

ORDER (Oral)

Justice L. Narasimha Reddy, Chairman

The applicant is a Medical Officer in the Municipal Corporation of Delhi (MCD). Through an order dated 7.01.2019, she is transferred from Hindu Rao Hospital to Kasturba Hospital, as Medical Superintendent. She filed OA No.202/2019, challenging the said transfer order. The O.A. was disposed of on 17.01.2019, directing the respondents to pass a speaking order on the representation dated 14.01.2019 submitted by the applicant. In compliance with the said order, the respondents passed order dated 25.01.2019 refusing to change the order of transfer. The same is challenged in this OA.

2. The applicant contends that in the Hindu Rao Hospital, courses recognized by the National Board of Examination (NBE) are being run and on account of her superior qualifications, as many as five students are undertaking training under her supervisor ship. She further contends that such facility is not available in Kasturba Hospital and her transfer to that Hospital

would result in serious hardship and dislocation of her future prospects.

3. We heard Ms. Shobhana Takiar, learned counsel for the applicant at length.

4. It is not in dispute that Hindu Rao Hospital and Kasturba Hospital are under the administration of North Delhi Municipal Corporation. The applicant is working in Hindu Rao Hospital since 1998 and she has reached the stage of Medical Superintendent. Through the impugned order dated 7.01.2019, she is transferred as Medical Superintendent, Kasturba Hospital. It may be true that she was recognized as a Professor by NBE in respect of courses that are being run in Hindu Rao Hospital. However, she should have no objection for transfer once her emoluments and seniority are protected. It is rather incidental that the applicant was associated with courses recognized by NBE, when she was at Hindu Rao Hospital. In case, different courses are being run at Kasturba Hospital, it is for the administration to assign corresponding duties to the applicant. The service in the government cannot be reduced to one of serving individual interests.

5. The OA is, therefore, dismissed. However, we grant 15 days time to the applicant for reporting to duty at Kasturba Hospital. It is also directed that in the context of assigning any teaching duties to the applicant, her past experience in Hindu Rao Hospital shall be taken into account, in accordance with law. There shall be no order as to costs.

Issue **DASTI**.

(Mohd. Jamshed)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

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