

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BENGALURU**

ORIGINAL APPLICATION NO.170/01368/2018

DATED THIS THE 09TH DAY OF APRIL, 2019

HON'BLE DR.K.B.SURESH

...MEMBER(J)

HON'BLE SHRI C.V. SANKAR

...MEMBER(A)

Dr.Pushpalatha K,
W/o Anilkumar K.H
Aged about 53 years,
Working as Professor & Head of the Department,
(Pediatrics)
Employees State Insurance Corporation,
Medical College & Post Graduate,
Institute of Medical Science & Research,
Rajajinagar, Bengaluru-560 010 and
Residing at No.20, 5th Cross,
Atmananda Colony,
R.T.Nagar, Bengaluru-560 032.

...Applicant

(By Advocate M/s Subbarao & Co.,)

Vs.

1. The Union of India,
Represented by its Secretary,
Ministry of Labour & Employment,
No.2, Rafi Marg,
New Delhi – 110 001.
2. The Director General,
Employees State Insurance Corporation,
Panchadeep Bhawan,
CIG Road,
New Delhi-110 002.
3. The Medical Commissioner (Admn)
Employees State Insurance Corporation,
Panchadeep Bhawan,
CIG Road,
New Delhi-110 002.
4. The Medical Commissioner,
(Medical Education)
Employees State Insurance Corporation,
Panchadeep Bhawan,
CIG Road,
New Delhi-110 002.

5. The Dean
Employees State Insurance Corporation,
Medical College & Post Graduate,
Institute of Medical Science & Research,
Rajajinagar,
Bengaluru-560 010. ...Respondents

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

O R D E R (ORAL)

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

Heard. Shri M.V. Rao, learned counsel for the respondents very graciously submits that due to some over sight in the office, the transfer order was not served on the applicant, even though a copy has been placed in the reply. That is against the rules. When a person is to be transferred and relieved, transfer order must be served on that person and only then, he or she can be relieved. Therefore, the transfer order is hereby quashed. But that does not mean that the respondents cannot take appropriate action under law, if it is possible.

2. OA therefore allowed to the limited extent. No costs.

(C.V. SANKAR)
MEMBER(A)

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

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Annexures referred to by the Applicant in OA No.170/01368/2018

- Annexure A1 Copy of Office order No.77/2018 dated 26.7.2018 passed by the 3rd respondent
- Annexure A2 Copy of the Office Order No.70/2018 dated 27.07.2018 passed by the 5th Respondent
- Annexure A3 Copy of relevant portion of the 11(1) & 11(1) (a) of the Post Graduate Medical Education Regulation 2000
- Annexure A4 Copy of the P.G.Course summary dated 31.5.2016, 30.5.2017 & 26.05.2018
- Annexure A5 Copy of letters addressed by several students who are under the guidance of the applicant in the post-graduation to the 2nd Respondent

Annexures with Reply Statement

- Annexure R1 Copy of Office Order No.02 of 2018 dated 09.01.2018
- Annexure R2 Copy of Note dated 2.1.2018

Annexures with the Rejoinder

- Annexure A6 Copy of the RTI application submitted by the applicant before the CPIO of 1st respondent.
