

(2022) 11 DEL CK 0172

In the Delhi High Court

Case No : Civil Writ Petition No. 16234 Of 2022

Dr. H. R. Singh

APPELLANT

Vs

Union Of India And Anr.

RESPONDENT

Date of Decision : 24-11-2022

Acts Referred:

Citation : (2022) 11 DEL CK 0172

Hon'ble Judges : Sanjeev Sachdeva, J;Tushar Rao Gedela, J

Bench : Division Bench

Advocate : T. N. Tripathi, Ritu Reniwal

Final Decision : Disposed Of

Judgement

Sanjeev Sachdeva, J

CM APPL. 50799/2022 (for exemption)

Exemption is allowed, subject to all just exceptions.

W.P.(C) 16234/2022

1. Petitioner impugns order dated 19.10.2022, whereby the Original Application ('OA') filed by the petitioner has been disposed of with a direction to petitioner to report for duty at the place of his transfer i.e., Rural Health Training Centre, Najafgarh, New Delhi on 26.11.2022.

2. Petitioner, who is a Doctor with the respondent No.2, was to superannuate on attaining the age of 62, however, he was given an extension up to the age of 65.

3. Petitioner was transferred by an office order dated 30.09.2022 to Rural Health Training Centre, Najafgarh. Further, by order dated 03.10.2022, petitioner was stated to be deemed relieved w.e.f., 04.10.2022. As per the petitioner, petitioner was not relieved on 04.10.2022 as his service book etc., was not traceable and the formalities were not completed by the Department.

4. The petitioner, who is present in Court submits that he is presently attending to the office at the original Place of posting i.e., Lady Harding Medical College and Smt. Sucheta Kriplani Hospital, New Delhi.
5. The Tribunal in its order dated 19.10.2022 noted that the marriage of the petitioner's daughter was to be solemnised on 16.11.2022 and accordingly on an undertaking by the petitioner that he shall join the new place of posting i.e. Rural Health Training Centre at Najafgarh on 26.11.2022, granted him time to join on 26.11.2022.
6. Learned counsel for the petitioner submits that though petitioner is regularly reporting for work and has not been physically relieved from his original place of posting, his salary and other benefits have not been paid.
7. In view of the fact that petitioner had given an undertaking before the Tribunal, we are not inclined to extend the time any further. Accordingly, petitioner shall join the new place of posting at Rural Health Training Centre, Najafgarh on 26.11.2022.
8. We notice that, by the impugned order dated 19.10.2022, petitioner has been protected by the Tribunal and granted time till 26.11.2022 to join his new place of posting, accordingly, there is no reason as to why his salary and emoluments till date should not have been paid to him.
9. In view of the above, we disposed of the petition and direct the respondents to release petitioner's salary and other benefits as admissible to him in accordance with the rules, forthwith.