

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BENGALURU**

ORIGINAL APPLICATION NO.170/01365/2018

DATED THIS THE 04TH DAY OF JUNE, 2019

**HON'BLE DR.K.B.SURESH
HON'BLE SHRI C.V. SANKAR**

...MEMBER(J)
...MEMBER(A)

Dr.Bheemaraya. D,
S/o Hanumanthappa Devaramani,
Aged about 53 years,
Working as Insurance Medical Officer-Grade I(IMO Gr-I)
At ESIC Model Hospital -PGIMSR,
Rajajinagar, Bengaluru-560 010
R/ at C/o 43, 1st Cross, BSNL Layout,
Near Ambedkar Bhavan,
Kolar-563 101.Applicant

(By Advocate Akkamahadevi Hiremath)

Vs.

1. The Union of India,
Ministry of Labour & Employment,
Government of India, Nirmal Bhavan,
New Delhi – 110 011
Represented by its Secretary.
2. Employees State Insurance Corporation,
Hqrs. Officer, Panchadeep Bhavan,
CIG Marg, New Delhi-110 002.
Represented by its Director General,
3. The Employees State Insurance Corporation Hospital,
& PGIMSR, Rajajinagar,
Bengaluru-560 010
Represented by its Medical Superintendent.
4. The Employees State Insurance Corporation Hospital,
Varanasi-221 002,
Uttarpradesh,
Represented by its Medical Superintendent.Respondents

(By Standing Counsel Shri M.V. Rao for Respondents)

ORDER (ORAL)**HON'BLE DR.K.B.SURESH** **...MEMBER(J)**

Heard. OA challenges Annexure A-1 dated 23.07.2018, which we quote below:

*HEAD QUARTERS OFFICE
EMPLOYEES STATE INSURANCE CORPORATION
Panchadeep Bhawan, C.I.G. Road, New Delhi-110002*

No.A.22/13/1/2009-Med.VI.Col.VI

Date:23rd July, 2018

OFFICE ORDER NO.75 OF 2018

Competent Authority has ordered transfer of following Medical Officers from ESIC Model Hospital, Rajajinagar, Bangalore, Karnataka to ESIC Hospital, Varanasi, Uttarpradesh with immediate effect:-

<i>S.No.</i>	<i>Nameo of the Medical Officer</i>	<i>Grade</i>
1	<i>Dr. Bheemaraya D</i>	<i>IMO Gr.I</i>
2.	<i>Dr. Raghavendra B</i>	<i>IMO Gr.I</i>

The transfer has been ordered in public interest and the Medical Officers will be entitled to TA/DA/ Joining time etc. as per rules.

Charge report may be sent to all concerned.

*(Reena Hira)
Assistant Director*

2. But now it appears that following internal discussions, in the rejoinder, Annexure A-15 has been passed, which we quote below:

*HEAD QUARTERS OFFICE
EMPLOYEES STATE INSURANCE CORPORATION
Panchadeep Bhawan, C.I.G. Road, New Delhi-110002*

No.A.22/13/1/2009-Med.VI.

Date:22nd February, 2019

To,

*Dr. Bheemaraya D,
ESIC & PGIMSR, Rajajinagar,
Bangalore, Karnataka.*

*Subject: Rationalisation of General Duty Medical Officers and
posting in other units.*

Sir,

I am directed to inform that the posts of Medical Officers have been rationalized in respect of ESIC MC & PGIMSR, Rajajinagar, Bangalore, Karnataka and it has been decided to post surplus Medical Officers in other hospitals in public interest.

It has further been decided to provide options to such surplus Medical officers including you. Hence you are required to submit your preferences for transfer/ posting to places where vacancies exist. Details of vacancies are as per the enclosed Annexure.

It may be noted that mere submission of option does not entitle you for posting at the requested place and you may be posted as per requirement in public interest to other places as well.

You are to submit your options in the enclosed format so as to reach this office by 27th February, 2019 by email at 'med6-hq@esic.nic.in'.

If no option is received from you by 27th February, 2019, this office will be at liberty to post you as per organizational requirement.

*Yours faithfully
-sd/-
(Reena Hira)
Assistant Director (MA)*

3. Both counsel submit that therefore, the impugned order has now become irrelevant and therefore, the OA has become infructuous.
4. OA therefore disposed off as infructuous, but granting liberty to both the parties.

*(C.V. SANKAR)
MEMBER(A)*

vmr

*(DR.K.B.SURESH)
MEMBER(J)*

