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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2171/2002

Friday, this the 16th day of August, 2002

Hon'ble Mrs. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Mr. S.A.T. Rizvi, Member (A)

Mrs. Neelima Sharma
d/o Shri Dayal Dass Batra
H.No.E-9/7, Malviya Nagar
New Delhi-17
(Working as Physiotherapist in
Lok Narayan Jaiprakash Hospital)

...Applicant

(By Advocate: Shri Vibhu Shanker)

Versus

1. Govt. of National Capital
Territory of Delhi
Department of Health & Family Welfare
9th Level, A-Wing, Delhi Secretariat
New Delhi-2
2. The Medical Superintendent
Lok Nayak Hospital, New Delhi-2
3. The Administrative Office
O/o Medical Superintendent
Lok Nayak Hospital, New Delhi-2

..Respondents

O R D E R (ORAL)

Mrs. Lakshmi Swaminathan, VC (J):

We have heard Shri Vibhu Shanker, learned counsel for applicant. He has drawn our attention to the show cause notice issued by the respondents on 17.5.2002 (Annexure A-1) to which the applicant has filed a reply dated 31.5.2002 (Annexure A-11). There is an apprehension on the part of the learned counsel for the applicant that while disposing of the aforesaid reply of the applicant, there is every chance that the respondents may issue a termination order. However, admittedly, no reply has been received from the respondents so far even though nearly a period of two and half months has elapsed since the reply to the aforesaid show cause notice was sent by the applicant. It is further noticed that what

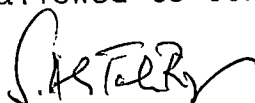
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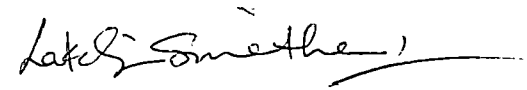
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(2)

has been stated in the show cause notice dated 17.5.2002, to which the respondents have asked the applicant to file a reply, is that they find that the diploma in physiotherapy which the applicant holds from Chaitanya Medical Foundation, Pune has not been approved by the All India Council for Technical Education as per their communication dated 17.1.2002. They have also stated that as per the recruitment rules, copy of which has also not been enclosed in the OA, a candidate must possess a diploma in Physiotherapy from a recognized institution, and in the absence of which the applicant becomes ineligible for continuing as Physiotherapist. In reply to the show cause notice, which has been given to the applicant, it was open to her to refer to all the relevant provisions of law and facts which are available to her to satisfy the respondents in the first instance that she possesses the required qualification as prescribed in the recruitment rules for the post of Physiotherapist.

2. In the above facts and circumstances of the case, the OA is disposed of in the interest of justice and without issuing notice to the respondents with a direction to the respondents to consider the aforesaid reply of the applicant and pass a reasoned and speaking order. This shall be done within two weeks from the date of receipt of a copy of this order, with intimation to the applicant and till such disposal, the applicant may be allowed to continue in her present service.


(S.A.T. Rizvi)
Member (A)


(Mrs. Lakshmi Swaminathan)
Vice Chairman (J)

/sunil/