

**GOVERNMENT OF KERALA****Abstract**

Health & Family Welfare Department - Health Services - Establishment - Order dated 29.07.2024 in OA (EKM) No.1017/2024 filed by Dr.Rosmy Varghese, Junior Consultant (Ophthalmology) before the Hon'ble Tribunal - Complied - Orders issued.

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

G.O.(Rt)No.2185/2024/H&amp;FWD

Dated,Thiruvananthapuram, 11-09-2024

Read:- 1 Order dated 29.07.2024 in OA (EKM) No.1017/2024 filed by Dr.Rosmy Varghese, Junior Consultant (Ophthalmology) before the Hon'ble Administrative Tribunal.

2 Letter No.DHS/18145/2024-EB4 dated 24.08.2024 from the Director of Health Services.

**ORDER**

Dr Rosmy Varghese, Junior Consultant (Ophthalmology) filed OA (EKM) No.1017/2024 before the Hon'ble Tribunal challenging the General Transfer order (Annexure A5 in the OA) issued by the 2nd respondent (the Director of Health Services) . The Hon'ble Tribunal in its order read as 1<sup>st</sup> paper above directed the applicant, Dr.Rosmy Varghese to prefer an appeal petition before the first respondent within three days and the first respondent is directed to consider the same and pass appropriate orders in accordance with law within a further period of three weeks after hearing the applicant, respondent 3 and 4 and any other employee likely to be affected. Till such orders are passed the applicant is allowed to

continue at the present station, if not already relieved.

2) As per the orders of the Hon'ble Kerala Administrative Tribunal read as 1<sup>st</sup> paper above the applicant, respondent 3 and 4 and other 4 other medical officers who are considered to be affected were heard by the undersigned on 17.08.2024. The petitioner and all other parties were individually heard. Their statements during the time of hearing and important points submitted by them through their representation are as follows:

**(a)Dr.Rosmy Varghese, Junior Consultant (Ophthalmology)**

Joined the service as Assistant Surgeon on 24.06.2010 at THQH, North Paravoor, Ernakulam. From 27.10.2011 to 30.06.2014 she had served at CHC, Muttom, Idukki. Again from 02.09.2016 to 01.02.2021 she had worked out of station ie.THQH, Haripad, Alappuzha. From 01.02.2021 onwards she is working in GH, Ernakulam. Now vide the General Transfer Order for the year 2024 she is transferred and posted to THQH, Nedumkandam, Idukki. Argued that the other Medical Officers who were posted in Ernakulam districts have lesser length of out station service when compared with that of herself. It is submitted that she had 7 years one month and 3 days of out station service in which 2 years and 8 months at Muttom in Idukki district is difficult area service. It is contended that she has superior claims for posting in Ernakulam District vis-a-vis respondents 3 and 4 and she has more outstation service than all the incumbents posted at Ernakulam district.

It is also submitted that when applications for General Transfer 2024 were called for, she had opted DH, Aluva in Ernakulam District. In the draft list she was proposed to transfer to GH, Alappuzha, which is not her opted station. Her objection was forwarded through the DMO (Health), Ernakulam. But when the

final transfer list was published by the Director of Health Services vide order dated 26.07.2024, she was posted from GH, Ernakulam to THQH, Nedumkandam in Idukki District. It is submitted that her posting in Idukki district keeping the other doctors who has less outstation service in Ernakulam is itself violative of Clause 5(i) and 5(ii) of General Transfer Guidelines G.O(P) No.3/201/P&ARD Dated 25.02.2017. Her husband is working in the post of Associate Professor (Psychiatry) in Government Medical College, Kalamassery, Ernakulam. Her two daughters aged 14 and 5 are studying in the schools in Ernakulam. It is mentioned that the husband and wife shall as far as possible be accommodated in the same station and above all lady employees have to be avoided from posting at difficult hilly stations. She had already served in that area for about 3 years. So it is requested to avoid present transfer.

It is argued that Dr.Sharmila C.P. who has posted at the applicant's opted station has less outstation service than the applicant and the applicant joined GH, Ernakulam on 01.02.2021 AN and Dr.Sharmila C.P. who is on leave joined THQH, Perumbavoor only on 9/2021 after the expiry of her Maternity Leave. The juniormost among the Ophthalmologist who were given posting at Ernakulam is Dr.Jumaila Abdul Khader who has the most least outstation service. She has been working in Home district since July 2016.

It is alleged that Dr.Rehna R. who has less outstation service than the applicant has been retained in home station even though she had not furnished any appeal against the draft list. She has been working in home district since 2019. Dr.Biju V who has no out station service is being continued in the home station for 18 years. In the 2024 General Transfer also he has been transferred and posted



to TH, Karuvelippadi and retained in Ernakulam district. Dr.Anu G. who has been continuing in the home district for 14 years is also retained in Home district.

The applicant has requested that considering the above facts she may be transferred either to DH, Aluva or any other stations in Ernakulam district.

**b)Dr.Surabha.K.G, Junior Consultant (Ophthalmology)**

She joined Health Services as Assistant Surgeon on 11.12.1996 at GH, Palluruthy. Later she had worked in different stations. In the present transfer she got transfer to GH, Ernakulam and there is only 2<sup>3/4</sup> years remaining to retire from service. She is a patient with multilevel cervical disc disease with cervical spondylosis and underwent posterior cervical foraminotomy and discectomy surgery in 2017. So she has requested to retain her in her present station.

**c)Dr.Anu.G., Junior Consultant (Ophthalmology)**

She has been working as Junior Consultant (Ophthalmology) at THQH, Kothamangalam since February 2021. It was not her opted station in general transfer 2021. In the general transfer for the year 2024 she had given option to DH, Aluva, TH, Karuvelippady and GH, Ernakulam. But her request was not considered and she was retained at THQH, Kothamangalam. It is submitted that she is residing at Vyttila and she has been traveling for more than 100 Kms per day for the past 3 years. It is stated that no other candidates optioned THQH, Kothamangalam in the present general transfer, hence it is requested to retain her at THQH, Kothamangalam as per clause 2(ii) of General Transfer guidelines issued vide G.O(P) No.3/2017/H&FWD dated 25.02.2017. It is also informed that her husband has been working for the last 8 years as Assistant Professor at Medical College, Alappuzha and now he got transfer to Medical

College, Kalamassery in the last month. Since they are getting posting in the same district for the first time in service, it is requested to allow her to continue at THQH, Kothamangalam.

**d)Dr.Rehna.R., Junior Consultant (Ophthalmology)**

Joined in Health Services as Assistant Surgeon at TH, Kodungallur on 05.10.2015. She was entered the post of Junior Consultant on 20.07.2017 and was posted at DH, Idukki where she worked till 13.06.2019. From 14.06.2019 to 27.07.2024 she worked at TH, Karuvelippady. She was relieved from TH, Maharajas, Karuvelipadi on 27.07.2024 and joined GH, Ernakulam. Requested to allow to continue in the present station, ie, GH, Ernakulam.

**e)Dr.Sharmila C.P., Junior Consultant (Ophthalmology)**

During her service period she worked almost 5 years at Cheruthoni, Idukki from 2012 to 2016. This period she truly separated from her family since aged parents could not come and stay with her at Cheruthoni and her husband had to take care of them at home. From 2021 to 2024 she was posted at THQH, Perumbavoor, but since identified with lymphoma she had applied for working arrangement at GH, Ernakulam and also taken leave. During the period she had twin babies and it is stated that it was with such great difficulty she was attending her duties at THQH, Perumbavoor. It is also stated that she is still under the follow-up treatment at Amrutha Institute of Medical Sciences and also now she has small babies three and half years old, and aged parents at home and she was not in a position to travel long distances daily or stay away from her house. Requested to allow her to continue in the present station or give transfer to GH, Ernakulam .

**f)Dr.Biju.V., Junior Consultant (Ophthalmology)**

During general transfer 2024 he preferred first DH, Aluva and

secondly TH, Maharaja's hospital, Karuvelipady. In the draft list it was proposed to transfer him to DH, Aluva, later after considering all appeals from other candidates, he was transferred to Maharajas Taluk Hospital, Karuvelippady. It is submitted that the applicant neither opted for Maharajas hospital when the options were called for nor did he opt the stations in subsequent appeals and also submits that he is the senior most of the Junior Consultants and have less than 2 years ten months service to retire. All through his career he have accepted the various postings and worked wherever he was posted and it is requested that at the fag end of his serve, he may not be transferred again in view of the reason that his widowed mother who is 85 and have various illness is in his care.

**g)Dr.Jumaila Abdul Khadar, Junior Consultant (Ophthalmology)**

As she is supporting her father who has undergone double valve replacement, she neet to support him for regular medical follow ups. She also have a 4 year old kid and prefer to stay close to her family for taking care of the needs of parents and children and she requested to retain her in current station at THQH, Perumbavoor.

3) As per the letter read as 2<sup>nd</sup> paper above, the Director of Health Services has reported service details of the applicant and affected parties as follows:

- i)Dr.Anu.G. has been working in the present station, THQH, Kothamangalam from 17.02.2021 and in Ernakulam district from 15.09.2010.
- ii)Dr.Biju.V. had worked at GH , Ernakulam from 05-02-2021 and he has been working in Ernakulam District from 03-03-2006.
- iii)Dr.Rosmy Varghese has been working at GH, Ernakulam from



01.02.2021. She had worked in Idukki district from 28.10.2011 to 30.06.2014 and in Alappuzha district from 02.09.2016 to 01.02.2021.

iv)Dr.Surabha K.G. had worked in Ernakulam from 11.12.1996 to 01.02.2021. From 02.02.2021 upto general transfer 2024 she had worked in Alappuzha district.

v)Dr.Sharmili.C.P. has been working in Ernakulam district since 09.06.2016.

vi)Dr.Rehna.R has been working in Ernakulam district since 14.06.2019. Before that she had worked in Idukki District for two years.

vii)Dr.Jumaila Abdul Khader has been working in Ernakulam district since 12.08.2016.

The Director of Health Services has also reported that Dr.Rosmy Varghese opted only one station for General Transfer 2024. She preferred District Hospital, Aluva. During the hearing Dr.Rosmy Varghese submitted representation that she is willing to work any where in Ernakulam District.

4) Government examined the matter in detail. From the details submitted by the Director of Health Services, it has known that Dr.Biju V. has been continuously working in Ernakulam district for the past 18 years. In the above circumstances order is issued hereby transferring Dr.Biju.V. to Taluk Head Quarters Hospital, Nedukandam, Idukki and Dr.Rosmy Varghese to Taluk Hospital, Karuvelippadi.

5) Order of the Hon'ble Administrative Tribunal read as 1<sup>st</sup> paper above is complied with as above.

(By order of the Governor)  
PREENA SHAMSUDDIN

DEPUTY SECRETARY

To:

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

The Director of Health Services, Thiruvananthapuram.

District Medical Officer (Health), Idukki/Ernakulam.

Dr. Rosmy Varghese, Junior Consultant (Ophthalmology),  
Plathottathil House, 15-J DD Silver Stone, Padam Road, Vaduthala,  
Ernakulam, Kochi-682 023.

Dr. Biju.V., Junior Consultant (Ophthalmology), Taluk Hospital,  
Karuvelippady, Ernakulam.

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

Stock File.

Forwarded /By order

Signed by  
Section Officer  
Anupama G Nair

Date: 11-09-2024 11:59:39

നവകാശ ഉത്തരവിന്റെ പകർപ്പ് അറിവിലേക്കും  
അനന്തര നടപടികൾക്കുമായി വെബ് സൈറ്റിൽ  
പ്രസിദ്ധീകരിക്കുന്നു.

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