

GOVERNMENT OF KERALA

Abstract

Health & Family Welfare Department - Health Services - Establishment - Judgement dated 27.03.2024 in O.A. (EKM) Nos.1757 and 1701 of 2024 filed by Dr. Harish V.P., Junior Consultant (Anaesthesia) and Dr. Jyothisree V., Junior Consultant (Anaesthesia) respectively before the Hon'ble Tribunal - Complied - Orders issued.

HEALTH & FAMILY WELFARE (A) DEPARTMENT

സ.ഉ.(സംഗ്രഹ) നം.1850/2024/H&FWD Dated.Thiruvananthapuram, 01-08-2024

Read 1 Judgement dated 27.03.2024 in O.A. (EKM) Nos.1757 and 1701 of 2023.

2 Representation submitted by Dr.Harish.V.P., Junior Consultant (Anaesthesia) dated 17.06.2024.

3 Representation submitted by Dr.Sabna Kunhi Moideen, Junior Consultant (Anaesthesia) dated 18.06.2024.

4 Representation submitted by Dr.Jyothisree.V., Junior Consultant (Anaesthesia) dated 19.06.2024.

5 Letter No.EA1-20309/2023/DHS Dated 14.06.2024 from the Director of Health Services, Thiruvananthapuram.

ORDER

In the judgment read as 1st paper above, the Hon'ble Tribunal observed that the matter of General transfer of the applicants for the year 2023 requires reconsideration by Government after affording an opportunity of hearing to the applicant as well as respondents 3 and 4. It is stated that the hearing can be held online. It has also directed that as the applications for general transfer are already invited for the year 2024, the 1st respondent i.e., Government of Kerala represented by Secretary, Health & Family Welfare

Department shall pass orders within a period of 6 weeks from the date of receipt of the copy of the order and before the next general transfer.

2) As directed by the Hon'ble Tribunal online hearing was conducted on 19-06-2024. In the argument notes submitted by the applicants and Dr.Sabna Kunhi Moideen, respondent read as 2nd to 4th papers above, they stated the following.

Dr.Harish V.P., Junior Consultant (Anaesthesia), General Hospital, Kalpetta, Wayanad

Requested for transfer in the General Transfer 2023. First option was Taluk Head Quarters Hospital, Thamarassery, Kozhikode. Second Option was General Hospital, Manjeri, Malappuram. Not opted any other stations. The above said two stations were opted since these were nearer to home, the home town being Kozhikode. At that time working at Taluk Head Quarters Hospital, Vythiri, Wayanad with a station seniority of 7 years and 6 months. In the general transfer notification of 2023 it was stated that one year of service in all the hospitals of Wayanad (being hilly area) will be counted as 1.5 years of service. Hence Station seniority was to be taken as 10 years. In the draft list was transferred to W&C hospital, Ponnani which was not the opted station. His opted stations were given to other two doctors who was having less station seniority. He filed appeal to Director of Health Services citing all the relevant reasons. Still in the final order he got transferred to General Hospital, Kalpetta which was not his opted station. Aggrieved by this approached the Hon'ble Tribunal. As per order of the Hon'ble KAT a committee comprising of Joint Secretary, Health, Under Secretary, Health and Director of Health Services conducted hearing. After hearing Dr.Jyothisree, Dr.Sabna Kunhi Moideen and Dr. Harish, an order was issued posting him at Taluk Head Quarters Hospital,

Thamarassery which was his first option. As already some cases were posted for surgery at Taluk Head Quarters Hospital, Vythiri decided to join Taluk Head Quarters Hospital, Thamarassery after one week. By that time Dr. Jyothisree approached the Hon'ble KAT and stayed the order and joined Taluk Head Quarters Hospital, Thamarassery, pending final court order. In the successive arguments in the court Dr. Jyothisree's advocate submitted before the court, that she was not at all heard by the administrative personnel in the Secretariat and Director of Health Services. Hence the Hon'ble KAT directed to conduct hearing once again. He is having more station seniority than the other two doctors. He should be given his opted stations preferably Taluk Head Quarters Hospital, Thamarassery being his first option. Now working at General Hospital, Kalpetta. He had now shifted to Kalpetta and got settled there and he stated that he did not want to trouble Dr. Jyothisree as she is having a small child. Hence he wish to withdraw his claim for the post of Taluk Head Quarters Hospital, Thamarassery and have no objection to work at the present station General Hospital, Kalpetta.

Dr Jyothisree V., Junior Consultant (Anaesthesia), Taluk Head Quarters Hospital, Thamarassery

She was working as Junior Consultant, Anaesthesia at General Hospital, Kalpetta, Wayanad. Was working in Wayanad from 2019. Scheduled Caste and an inter caste married person. Having a baby child of less than 2 years old. Submitted application for transfer during General Transfer 2023 since completed more than 4^{1/2} years at Wayanad. Eligible for preference on two counts ie, scheduled caste person and inter caste married person. Submitted an application for transfer at the time of general transfer during 2022. Opted places were Taluk Headquarters Hospital, Koyilandy, Kozhikode and Taluk Headquarters Hospital, Thamarassery, Kozhikode. In view of the preferences she was eligible for transfer to any

of the opted places. Transferred to Taluk Headquarters Hospital, Thamarassery, Kozhikode vide order dated 31-05-2023. But she could not join at Taluk Headquarters Hospital, Thamarassery, Kozhikode because Dr. Harish V.P. who was transferred to General Hospital, Kalpetta filed appeal before the Government and also filed OA(EKM) 806/23 before the Hon'ble KAT. Hon'ble KAT disposed of the OA as per order dated 08-06-2023 directing Government to take a decision on his appeal. Considering the appeal filed by Dr Harish V.P. Government issued GO(Rt) 2654/2023/H&FWD dated 12-10-2023 retaining Dr Jyothisree at General Hospital, Kalpetta and transferring Dr Harish V.P. to Taluk Headquarters Hospital, Thamarassery, Kozhikode. Had challenged the said order in OA(EKM) 1701/2023 and as per the order of the Tribunal joined at Taluk Headquarters Hospital, Thamarassery, Kozhikode. But the transfer is cancelled pursuant to the appeal filed by Dr Harish V.P. Entitled to get transfer from Wayanad since she has completed more than 4^{1/2} years of service at Wayanad. Further a scheduled caste and an inter caste married person. Moreover having a baby of less than two years old. But Dr Harish V.P. does not have any preferential claim. His only claim was that he has been working at Taluk Head quarters hospital, Vythiri, Wayanad from 2016 onwards. Requested to allow to continue at Taluk Headquarters Hospital, Thamarassery after cancelling GO(Rt) 2654/2023/H&FWD dated 10-12-2023.

Dr Sabna Kunhi Moideen, Junior Consultant (Anaesthesia), General Hospital, Manjeri

Working in District Hospital, Nilambur since 04-09-2015. Transferred to Manjeri General Hospital as per order dated 31-05-2023. Joined at Manjeri General Hospital on 23-10-2023. Mother of three children and husband is suffering from Pituitary Adenoma and needs her

care. Also on treatment for low back ache. Old aged parents are under her care. Hence Dr Sabna requested to retain her in Manjeri General Hospital.

3) Vide GO(Rt) No. 2654/2023/H&FWD dated 12-10-2023 it has been directed to transfer Dr Harish V P to Taluk Head Quarters Hospital, Thamarassery and to retain Dr Jyothisree at General Hospital, Kalpetta. Now Dr Harish V P stated that he wants to withdraw claim for the post of Taluk Head Quarters Hospital, Thamarassery and have no objection to work at the present station General Hospital, Kalpetta. Dr. Jyothisree requested to allow her to continue at Taluk Headquarters Hospital, Thamarassery after cancelling GO(Rt) 2654/2023/H&FWD dated 10-12-2023. Dr Sabna requested to retain her in Manjeri General Hospital.

4) Government have examined the matter and are pleased to issue orders retaining Dr. Harish V.P. at General Hospital, Kalpetta and Dr. Sabna Kunhi Moideen, at General Hospital, Manjeri and Dr. Jyothisree at Taluk Headquarters Hospital, Thamarassery.

5) The order of the Hon'ble Kerala Administrative Tribunal read as 1st paper above is complied with as above.

(By order of the Governor)
PREENA SHAMSUDDIN

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To:

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

~~The~~ Director of Health Services, Thiruvananthapuram.

Dr. Harish V.P., Junior Consultant (Anaesthesia), General
Hospital, Kalpetta.

Dr. Jyothisree, Junior Consultant (Anaesthesia), Taluk

Headquarters Hospital, Thamarassery.

Dr. Sabna Kunhi Moideen, Junior Consultant (Anaesthesia),

General Hospital, Manjeri.

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

. Stock File.

Forwarded /By order

Signed by


Anupama G Nair

Section Officer
Date: 23-08-2024 15:04:54

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തീയതി 09.09.2024

സർക്കാർ ഉത്തരവിന്റെ ചുരുക്ക് അറിവിലേയ്ക്കും
മേൽ നടപടികൾക്കുമായി വെബ്സൈറ്റിൽ പ്രസിദ്ധീകരിക്കുന്നു


ആരോഗ്യവുമായി ബന്ധപ്പെട്ട
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