

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

W.P.No.12281 OF 2018

ORDER: (ORAL)

(per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, the petitioners have challenged the order dated 04.01.2018 passed in O.A.No.1097 of 2017 on the file of Central Administrative Tribunal, Hyderabad Bench at Hyderabad.

2. We note, vide the aforesaid order, the petitioners/ respondents were directed to reconsider the case of the respondent/petitioner for retention at OFMK Hospital at Medak and pass appropriate orders having regard to the facts and circumstances within a period of one month from the date of receipt of a copy of that order. It was further directed that till passing of the order pursuant to the order passed in OA, the transfer order relating to the respondent/petitioner shall not be given effect to.

3. Instead of passing the order, the petitioners preferred the present petition by challenging the same.

4. As argued by the learned Assistant Solicitor General that in the hospital at OFMK, Medak, there were three Matrons against one sanctioned post. Therefore, the Board has taken decision to transfer two Matrons from the said

hospital. Consequently, vide decision dated 01.06.2017 K.Radha Nagesh and respondent herein were transferred.

5. Vide order dated 11.04.2018, the order of the tribunal was stayed by this Court. Subsequently, vide order dated 09.05.2018 passed by the petitioners, whereby the respondent herein stands transferred to Ordnance Factory, Dehuroad, Pune, whereas K.Radha Nagesh is still working there. But the submission of learned Assistant Solicitor General that the representation of the petitioner pending for decision before the Board, the Ordnance Factory, Dehuroad, Pune.

6. The fact remains that the respondent, who filed O.A. No.1097 of 2017, was allowed vide order dated 04.01.2018 and by virtue of the suspension order passed by the tribunal, her transfer order was passed on 09.05.2018. But till date, no decision has been taken by the Board relating to K.Radha Nagesh.

7. Admittedly, there is one vacancy in the Hospital at OFMK, Medak. But it seems that the petitioners are in favour of K.Radha Nagesh to be kept thereon. Therefore, even after completing one year, the decision relating K. Radha Nagesh has not been taken. Whereas, the transfer order has been passed, on passing interim order, despite, the respondent has succeeded before the tribunal. It seems that there is

something prejudice in the mind of the petitioners against the respondent herein.

8. Keeping in view the facts recorded above, we find no ground to interfere with the order passed by the tribunal.

9. Accordingly, the Writ Petition is dismissed.

10. We hereby made clear that till K. Radha Nagesh is at that station, the respondent shall not be disturbed from the present posting. Consequently, the order passed by the petitioner dated 09.05.2018 is hereby quashed.

11. We further made clear that if the Board is of the view that K.Radha Nagesh shall be sent to the other place where she is transferred then the respondent shall also be transferred simultaneously.

There shall be no order as to costs.

Miscellaneous Petitions, if any pending, shall stand closed.

SURESH KUMAR KAIT, J.

ABHINAND KUMAR SHAVILI, J.

Date : 13-06-2018

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