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GOVERNMENT OF KERALA

12 MAY 2020



Abstract

Health & Family Welfare Department - Health Services - Establishment - Final judgement dated 21.01.2020 in OA (EKM) No.81/2020 filed by Dr.Aysha.K.M, Junior Consultant (O&G), General Hospital, Muvattupuzha - Complied - Orders issued.

**HEALTH & FAMILY WELFARE (A) DEPARTMENT**

**G.O.(Rt)No.794/2020/H&FWD** Dated,Thiruvananthapuram, 27/04/2020

- Read
- 1 G.O(Rt) No.1724/2019/H&FWD dated 15.07.2019.
  - 2 G.O(Rt) No.86/2020/H&FWD dated 13.01.2020.
  - 3 Interim orders dated 14.01.2020 in OA(EKM)NO.55/2020 & 15.01.2020 in OA (EKM) No.81/2020 filed by Dr.Aysha.K.M, Junior Consultant (O&G), General Hospital, Muvattupuzha.
  - 4 Order of the Hon'ble Tribunal dated 21.01.2020 in OA (EKM) Nos.55/2020 & 81/2020 filed by Dr.Aysha.K.M, Junior Consultant (O&G), General Hospital, Muvattupuzha.
  - 5 Representation dated 10.03.2020 submitted by Dr.Aysha.K.M, Junior Consultant (O&G), General Hospital, Moovattupuzha.
  - 6 Representation submitted by Dr.Vijaya.K.N, Consultant (O&G), General Hospital, Changanassery.
  - 7 Letter No.EA1-9885/2020/DHS dated 10.03.2020 from the Director of Health Services, Thiruvananthapuram.

**ORDER**

As per the Combined judgement dated 21-01-2020 in O.A Nos. 55 & 81 of 2020, regarding transfer and posting of the Petitioner, Dr.Aysha.K.M, the Honourable Kerala Administrative Tribunal ordered to afford an opportunity of hearing to the Petitioner and fifth respondent in O.A(EKM) No.81/2020 ie, Dr.Vijaya.K.N and to issue orders within a period of three weeks from the date of receipt of a copy of the Judgement.

2) Dr.Aysha.KM, Junior Consultant, General Hospital, Muvattupuzha on promotion as Consultant (O&G) was posted to W&C Hospital, Ponnani. As no vacancy was available in the said hospital she was posted at District Hospital, Thodupuzha. But there was no vacancy in that hospital too. Dr.Aysha.K.M filed O.A No.55/2020 before the Honourable Tribunal for considering her in the vacancy then available at General

Hospital, Changanassery. The Honourable Tribunal vide interim order dated 14-01-2020 stayed the filling up of the vacancy in General Hospital, Changanassery. But Government had already issued orders read as 2nd paper above posting Dr.Vijaya.K.N in that vacancy and posting Dr.Aysha.K.M in Taluk Hospital Sulthan Bathery in place of Dr.Vijaya.K.N. Dr.Vijaya took charge on 15-01-2020. The Petitioner Dr.Aysha filed O.A (EKM) No.81/2020 challenging the above transfer and seeking continuation at General Hospital, Muvattupuzha till a final decision is taken in the matter. The Honourable High Court vide interim order dated 15-01-2020 directed the District Medical Officer not to relieve Dr.Aysha.K.M from the post held by her as Junior Consultant (O&G), General Hospital, Muvattupuzha for a period of three weeks. In the final judgement read as 4th paper above, Honorable High Court has ordered that till such time final orders are passed, the interim order will continue to be in force.

3) Dr.Aysha.K.M, Petitioner and Dr.Vijaya.K.N (accompanied by her advocate) were heard in person on 10-03-2020 by the undersigned. Dr.Aysha.K.M informed that she is settled in Muvattupuzha, and a posting to a far away district will be difficult to her. She also stated that she is entitled to get more preference than Dr.Vijaya.K.N, since she is senior to her. She also stated she had applied for posting as Consultant (O&G) in the open vacancy available at Taluk Hospital, North Paravur and requested that she may be posted there. Officials from the Office of The Director of Health Services were also present in the hearing and submitted a report read as 7th paper above which affirmed that there is a vacancy in Taluk Hospital, North Paravur and two other doctors ie, Dr.Deepthi Raghavan.P (Respondent in O.A.55/2020) and Dr.Raji P have also applied for transfer to the same vacancy. Moreover they both are seniors of Dr.Aysha.K.M, as per the seniority list. Both of them have joined duty as Consultants in District Hospital, Mananthavady and Taluk Hospital, Payyanur respectively, while Dr.Aysha.K.M has not yet been relieved from the post of Junior Consultant, General Hospital, Muvattupuzha.

4) Adv. Dr.N.Vijayakumar, representing Dr.Vijaya.K.N stated during the hearing that though Dr.Aysha.K.M is senior to Dr.Vijaya.K.N as per the provisional seniority list, it may not be taken as criteria or claim for transfer, since Dr.Aysha.K.M has not yet joined the post of Consultant, even though she had been promoted almost eight months before.

5) A vacancy of Consultant (O&G) is available at Taluk Hospital, North Paravur. Dr.Aysha.K.M had not yet relieved from the post of Junior Consultant, General Hospital, Muvattupuzha. Other applicants to the same vacancy are senior to her, and promoted as consultants as per Government Order read as 1st paper above. Their claim cannot be ignored too, taking into account also the fact that they have already taken charge as Consultants. Same is the case with Dr.Vijaya.K.N. Though she is junior to

Dr.Aysha.K.M, as per the provisional seniority list, she has already assumed charge as Consultant at Taluk Hospital, Sulthan Bathery and later at General Hospital, Changanassery in obedience to Government orders.

6) In the above circumstances, the request of Dr.Aysha.K.M for posting at General Hospital, Changanassery or to the new vacancy at Taluk Hospital, North Paravur is rejected and she is directed to join duty at Taluk Hospital, Sulthan Bathery forthwith, since she has no sitting seniority in the post of Consultant to put forth as a claim for posting at General Hospital, Changanassery and since her seniors have applied for the post at Taluk Hospital, North Paravur.

7) The order of the Hon'ble Tribunal read as 4th paper above is thus complied with.

(By order of the Governor)  
**RAMESH G R**  
**DEPUTY SECRETARY**

To:

• The Advocate General, Ernakulam. (with C/L).

✓ The Director of Health Services, Thiruvananthapuram.

The District Medical Officers (Health), Kottayam/Ernakulam/Wayanad.

Dr.Aysha.K.M, Junior Consultant, General Hospital, Muvattupuzha.

Dr.Vijaya.K.N, Consultant (O&G), General Hospital, Changanassery.

Dr.Deepthi Raghavan.P, Consultant (O&G), District Hospital, Mananthawady.

The Principal Accountant General (Audit/A&E), Kerala, Thiruvananthapuram.

Stock.File.

Forwarded /By order

  
Section Officer

**Endt. on. EA1-9885/2020/DHS dtd 15.05.2020**

Communicated for information and necessary action.

  
for **Director of Health Services**