



**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.709/2020

This the 9th day of February, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. AradhanaJohri, Member (A)**

Dr. Vishwa Prakash, Age 59, Group A
S/o Om Prakash, (Consultant)
R/o B-2, 1/23,
Sector – 5, Rajinder Nagar,
Sahibabad,
Ghaziabad - 201005

...Applicant

(By Advocate :Shri Manoj Sharma)

VERSUS

1. Through Secretary,
Union of India,
Ministry of Health and Family Welfare,
New Delhi.
2. The Medical Superintendent,
Safdarjung Hospital,
New Delhi.
3. The Director (Administration)
Safdarjung Hospital,
New Delhi.

...Respondents

(By Advocate : None)

ORDER (Oral)**Justice L. Narasimha Reddy:**

The applicant is working as Consultant in the Ministry of Health and Family Welfare and was posted in the Safdarjung Hospital, New Delhi. Disciplinary proceedings were initiated against him on the allegation of sexual harassment, at work place. As a sequel to that, he was placed under suspension through order dated 22.04.2019. It is also stated that on account of his suspension, his appointment to the post of HOD was withheld. He filed this OA with a prayer to direct the respondents to revoke his suspension and to consider his case for appointment as HOD.

2. The applicant contends that though the report submitted by the ICC in the year 2017 was on the allegation of sexual harassment, it was without any serious finding and despite that, the order of suspension was issued.

3. Another contention of the applicant is that being the senior most consultant in the hospital, he is entitled to be appointed as HOD.



4. We heard Mr. Manoj Sharma, learned counsel for the applicant at the stage of admission itself.

5. The principal grievance of the applicant in the OA is about the order of suspension dated 22.04.2019. It is true that the ICC submitted its report in the year 2017, indicating the course of action, to be followed. It is not known as to whether the respondents have followed it up by issuing any charge memo. The order of suspension was passed on 22.04.2019, i.e. after two years of submission of report by the ICC. The necessity for us to deal with the legality of the order of suspension is obviated on account of the fact that the respondents have passed an order dated 03.08.2020 revoking the suspension and reinstating the applicant.

6. The next grievance of the applicant is about the appointment as HOD. The question as to whether the applicant can be considered for appointment to the post of HOD needs to be examined by the respondents. The relevant rules as well as the present state of affairs vis-a-vis the applicant need to be taken into account.

7. We, therefore, dispose of the OA, directing the respondents to examine the issue pertaining to the appointment of the applicant as HOD in accordance with relevant rules. Appropriate orders, in this behalf, shall be



passed within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

(AradhanaJohri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/lg/vb/akshaya/sd