

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BENGALURU**

ORIGINAL APPLICATION NO.170/00016/2020

DATED THIS THE 09th DAY OF JANUARY, 2020

**HON'BLE DR.K.B.SURESH
HON'BLE SHRI C.V.SANKAR**

**...MEMBER(J)
...MEMBER(A)**

Wg. Commander Ravindran Achutan (Retired),
S/o P.V. Achuthan,
Aged about 56 years,
Working as Officer-in-charge,
ECHS Polyclinic, Kolar,
R/a No.1619, 1st Cross,
Ramesh Road, Prasanthnagar PO,
T. Dasarahalli,
Bengaluru –560057.

..Applicant

(By Advocate Shri M. Rajakumar)

Vs.

1.The Managing Director,
ECHS, Central Organisation,
Adjutant General Branch,
Integrated HQs (MoD)
Moud Lines, New Delhi – 110 010

2. Officer- in- Charge P5 (ECHS),
HQ Training Command, IAF,
Hebbal, Bengaluru-560006.

3. The Air Officer Commanding,
Air Force Stn Yelahanka,
Bangalore – 560063

4. Officer- in- Charge P5 (ECHS),
Station Hq
Air Force Stn Yelahanka,
Bangalore – 560063.

...Respondents

ORDER (ORAL)**HON'BLE DR.K.B.SURESH ...MEMBER(J)**

Heard. This is a curious case where Show cause notice and termination order has been issued in one single order, which we quote:

"CONFIDENTIAL

Stn HQ ECHS Yelahanka
% AFS Yelahanka
Bangalore 560 063

Yel/1413/02/Org(ECHS) 31 Dec 19

Wg Cdr Ravi Achuthan (Retd)
OIC Polyclinic
ECHS Kolar

SHOW CAUSE NOTICE

1. *WHEREAS you were appointed as OIC Polyclinic ECHS Kolar with effect from 12 Apr 19 to 11 Apr 20 and your services are governed by the agreement dated 12 Apr 19 signed by you and Stn Cdr ECHS.*
2. *AND WHEREAS you were entrusted with the responsibility to manage the Polyclinic of ECHS Kolar.*
3. *AND WHEREAS surprise check by 01 P&S (U) on 06 Nov 19 at Polyclinic Kolar found that during your tenure you were found to exaggerate the number of daily OPD patients. You also absented yourself from the Polyclinic without any intimate to undersigned or Stn Cdr ECHS. Further 05 loose cartons of surplus medicines were found at Polyclinic Kolar due to showing 'Dummy Patients'.*
4. *AND WHEREAS your aforesaid lapses are contradictory to clauses 03, 12 and 16 of agreement (misconduct or failure to perform assigned duties to the satisfaction of the station commander, false information and administrative irresponsibility respectively).*
5. *Now THEREFORE, as per instructions OIC CP-5 (ECHS) HQ TC, your contract stands terminated with immediate effect. Further you are to show cause as to why an appropriate action as per para 16 of Annexure-A1 to Govt of India MoD letter number 24(6)/03/US/(WE)/D(Res) dated 22 sep 2003 should not be initiated*

against you for your above said lapses. Your reply to this show cause notice giving all reasons in your defence against the proposed directions is to be submitted to the undersigned within two days of the receipt of this notice, failing which it shall be presumed that you have nothing to urge in your defence and further action as deemed appropriate shall be initiated against you.

Sd/-
(Shahab Ahmad)
Wg Cdr ,
OIC ECHS Stn HQ
AFS Yelahanka”

2. Clearly this cannot lie. We do not want to keep this matter pending. This order is absolutely illegal and will not lie under law. It is hereby quashed. Applicant will be deemed to be continuing in that post. But then the applicant says that he has given the reply. Let the respondents consider the reply and pass appropriate orders within the next one month.

3. OA allowed in limine. No costs.

(C.V.SANKAR)
MEMBER(A)

(DR.K.B.SURESH)
MEMBER(J)

vmr

Annexures referred to by the Applicant in OA No.16/2020

1. Annexure A1 : Copy of Show cause notice dated 31.12.2019.
2. Annexure A2 : Copy of reply to Show cause notice dated 03.1.2020.
3. Annexure A3 : Copy of Agreement .
4. Annexure A4 : Copy of Agreement .
5. Annexure A5 : Copy of Warning letter dated 27.11.2019
6. Annexure A6 : Copy of letter dated ---Dec. 2019 .
