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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1934/2019

DR. P.K. RATHORE Petitioner

Through: Mr. Rakesh Dhingra, Adv.

versus

GOVERNMENT OF NCT OF DELHI & ORS Respondent

Through: Mr. N.K. Singh and Mrs. Avnish
Ahlawat, Advs. for R-1 and R-3.

Mr. Vivek Goyal, CGSC with Mr.
Pawan Pathak, Advs for R-2.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

25.02.2019

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C.M. No. 8999/2019

Exemption allowed, subject to all just exceptions. The application stands disposed of.

C.M. No. 9000/2019

By this application the applicant seeks permission to place on record the additional documents. The application is allowed.

W.P.(C) 1934/2019 & C.M. No. 9001/2019

Issue notice. Counsels for the respondents accepts notice.

In view of the order that we propose to pass, we do not consider it necessary to call for any reply in the matter from the respondents.

The petitioner has assailed his transfer as Head of Department of the ENT Department, MAMC to Guru Tegh Bahadur Hospital vide order dated 30.01.2019, issued by the Deputy Secretary (HR-Medical) of the GNCTD. The petitioner has raised the issue with regard to the competence of GNCTD to pass such a transfer order.

The submission of the petitioner is that the transfer and posting of Central Health Service Officers – which the petitioner is in the SCG can be decided only upon by a committee consisting of the following officers:

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|-------------|--|-----------------|
| <i>“i)</i> | <i>Director General of Health Services (DGHS)</i> | <i>Chairman</i> |
| <i>ii)</i> | <i>Joint Secretary (CHS)</i> | <i>Member</i> |
| <i>iii)</i> | <i>Deputy Director General (M)</i> | <i>Member</i> |
| <i>iv)</i> | <i>Deputy Director General (P)</i> | <i>Member</i> |
| <i>v)</i> | <i>Director/DS (CHS)</i> | <i>Member</i> |
| | <i>Secretary</i> | |
| <i>vi)</i> | <i>Director A & V, Dte GHS</i> | <i>Member”</i> |

He submits that in the present case his transfer has not been affected by the said committee.

In our view, this issue needs to be decided by the Tribunal and, prima facie, there may be merit in this submission of the petitioner. In view of the aforesaid, we stay the transfer of the petitioner till the next date before the Tribunal, which we are informed is now fixed for 05.03.2019.

The Tribunal may decide on the aspect of stay during the pendency of the Original Application after hearing the parties.

Our order shall merge in the order that the Tribunal may pass after hearing the parties. We have not expressed any view on the merits of the

case.

The petition stands disposed of in the aforesaid terms.

Order dasti under the signatures of the Court Master.

VIPIN SANGHI, J

A. K. CHAWLA, J

FEBRUARY 25, 2019

N.Khanna