

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 3409/2001

New Delhi this the 16th day of January 2002

Hon'ble Shri S.R. Adige, Vice Chairman (A)
Hon'ble Dr. A. Vedavalli, Member (J)

(By Advocate: Shri Chava Badri Nath Babu)

vs.

1. Lt. Governor,
Delhi Administration,
Delhi.
2. The Secretary,
Department of Medical & Health,
Government of Delhi,
New Delhi.
3. The Deputy Medical Superintendent,
O/o The Medical Superintendent,
Deen Dayal Upadhyay Hospital,
Hari Nagar, New Delhi-110 064. Respondents

(By Advocate: Shri Ajay Gupta)

O R D E R (Oral)

Hon'ble Shri S.R. Adige, VC (A)

Heard both sides.

2. Respondents counsel Shri Ajay Gupta informs us that the impugned order dated 12.12.2001 (Annexure A-9) terminating the applicant's services as Senior Resident in Deen Dayal Upadhyay Hospital (DDU Hospital), New Delhi was issued on three grounds viz:

i) He had suppressed the fact that he had put in one year as Junior Resident in R.M.L. Hospital, New Delhi.

ii) He had not completed the duration of one year which was required for consideration for appointment as Senior Resident in DDU Hospital as he was short by 17 days.

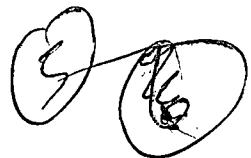
iii) He did not fulfil the essential qualifications of specialisation in Surgery, Medicines or Orthopaedics required for Senior Residentship.

3. While the applicant was asked to show cause in regard to the alleged suppression of fact that he had worked as Jr. Resident in RML Hospital vide Memo dated 1.8.2001 (Annexure A-6) to which applicant had also submitted reply on 3.8.2001 (Annexure A-7), the applicant was not put to notice in regard to the other two grounds on which his services were terminated by impugned order dated 12.12.2001.

4. As the impugned order dated 12.12.2001, entails civil consequences, applicant should have been put to notice in regard to each of the grounds on the basis of which respondents intended to terminate his services.

5. In the circumstances the impugned order dated 12.12.2001 cannot be sustained in law and the OA succeeds and is allowed to the extent that the impugned order is quashed and set aside. Applicant should be reinstated with all consequential benefits forthwith. In the event respondents seeks to terminate applicants services, they will do so only after putting applicant to notice in regard to each of the grounds on which they propose to

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base their action and give him a reasonable opportunity of being heard before they pass any order in accordance with law. No costs.

6. O.A. is disposed of accordingly. No costs.



(Dr. A. Vedavalli)
Member (J)


(S.R. Adige)
Vice Chairman (A)

Mittal