

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**O.A No. 180/00291/2020  
&  
O.A No. 180/00375/2020**

Friday, this the 6<sup>th</sup> day of November, 2020.

**CORAM:**

**HON'BLE Mr. P. MADHAVAN, JUDICIAL MEMBER  
HON'BLE Mr. K.V. EAPEN, ADMINISTRATIVE MEMBER**

**O.A No. 180/00291/2020**

Dr. Sajith Sukumaran, 47 years  
S/o Sukumaran,  
Additional Professor, Department of Neurology,  
SCTIMST, Medical College (P.O),  
Thiruvananthapuram - 695 011.  
Residing at Thejus, TC 5/2712(3),  
CRA : A 64 (C), Sreekaryam (P.O),  
Thiruvananthapuram – 695 017. Applicant

[Advocate : Mr. Elvin Peter P.J]

**Versus**

1. Union of India, represented by its Secretary,  
Ministry of Science & Technology,  
Department of Science & Technology,  
Technology Bhavan, New Mehrauli Road, New Delhi - 110 016.
2. Sree Chitra Tirunal Institute for Medical Sciences &  
Technology, Thiruvananthapuram - 695 011.  
Represented by its Director.
3. The President, Sree Chitra Tirunal Institute for Medical Sciences &  
Technology, Thiruvananthapuram – 695 011.
4. Dr. Asha Kishore,  
Director, Sree Chitra Tirunal Institute for  
Medical Sciences & Technology,  
Thiruvananthapuram - 695 011. Respondents

[Advocates : Mr. N. Anilkumar, SCGSC for R-1  
Mr. M.R. Hariraj for R-2 & 3  
Mr. Jaju Babu, Senior for R-4  
Mr. Vikram Ramakrishna]

**O.A No. 180/00375/2020**

Dr. Asha Kishore, 60 years,  
 W/o. S.Y. Kishore,  
 Director, Sree Chitra Tirunal Institute for Medical Sciences &  
 Technology, Thiruvananthapuram – 695 011.  
 Residing at TC 95/58, Hill Top Gardens,  
 Medical College (P.O),  
 Thiruvananthapuram - 695 011. - Applicant

[ Advocates : Mr. Jaju Babu, Senior  
 Mr. Brijesh Mohan ]

**Versus**

1. Union of India, represented by its Secretary,  
 Ministry of Science & Technology,  
 Department of Science & Technology,  
 Technology Bhavan, New Mehrauli Road,  
 New Delhi - 110 016.
2. Sree Chitra Tirunal Institute for Medical Sciences &  
 Technology, Thiruvananthapuram – 695 001.  
 Represented by its President
3. The President,  
 Sree Chitra Tirunal Institute for Medical Sciences &  
 Technology, Thiruvananthapuram - 695 001.
4. State of Kerala, represented by Principal Secretary to  
 Health and Family Welfare and Ayush,  
 Government Secretariat,  
 Thiruvananthapuram - 695 036.
5. Dr. Ashalatha Radhakrishnan, 50 years,  
 W/o. Dr. Prakash N. Nair,  
 Professor, Department of Neurology,  
 Sree Chitra Tirunal Institute for Medical Sciences and Technology,  
 Thiruvananthapuram – 695 001.  
 Residing at Flat 5C, Nikunjam Orient,  
 Ponthi Road, Kumarapuram, Trivandrum - 695 011.
6. Dr. Jayakumar K., 64 years,  
 S/o Late Sri Karunakaran  
 Professor, Senior Grade,  
 Adult Cardiac Surgery, Department of CTVS,  
 Sree Chitra Tirunal Institute for Medical Sciences and Technology,  
 Thiruvananthapuram – 695 001.  
 Residing at 7<sup>th</sup> Floor, Surgical Block, SCTIMST,  
 Thiruvananthapuram - 695 011.

7. Dr. Subin Sukesan, 44 years,  
S/o Sukesan Govindan,  
Associate Professor, Department of Cardiac Anesthesiology,  
Sree Chitra Tirunal Institute for Medical Sciences and Technology,  
Thiruvananthapuram – 695 001.  
Residing at A7, 7<sup>th</sup> Floor, NFH Faculty Accommodation,  
SCTIMST, Kumarapuram Campus,  
Ponthi Road, Thiruvananthapuram - 695 011.
8. Dr. Bineesh K.R., 43 years,  
S/o N. Radhakrishnan,  
Associate Professor, Adult Cardiac Surgery, Department of CTVS,  
Sree Chitra Tirunal Institute for Medical Sciences and Technology,  
Thiruvananthapuram – 695 001.  
Residing at 7<sup>th</sup> Floor Surgical Block,  
SCTIMST, Thiruvananthapuram - 695 011.
9. Dr. Vivek V. Pillai, 44 years,  
S/o Dr. Velayudhan Pillai,  
Additional Professor, Adult Cardiac Surgery,  
Department of CTVS,  
Sree Chitra Tirunal Institute for Medical Sciences and Technology,  
Thiruvananthapuram – 695 001.  
7<sup>th</sup> Floor, Surgical Block, SCTIMST,  
Thiruvananthapuram - 695 011.
10. Dr. Sabarinath Menon, 41 years,  
S/o U. Narayanan Kutty,  
Additional Professor, Department of CTVA,  
Sree Chitra Tirunal Institute for Medical Sciences and Technology,  
Thiruvananthapuram – 695 001.  
3<sup>rd</sup> Floor, Paediatric & Congenital Heart  
Surgeries Medical Block, SCTIMST,  
Thiruvananthapruam - 695 011.
11. Dr. S. Manikandan, 51 years,  
S/o Kumaran V.,  
Professor, Head Neuroanaesthesiology Division,  
Sree Chitra Tirunal Institute for Medical Sciences and Technology,  
Thiruvananthapuram – 695 001.  
Residing at 7<sup>th</sup> Floor, Faculty Room,  
SCTIMST, Thiruvananthapuram - 695 011.
12. Dr. Varghese T. Panikar, 47 years,  
S/o K.V. Thomas Paniker,  
Additional Professor, Adult Cardiac Surgery,  
Sree Chitra Tirunal Institute for Medical Sciences and Technology,  
Thiruvananthapuram – 695 001.  
Department of CTVS, 7<sup>th</sup> Floor, Surgical Block,  
SCTIMST, Thiruvananthapuram - 695 011.

13. Dr. Sudip Dutta Baruah, 40 years,  
S/o Budhindranath Dutta (late),  
Assistant Professor, Residing at Flat 8A,  
SFS Cyberpalms Silver, Near MGM School, N.H. Bypass,  
P.O. Karimana, Thiruvananthapuram - 695 583.
14. Dr. Mathew Abraham, 49 years,  
S/o Late Sri Abraham,  
Professor, Neurosurgery Department,  
Sree Chitra Tirunal Institute for Medical Sciences and Technology,  
Thiruvananthapuram – 695 001.  
Residing at 7<sup>th</sup> floor, Faculty Room,  
SCTIMST, Thiruvananthapuram - 695 011.
15. Dr. Smitha V., 43 years,  
D/o G. Bahuleyan,  
Associate Professor, Neuroanesthesiology Division,  
Sree Chitra Tirunal Institute for Medical Sciences and Technology,  
Thiruvananthapuram – 695 001.  
7<sup>th</sup> Floor, Faculty Room, SCTIMST,  
Thiruvananthapuram - 695 011.
16. Dr. K.P. Unnikrishnan, 48 years,  
S/o P.K. Janaky,  
Professor, Department of Cardiovascular Anesthesiology,  
Sree Chitra Tirunal Institute for Medical Sciences and Technology,  
Thiruvananthapuram – 695 001.  
Residing at TC 6/1572 (3), Krishnakripa,  
Sreenarayananagar, Thuruvikkal,  
Thiruvananthapuram - 695 011.
17. Dr. P.R. Suneel, 50 years,  
S/o Raman P.N.,  
Professor, Department of Anaesthesiology,  
Sree Chitra Tirunal Institute for Medical Sciences and Technology,  
Thiruvananthapuram – 695 001.  
Residing at DPRA – 59 Devamritam,  
Dr. C. Pinto Lane, Thuruvikkal (P.O),  
Thiruvananthapuram - 695 011.
18. Dr. Santhoshkumar. K., aged 41 years,  
S/o Ravindranathan. T.,  
Additional professor,  
Department of ISIR, SCTIMST,  
Thiruvananthapuram - 695 011.
19. Dr. C. Kesavadas, aged 54 years,  
S/o Sri. P. Chandrashekhar,  
Head of Department, Professor,  
Department of ISIR SCTIMST,  
Thiruvananthapuram - 695 011.

20. Dr. Rajbharat, aged 36 years,  
S/o D.Rudrappan,  
Associate Professor,  
Department of Transfusion Medicine, HOD,  
SCTIMST, Thiruvananthapuram - 695 011.
21. Dr. Amita.R., aged 37 years,  
D/o V. RadhakrishnanNair,  
Assistant Professor, Department of Transfusion Medicine,  
HOD, SCTIMST, Thiruvananthapuram - 695 011.
22. Dr. Jineesh. V., aged 33 years,  
S/o Choyunni. V.,  
Assistant Professor, Department of ISIR,  
SCTIMST, Thiruvananthapuram - 695 011.
23. Dr. Anoop. A, aged 33 years,  
S/o Ayyappan. M.,  
Assistant Professor, Department of ISIR,  
SCTIMST, Thiruvananthapuram - 695 011.
24. Dr. Rupa Sreedhar, aged 63 years,  
W/o Dr. Shrinivas. V.G.,  
Professor Senior Grade, Department of Anaesthesiology  
Sree Chitra Tirunal Institute for Medical Sciences and  
Technology, Thiruvananthapuram - 695 001, 7<sup>th</sup> Floor, Faculty Rook,  
Surgical Block, SCTIMST, Thiruvananthapuram-695011
25. Dr. Saravana Babu.M.S., aged 34 years,  
S/o M. Sampoornam,  
Assistant Professor, Department of Anesthesiology,  
Sree Chitra Tirunal Institute for Medical Sciences and Technology  
Thiruvananthapuram - 695 001.  
1<sup>st</sup> Floor, Faculty Room, Surgical Block,  
SCTIMST, Thiruvananthapuram - 695 011.
26. Dr. Arun Gopalakrishnan, aged 37 years,  
S/o K.V. Gopalakrishnan,  
Assistant Professor, Paediatric Cardiology,  
2<sup>nd</sup> Floor, SCTIMST, Thiruvananthapuram - 695 011.
27. Dr. Baiju S. Dharan, aged 50 years,  
S/o Sri. Dharan, Residing at Head Department of CTVA,  
3<sup>rd</sup> Floor, Professor, Paediatric & Congenital Heart Surgeries  
Medical Block, SCTIMST, Thiruvananthapuram - 695 011.
28. Dr. Ajit Kumar. V.K., aged 62 years,  
S/o Kumaran. V.K.,  
Professor Senior Grade,  
Residing at H.No. 34, Valley View Gardens,  
Pothujanam Lane, Kumarapuram,  
Thiruvananthapuram - 695 011.

29. Dr. Jayadevan. E.R., aged 46 years,  
S/o Rajan.S.,  
Additional Professor, Department of ISIR SCTIMST,  
Thiruvananthapuram - 695 011.

30. Dr. Shivanesan. P., aged 43 years,  
S/o Pitchai. V.,  
Assistant Professor, Vascular Surgery,  
Department of CTVS, 1<sup>st</sup> Floor Faulty Room,  
Surgical Block, SCTIMST, Thiruvananthapuram - 695 011.

31. Dr. Prasanta Kumar Dash, aged 54 years.  
S/o Narasinha Dash,  
Professor, Department of Neurosurgical Anesthesiology,  
Sree Chitra Tirunal Institute of Medical Sciences and Technology,  
Thiruvananthapuram. Residing at: 1-C, Cordial Casilda. Kochulloor,  
Thiruvananthapuram - 695 011.

32. Dr. Bejoy Thomas, aged 51 years,  
S/o Prof. V.J. Thomas,  
Professor, Department of Anesthesiology,  
Sree Chitra Tirunal Institute for Medical Sciences and Technology,  
Thiruvananthapuram - 695 001. Residing at :TC 6/1592(3),  
Thuruvickal P.O., Thiruvananthapuram - 695 031.

33. Dr. Debasish Gupta, aged 60 years,  
S/o Sri. Gupta,  
Professor, Department of Transfusion Medicine,  
Head of Department, SCTIMST, Thiruvananthapuram -695 011.

34. Dr. Shrinivas Gadhwajkar, aged 54 years,  
S/o Vitthal Ramachandra Gadhwajkar,  
Professor, Department of Cardiology,  
Sree Chitra Tirunal Institute for Medical Sciences and Technology,  
Thiruvananthapuram - 695 001.  
Residing at 8D SFS, Carlton Apartments,  
Near Jala Bhawan, Ambalamukku,  
Thiruvananthapuram - 695 003.

35. Dr. George C. Vilanilam, aged 43 years,  
S/o Sri. Vilanilam,  
Additional Professor, Neurosurgery Department,  
7<sup>th</sup> Floor, Faculty Room, SCTIMST, Thiruvananthapuram - 695 011.

36. Dr. Jayanand Sudhir B., aged 43 years,  
S/o Sri Sudhir,  
Associate Professor, Neurosurgery Department,  
7<sup>th</sup> Floor, Faculty Room, SCTIMST,  
Thiruvananthapuram - 695 011.

Respondents

[Advocates : Mr. N. Anilkumar, SCGSC for R-1  
Mr. M.R.Hariraj (R2&3), Mr. Elvin Peter P.J for R 5-36,  
Mr. M.Rajeev (GP) for R4.]

The two Original Applications having been taken up together and heard on 14.10.2020, the Tribunal delivered the following by a common order on 6.11.2020.

## **O R D E R**

### **By P. Madhavan, Judicial Member**

In OA No.291/2020, applicant Dr.Sajith Sukumaran seeks the following reliefs:-

- (i) *Set aside Annexure A-15.*
- (ii) *Issue a direction to the 3<sup>rd</sup> respondent not to allow the 4<sup>th</sup> respondent to function as the Director of SCTIMST, Thiruvananthapuram.*
- (iii) *Issue a direction to the 2<sup>nd</sup> and 3<sup>rd</sup> respondents to forthwith issue notification inviting fresh applications for recruitment to the post of Director in SCTIMST, Thiruvananthapuram.*
- (iv) *Issue an order restraining the 4<sup>th</sup> respondent from functioning as the Director of SCTIMST.*

2. The applicant is challenging Annexure A-15 order of the President of Sree Chitra Tirunal Institute of Medical Sciences & Technology (SCTIMST) (R-1) dated 02.06.2020 extending the term of Dr. Asha Kishore as the Director of the Institute with effect from 15.07.2020 for a period of five years.

3. The applicant is an Additional Professor in the Department of Neurology. He challenges the order of extension of the period as per Annexure A-15 stating that it is illegal and done without approval of the ACC. According to him, selection to the post of Director has to be made in accordance with statutory provisions and rules. As per Rule 7(ii), appointment to the post of Director shall be made on the recommendations of a Selection Committee constituted by the Government. The present Director was selected by a Selection Committee as per notification dated 30.04.2014 issued by R-2 at Annexure A-1. About 14 candidates applied and the present Director was appointed as per order dated 13.07.2015 (Annexure A-3) for a specific period by 5 years or till she attains 65 years whichever is earlier. The applicant

challenges the order on the basis of Annexure A-4 and A-5 guidelines issued by the DoPT dated 03.07.2006 and 30.07.2007, wherein the procedure for selection to the posts in autonomous bodies is clarified. According to him, the authority competent to approve extension is the ACC and hence the extension of tenure of Director as per Annexure A-15 is illegal and has to be set aside.

4. The DoPT had again issued clarificatory guidelines after some modifications on 05.01.2015 (Annexure A-6). In this O.M also, it is clarified that any extension of tenure has to be done with the approval of ACC. Earlier, in the case of Dr. K. Mohandas (Director), the Institute had obtained the approval of ACC and extension was granted. After the said extension, the Institute Body (IB) had sought another extension for Dr. K. Mohandas and ACC granted extension for 2 years (Annexure A-9). According to the applicant, any extension of tenure of Director requires approval of ACC. The institute should have taken steps for selection of a Director at least 3 months prior to the end of tenure. There were allegations regarding the working of the present Director and a fact finding Committee was constituted and the Committee report was accepted by the department and the report was forwarded to the Institute Body (IB) for taking appropriate action. Though there was a recommendation for selection of a new Director, the IB did not do anything in that respect. The Department (R-1) had written to R-3 on 26.12.2019 to take steps to fill up the post on a regular basis (Annexure A-13).

5. According to the applicant, at present SCTIMST have highly qualified and experienced Doctors with proven merit and the action of R-3 extending the tenure of R-4 is not proper. Owing to the lack of proper administration the Sree Chitra Institute could not even get a ranking in NIRF and hence the O.A.

6. In OA 375/2020 the applicant seeks the following reliefs:-

(i) *Set aside Annexures A-9 and A-11.*

(ii) *Declare that the applicant is entitled to continue as Director of the 2<sup>nd</sup> respondent Institute in terms of Annexure A-7 and Annexure A-8.*

(iii) *Direct the respondents to permit the applicant to continue as the Director of the 2<sup>nd</sup> respondent Institute in terms of Annexure A-7 and Annexure A-8 untrammelled by Annexure A-9 and Annexure A-11.*

7. The applicant, Dr. Asha Kishore is the present Director of Sree Chitra Thirunal Institute for Medical Sciences, and is seeking to set side Annexure A-9 & Annexure A-11 directions to withdraw the extension issued by R-3 and to declare that the applicant is entitled to continue as Director of R-2 as per Annexure A-8 extension order dated 2.6.2020. She was appointed to the post of Director after undergoing a selection process as per Rule 7 of the Institute. She was appointed as Director for a tenure of 5 years or attaining 65 years whichever is earlier. The Institute Body (IB) accepted the selection and appointment order was issued to her on 13.7.2015 (Annexure A-6). Her tenure as per order in Annexure A-1 will expire on 15.7.2020. The IB, after deliberation, took a decision to give her extension (Annexure A-7) and the President (R-3) issued order dated 02.06.2020 extending her tenure for 5 more years till she retires from service. According to her, the Institute Body has all the power to extend her tenure and there is no need for approval of ACC for extension.

8. The first respondent had issued Annexure A-9 & A-11 letters to R-3 to withdraw the order of extension. The letters dated 16.07.2020 (A-9) & 28.07.2020 (A-11) are illegal and she seeks to set aside the same. The main grounds raised by her are:

\* There is no need for ACC approval for extension of her tenure by 5 more years.

\* A9 & A11 are illegal and unsustainable as arbitrary and discriminatory.

**The judgment in Dr. Abaham Kuruvila Vs. Sree Chitra Thirunal Institute of Medical Sciences and Technology & Others (WA No.766/13 ILR 2013**

**(4) Ker 217)** clearly lays down that since R-2 is an Institute established under a statute, no approval of ACC is required for appointment of a Director.

**9.** On filing of this OA, about 31 Professors working in the Institute (R-2) filed MA to get impleaded in the OA as they will be affected by the blanket extension given to the applicant. They were impleaded as Respondent No. 5 to 36. According to them, they had also completed 25 years in service as Professor and the extension done has affected their prospects for being appointed to the post. According to them, even though there exists no fixed tenure in the rules, the present Director was appointed only for a period of 5 years by the I.B. So, it is clear that the tenure was fixed by the IB even before the appointment and her lien was retained in the department and hence the Director cannot contend now that her appointment was not for a fixed tenure. If she had any objection to the tenure fixed by the IB, she should have challenged Annexure A-6 order. She had accepted the appointment and completed the tenure. There is no provision in the Act or Rules for granting an extension to the post of Director. In this respect, the Institute is bound by the orders and guidelines issued by the Central Government. It is in this context Respondent no.1 had issued Annexure A-9 & A-11. The Institute is bound to carry out all the directions issued by Government of India under Section 25 of the SCIMST Act.

**10.** Respondent no.2 (DoP&T) has issued various guidelines on 03.07.2006 & 30.07.2007 giving the procedure to be followed [Annexure R-6(a)] for appointment of Chief Executives in Autonomous as well as statutory bodies.

As per R-6(a) dated 30.07.2007, any extension of tenure of Chief Executive of an autonomous body requires prior approval of ACC. The O.M., dated 30.07.2007 Annexure R-6(a) in Clause 5 (vi) clearly lays down that extension of tenure of Chief Executive (in statutory bodies) rests on approval of ACC. This clause applies to autonomous and statutory bodies equally.

**11.** So according to Respondent No. 5 to 36, the order of extension given to the applicant is per se illegal and liable to be set aside. The 1<sup>st</sup> respondent has authority to issue Annexure A-9 and Annexure A-11 letters and the Institute has to comply with them.

**12.** Respondent-Union of India have filed reply stating that the appointment to the post of Director has to be done by a Selection Committee appointed by the Union Government as per Rule 7 (ii) of the SCTIMST Act. The tenure of the applicant in O.A No. 375/2020 and R-4 in OA 291/2020 came to an end on 14.7.2020. The tenure of her office was fixed as 5 years by IB. The procedure for recruitment ought to have started 12 months prior to the end of the tenure. The procedure for selection should have been started in July 2019. Even though DST had written to the Institute for initiating the selection process, the President had not taken any steps in this regard. Since the Director is the Member Secretary of the IB, she also might not have taken any steps for notifying the vacancy for getting an extension to her. The instructions issued by the Central Government for extension of the tenure of Chief Executive were not followed in this case. Here, the extension was granted for another 5 years equal to the original tenure of appointment. Hence, DST had requested the President to withdraw the extension. Since there is no provision in the Act or Rules of the Institute for giving extension, the Institute is bound to follow the guidelines for extension as per OM dated 30.07.2007. The Hon'ble High Court in WA No.766/2013 & WP (C) No. 31553 vide order dated 15.07.2013 had

directed the Institute to take steps to fix the tenure of Director in order to avoid controversies (Dr. Abraham's case). In that case, one Dr. Radhakrishnan who was aged 61 years was appointed for a period of 5 years and the question was whether Dr. Radhakrishnan is entitled to continue beyond 65 years, which is the date of his retirement. The Hon'ble High Court held that the Director has to retire at the age of 65 as prescribed for Professors.

**13.** So the extension granted ignoring the guidelines issued as per O.M dated 30.07.2007 is illegal and hence there is nothing wrong in the directions issued as A-9 & A-11 which are impugned in this case.

**14.** Respondent No. 4 – State of Kerala did not file any separate statement, but the Standing Counsel submitted that they are in support of the extension granted by the Institution.

**15.** We have carefully gone through the pleadings in both cases and various annexures produced by both sides. The challenge in O.A No. 291/2020 is against the order of extension given to the Director as Annexure A-15 and the challenge in O.A No. 375/2020 is against the directions issued by DST to withdraw the extension granted to Dr. Asha Kishore as per Annexure A-15. **So, the point in dispute in both the O.As is whether the Institute Body (IB) has the authority to extend the tenure of Director by another 5 years without the approval of ACC, by avoiding the procedure under R-7(ii) of SCTIMST Rules).**

**16.** The provisions for appointment of Director of the Institute are detailed in Section 11 (1) of the SCTIMST Act 1980, read with Rule 7 (ii) of the SCTIMST Rules 1981. Rule 7(ii) gives the procedure for selection of Chief Executive i.e., Director.

*“Rule 7: Creation of posts and appointments thereto- (i) The Institute may create posts, subject to specific provision in the approved budget, classify them into grades and specify their designations provided that any*

*general revision of pay scales, allowances and service benefits shall be effected by the Institute only with the prior approval of the Central Government.*

*(ii) Appointment to the post of Director shall be made by the Institute on the basis of the recommendations of a Selection Committee constituted by the Central Government consisting of the Secretary, Department of Science and Technology of Government of India as Chairman, the Director-General of Indian Council of Medical Research, the President of the National Academy of Medical Sciences and the President of the Institution of Engineers (India) as Members”*

**17.** From this, it can be seen that the selection to the post of Director has to be done by a Selection Committee constituted by the Government under Rule 7(ii). There is no mention regarding the tenure of office of Director and no express provision is available for extension of the tenure of a Director. We also have not noticed any power vested in the Institute Body to conduct an evaluation of performance of a Director and to give periodic extension to Director in the concerned Act/Rules.

**18.** The Nodal Department of the Central Government – Department of Personnel & Training (DoPT) had issued various guidelines for filling up of post of Chief Executives of autonomous bodies in the Office Memorandum (OM) No. 28/13/2006 EO (SMD) dated 03.07.2006. In Paragraph (viii) of the Memorandum, it is recorded that “*All appointments which are covered by specific statutes are to be carried out on the basis of the statutory provision*”. From the above, it is clear that when there are provisions in the statute for appointment to a post, it has to be done according to the said provision. In this case, while Rule 7(ii) gives only the procedure for selection of the Director, and there is nothing either in the statute or rules for the grant of extension of the tenure by the IB by passing a resolution.

**19.** The counsel appearing for the applicant in O.A No. 291/2020 contended that in the case of extension of tenure of Chief Executive, it has to be done as per guidelines issued by the O.M., dated 03.07.2006 and the approval of ACC

is a must. There is no power vested in the IB for granting extension to the Director. Since there is no provision in the Act or Rules and the IB has to follow the executive instructions issued by the Nodal Agency DoPT. The guidelines issued by DoPT in O.M. No.14017/11/2004-Estt (RR) dated 30.07.2007 clearly give instructions regarding extension of period of Chief Executives. Paragraph No. 5 relates to setting up of Selection Committee for autonomous as well as statutory bodies. Within this, point (vi) states that "*authority for approval of extension of tenure of Chief Executive will rest with ACC*". When there is no power vested with the IB for granting extension, the Institute ought to have followed the guidelines. So the extension granted to the Director Smt Asha Kishore is illegal and against the directions of the Government. In addition, Sections 25 & 26 of the SCTIMST Act gives power to issue directions to the Institute and the Institute is bound to follow the same.

**20.** The Counsels appearing for the applicant in O.A No. 375/2020 and R-2 to 4 in O.A No. 291/2020 contended that, if power to appoint the Director is granted to the IB, then the same body will have the power to extend the tenure also. The Institute being governed by a statute, there is no necessity for seeking approval of ACC for appointment. The Counsels mainly rely on the decision of the Hon'ble High Court in **Dr. Abraham Kuruvila & another vs. Sree Chitra Thirunal Institute of Medical Sciences & Technology & Others (WA 766/2013)**. It was held in that case that no approval of ACC is required for appointment of Director under Clause (vii) of O.M dated 03.07.2006. It was also held that under the Act and Rules, there is no fixed tenure given for the post of Director. The Hon'ble High Court had also directed to fix a tenure by taking appropriate steps. So, according to the learned counsel appearing for R-4 and appearing for the Institute, there is no need for obtaining the approval of

ACC for extending the tenure.

**21.** Another contention put forward is that there are precedents of extensions given to earlier Directors. An earlier Director, Dr. Mohandas was granted extensions 4 times. The extension granted on 4<sup>th</sup> occasion (August 2006 to July 2008) was given by IB without any approval of ACC. So, according to the counsel appearing for the Director and the Institute, the extension granted is legal and cannot be challenged.

**22.** The Senior Central Government Standing Counsel appearing for the Department of Space and Technology submits that the SCTIMST Act, 1980 was enacted as special statute for granting certain powers to the Institute for its Administration. The Tribunal cannot read more powers for the Institute than what is granted by the Act. It is a creature of the Statute and hence it cannot act where there is no power granted in the Act. Such creatures of the legislatures have no inherent power. So, there is no inherent power in the IB which can be exercised for extending the tenure of Director. The case of **Dr. Abraham Kuruvila (WA 766/13)** has no application in this case. It was contented in that case that ACC approval is necessary for first appointment. The facts of the present case is different. The Director's tenure was complete and the question herein is whether IB has power to extend the tenure of the Director. As per Clause (vii) of the O.M dated 03.07.2006 1<sup>st</sup> appointment of Chief Executive does not need prior approval of ACC as statute provides for such appointment. In this case, the Act and Rules do not give any power for extension and the Institute has to follow the procedure proclaimed by executive guidelines issued by the Government. In the absence of any power given under the Act and Rules, the IB has no power to extend the tenure of the Director on its own.

**23.** As regards the extension given to Dr. Mohandas, the Senior Standing Counsel would submit that, except the last extension, all other extensions were granted to him with approval of the ACC (vide Annexure A-8 and A-9 in O.A 291/2020). The letter Annexure A-14 from DST dated 31.07.2006 stating that no approval of ACC is required was issued by Secretary of the Department of Science & Technology and not the Department of Personnel & Training which is the Nodal Department of the Government of India in this regard. So it is clear that the extension granted to Dr. K. Mohandas in the last cannot be counted as a precedent as it was issued against the guidelines issued by the DoPT [as per paragraph 5(vi) Annexure R-6(a) in O.A 375/2020]. An act done by someone in violation of instructions cannot be treated as a precedent.

**24.** In essence, as per the Standing Counsel, when there is no provision in the Act and Rules for extension, the IB should have followed the guidelines/instructions contained in the Nodal Department's O.Ms., dated 03.07.2006, 30.07.2007. The act of the IB extending the tenure of Smt Asha Kishore has no backing of law and it is liable to be set aside.

**25.** The main argument raised by the Counsel for the applicant in O.A No. 291/2020 and official respondents in O.A No. 375/2020 is that the Institute Body ought to have obtained the approval of Appointments Committee of Cabinet (ACC) before granting extension to the Director. According to them, there is no provision in the Act or Rules which gives power to the IB to grant an extension. But the learned counsels appearing for the Institute, President as well as Director would content that the approval of ACC is not required for appointment of Chief Executives of statutory bodies which are governed by separate statutes. They rely upon Clause 7 of the O.M issued by DoPT dated 03.07.2006 and on the decision of Hon'ble High Court of Kerala in **Abraham**

**Kuruvila v. Sree Chitra Tirunal Institute of Medical Sciences and Technology & Others in W.A 766/2013 (reported in (2013) SCC Online Ker. 13268.)**

The Hon'ble High Court held that since SCTIMST comes under a statute, the appointment made as per S.11 r/w Rule 7(11) does not need the approval of ACC. Since there is no requirement for approval of ACC for 1<sup>st</sup> appointment, there is no need for approval of ACC for extension of tenure of Director also.

**26.** We have carefully gone through the Sree Chitra Tirunal Institute for Medical Sciences and Technology Act, 1980 and Rules, 1981. On a perusal of S.11 of the Act, it can be seen that the Chief Executive of the Institute is the Director and there is provision for appointment of a Director for the Institute. As regards the procedures for appointment, we have to look at Rule 7(ii) of the Rules. R7 (ii) prescribes that the appointment to the post of Director shall be made by Institute on the basis of the recommendation of Selection Committee constituted by the Central Government. So, as per Rules the person selected by the Selection Committee has to be appointed as Director of the Institute by IB. On this point, counsel on both sides concur that there is no need of obtaining approval of ACC as there are clear provisions in the Rules for appointing a Director for the Institute. But the Act and Rules are silent as regards the possibility of an extension of tenure of the Director after the initial posting for 5 years. The present Director Dr. Asha Kishore was selected and appointed by the Institute Body (IB) for a tenure of 5 years as per Annexure A-3 dated 01.07.2015. The Senior Central Government Counsel appearing for DST pointed out that since SCTIMST was a creature of the SCTIMST Act, it has only the powers granted by the special statute and nothing more. He relies on the Hon'ble Apex Court ruling in *Rajeev Hitendra Pathak and Others v.*

**Achyut Kashinath Karekar & Another reported in 2011 KHC 4706.** The apex Court while considering the power of the Consumer Forums held that:

*“On careful analysis of the provisions of the Act, it is abundantly clear that the Tribunals are creatures of the Statute and derive their power from the express provisions of the Statute. The District Forums and the State Commissions have not been given any power to set aside ex-parte orders and power of review and the powers which have not been expressly given by the Statute cannot be exercised.”*

27. The SCTIMST is also a creature of the SCTIMST Act and the institute can exercise only the powers conferred on it by statute. So the contention that since IB has the power to appoint, it has also the power to extend the term of appointment cannot be sustained. We cannot read any inherent power with IB for doing the same. Here the counsel appearing for the Institute as well as the present director (Respondent no.4 in O.A 291/20) would submit that the IB had granted extensions to earlier directors previously. On a perusal of the extensions granted to the earlier Director (Annexure A-8 & A-9 in O.A 291/2020) we find that, the extension of tenure granted to Dr. Mohandas was with the approval of ACC thrice, and the last extension was done without approval of ACC. The counsel pointed to Annexure R-3(B) letter issued by DST dated 31.07.2006 stating that since SCTIMST is a statutory body, extension of tenure of the Director can be done without approval of ACC. In this aspect, the Senior Standing Counsel invited our attention to the various guidelines issued by DoPT regarding appointments to autonomous bodies and statutory bodies and submitted that Annexure R-3(B) in O.A 291/20 is issued by a Secretary of Department of Science & Technology, who has no authority to issue such an instruction. It is only a letter expressing his opinion. He contended that it is a mistake committed by him and it cannot be considered as a precedent. On a reading of letter R-3(B) dated 31.07.2006, we find that the Secretary, Department of Science & Technology (DST) has not referred to any

order or circular of DoPT which empowers the statutory bodies to grant extension without approval of ACC. The various guidelines for appointment of Chief Executives of autonomous bodies are issued by DoPT and the apparent clarification given by Secretary DST cannot override the guidelines issued by DoPT which is the Nodal Department. So we are of the opinion that Annexure R-3(B) cannot be considered as a precedent and it will not help the IB for granting extension of tenure by 5 years as per Annexure A-15 in O.A 291/20. In service jurisprudence, primary importance is given to the statutory provisions and rules and next importance is given to orders and guidelines issued by the Central Government supplementing the rules framed. The Institute had accepted the Paragraph (viii) of O.M., issued by the DoPT dated 03.07.2006 and guidelines issued for Search cum Selection Committees for autonomous as well as statutory bodies for selection to the post of Chief Executives. Further, the ACC had approved the extension sought by the IB 3 times in the case of Dr. K. Mohandas. We find that the method adopted for the last extension of period was not in accordance with the relevant guidelines and it cannot be considered as a precedent for not obtaining the approval of ACC. When there are no provisions in the Statute or Rules, the IB ought to have followed the procedure prescribed in Annexure A-4 & A-5 of O.A 291/20. The guidelines issued by DoPT in O.M.No. 14017/11/2004 Estt. (RR) dt. 30.07.2007 states how extension of tenure is to be granted in Autonomous as well as Statutory bodies under Para 5. This Paragraph applies to both statutory and autonomous bodies. It states "*Authority for approval and extension of tenure of Chief Executive will rest on the ACC.*" In view of the above guidelines, the IB ought to have either gone for a fresh notification under Rule-7(ii) of the Rules or it could have opted for granting extension of tenure with the approval of ACC as per guidelines issued by DoPT. The

President as well as the IB did not take into account the relevant provisions in the Rules or guidelines and assumed that it has power to extend tenure even without the approval of ACC. Further, as per Section 25 of the Act, the SCTIMST is bound to carry out such directions as may be issued to it from time to time by Central Government for efficient administration. Appointment or extension of tenure of the Chief Executive in time is very much necessary for efficient administration of the Institute. R-3 President and the Institute have failed to follow the guidelines issued for giving extension to R-4. So, we find this point in favour of the 1<sup>st</sup> respondent DST.

**28.** Another point argued by the counsel appearing for the Director, Institute and President of Institute is that there is no specific tenure prescribed in the Act or Rules for the post of Director and hence, it is not a tenure post. Though the IB had appointed her initially for a period of 5 years, there is nothing wrong in extending her period till she attains superannuation. So, according to them, Smt Asha Kishore was not appointed for a fixed tenure and she can continue in the post till 65 years as per Annexure A-15 order.

**29.** On a perusal of Rules and Regulations of the Institute, we can see that there exists no rule specifying the post of Director as a tenure post. If we go through the minutes of the IB regarding appointment of present Director, we find that the IB had taken a conscious decision to appoint R-4 only for a period of 5 years or attaining the age of 65, whichever is earlier protecting her lien in the department. If we go through Annexure A-3 appointment order, it was given fixing a period of 5 years or attaining 65 years whichever occurs earlier. Her period of appointment expired on 14.07.2020. In Abraham Kuruvila's case, (referred supra) one Dr. Radhakrishnan was appointed as Director for a period of 5 years when he was already 61 years. It was contented that Dr. Radhakrishnan can continue in the post for 5 years as it is a tenure post. But

the Hon'ble High Court held that since the post of Director is not a tenure post, his retirement is governed by the Service Rule of Professors and he can continue as Director only up to 65 years. The Hon'ble High Court in Para 27 observed as follows:

*"The objective with which the institute was formed as indicated supra was to upgrade it as an Institution of national importance. That being the object and the purpose for which the enactment came into force and the Institute is functioning as such, it is unfortunate that the tenure of the Director of the Institute is nowhere mentioned, though the Director is the Chief Executive of the Institute. On account of the vacuum in the provisions, we are faced with the present situation which is an embarrassment to the Director, who happens to be a noted Professor in Neurology. If care was taken to provide proper provisions for the tenure of the Director, this embarrassment could have been avoided. It is high time the authorities concerned pay attention to that effect and do the needful."*

**30.** It is unfortunate to note that the IB or GB (Governing Body) or the President have not apparently taken any effective steps with approval of the Government to incorporate the tenure of post in the Recruitment Rules (Annexure A-3) for the post of Director. They could have made a provision for extension of period of a Director if a Director's performance is outstanding. The present dispute also could have been avoided if the Institute had taken appropriate steps for incorporating the tenure and conditions of service of the post of Director as opined by the Hon'ble High Court. More than 7 years have passed since the Hon'ble High Court had passed this observation.

**31.** In this respect, the counsel appearing for the applicant in O.A No. 291/2020 would submit that nobody has challenged the appointment given to R-4 for 5 years. The incumbent Director could have challenged the period fixed on the basis of the decision of the Hon'ble High Court stating that no tenure is fixed for the post of Director. She has accepted the appointment and completed her period and, at this stage, she cannot turn around and say that her appointment was not for a fixed tenure. The Institute as well as President is bound by its earlier decision. We see merit in the contention of the SCGSC in

this respect. We also see that after giving an appointment for a fixed tenure, now the Institute Body is also stating that there is no fixed tenure for the post of Director.

**In Vidya Vardhaka Sangha and another vs. Y.D. Despande (Civil Appeal 4224/06 dated 21.9.2006)**, the Hon'ble Supreme Court has observed:

*"In the instant case as noticed above, the respective respondents have accepted the appointment including the terms and conditions stipulated in the appointment order and joined the posts in question and continued on the said posts for some years. The respondents having accepted the terms and conditions stipulated in the appointment order and allowed the period for which they were appointed to have been elapsed by efflux of time, they are not now permitted to turn their back and say that their appointment could not be terminated on the basis of their appointment letters nor they could be treated as temporary employee or on contract basis".*

**32. In Mohinder Singh v. Chief Election Commissioner reported in AIR 1978 SC 351** the Hon'ble Supreme Court has considered how an order of statutory functionary has to be judged. *"When a statutory functionary makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of affidavit or otherwise."*

**33.** In this case, the IB had fixed the term of 5 years and the President has issued the executive order stating this as Annexure -3. Now it is not proper to supplement the same by saying that appointment was not for a fixed term of 5 years. If we go through the various documents regarding appointments of Directors earlier, all earlier 1<sup>st</sup> appointments were for a period of 5 years and hence the argument of the Institute and R-4 in this respect cannot be sustained.

**34.** Another contention raised by R-2, 3 and 4 against the applicant in O.A No. 291/2020 is that he is not eligible to be appointed as Director and he has no locus standi for filing the case. On the other hand, the counsel appearing for the applicant would content that if the Institute had acted legally and issued

notification calling application, he would be eligible for applying for the post. He is now qualified for the appointment after filing this O.A. The counsel appearing for the applicant relies on the order of the Apex Court in **Prem Singh & Others v. State of Haryana & Others** reported in **1996(4) SCC 319**, where it was held in Para 12 thus: "*In our opinion, there is no substance in the objection raised with respect to locus standi of the original writ petitioners. The candidates could not have anticipated when they appeared for the interview that the Selection Committee would recommend candidates and the Board would make appointments far in excess of the advertised posts. The petitioner who was not eligible had a just grievance that due to appointments of candidates in excess of the posts advertised, he was deprived of the right of consideration for appointment against the posts which would have become vacant after he acquired eligibility.*"

In view of the decision of the Apex Court cited above, we are of the opinion that there is no merit in the argument of *locus standi* raised.

**35.** The next point to be considered is whether the DST has authority to issue directions to withdraw the extension of tenure of the Director as evidenced as Annexure A-9 & A-11. The counsel appearing for the DST and counsel for applicant in O.A No. 291/2020 had invited our attention to Sections 25 and 26 of the Statute to contend that the Central Government has power to issue directions to the Institute to carry out its administration efficiently. The Institute ought to have obtained the approval of ACC when the IB wanted to extend the term of the Director. The counsel for applicant in O.A No. 375/2020 would contend that the IB has full power to extend the tenure for another 5 years and the DST cannot direct the President to withdraw the same.

**36.** We have earlier discussed the legal provisions and had come to the

conclusion that IB has no power to act beyond the provisions of the Act and Rules and if they want to extend the term of Director, they have to obtain the approval of ACC. The IB has only power to recommend the extension of tenure of Director to the ACC.

Sections 25 and 26 of the SCTIMS Act read as follows:

*S.25 "The institute shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act.*

*S.26 If, in connection with the exercise of its powers and discharge of its functions by the Institute under this Act, any dispute arises between the Institute and Central Government, the decision of the Central Government on such dispute shall be final."*

**37.** From this, it can be seen that when a dispute arises between the Institute and the Government in exercise of powers and discharge of its functions, the Central Government is given the power to take a final decision. So, as per the Scheme of the Act itself, the Central Government is given overriding powers on the Institute. In this case, there has arisen a dispute between the President of the Institute and Director on one side and the Central Government on the other side on the question of extension of the tenure of the Director. So, as per the Act, DST/Central Government has powers to issue necessary directions to the Institute for settlement of the dispute and the Institute is bound to accept and act upon it. The President is bound to follow the directions issued by the Government. Nobody has challenged this power of the Central Government so far. So we find that there is nothing wrong in the letters issued by DST as Annexure A-9 and A-11.

**38.** This is the second occasion that the question of tenure of the Director had ended in litigation. It is surprising that an Institute of national importance has not framed any proper Recruitment Rules for its Chief Executive. The Recruitment Rules do not even now contain a provision showing the tenure of the Director in spite of a specific observation of the Hon'ble High Court of

Kerala in this respect. Sree Chitra Tirunal Institute of Medical Science and Technology which is a well known institution, ought to have provided clear provisions regarding age, tenure of post, selection procedure to be adopted, powers of the IB etc., in the Recruitment Rules. The Institute has not complied with the directions of the Hon'ble High Court in *Abraham Kuruvila's* case (referred supra). We also note that a substantial number of Professors who are eligible to be considered for the post have got impleaded as Respondent No. 5 to 36 in the OA 375/2020 filed by the present Director, which is not a good reflection on the interest taken by the IB in extending the tenure of the present incumbent without going for the usual recruitment process.

**39. In the result, we set aside Annexure A-15 order in O.A No. 291/2020 and Annexure A-8 in O.A No. 375/2020 dated 02.06.2020, extending the tenure of Director Dr. Asha Kishore with effect from 15.07.2020.**

**40. As far as the challenge made against Annexure A-9 & A-11 in O.A No. 375/2020, we find no reason to interfere. The Institute is bound to comply with the directions issued by the Central Government. Hence, O.A No. 375/2020 will stand dismissed. O.A No. 291/2020 is allowed. No order as to costs.**

**(K.V. EAPEN)  
ADMINISTRATIVE MEMBER**

**(P. MADHAVAN)  
JUDICIAL MEMBER**

OA No. 291/2020  
Applicant's Annexures

Annexure A-1	-	True copy of the notification Advt. No. P&A.II/ 13/ DIR/SCTIMST/2014 dated 30/04/2014 issued by the 2 <sup>nd</sup> respondent.
Annexure A-2	-	True copy of the minutes of the IB meeting.
Annexure A-3	-	True copy of the order No. Per. &GI. Admn/ SCTIMST/2015 dated 13.07.2015 issued by the 3 <sup>rd</sup> respondent appointing the 4 <sup>th</sup> respondent as Director of SCTIMST.
Annexure A-4	-	True copy of the office memorandum No. 28/ 13/ 2006-EO(SM.II) dated 03.07.2006 issued by the 1 <sup>st</sup> respondent.
Annexure A-5	-	True copy of the Office Memorandum No. AB.14017/11/2004-Estt. (RR) dated 30.07.2007.
Annexure A-6	-	True copy of the Office Memorandum No. 20/ 7/ 2014/EO(SM.II) dated 05.01.2015 issued by the 1 <sup>st</sup> respondent.
Annexure A-7	-	True copy of the Order No. Per&GI. Admn.I/ 23/ SCTIMST/94 dated 09.05.1994 issued by the Director, appointing Dr. K. Mohandas as Director of SCTIMST.
Annexure A-8	-	True copy of the letter No. AI/SCT/007/1999 dated 14.07.2000 issued by the 1 <sup>st</sup> respondent extending the tenure of Dr. K. Mohandas as Director of SCTIMST.
Annexure A-9	-	True copy of the letter issued by the 3 <sup>rd</sup> respondent No. PER & GI. Admin.I/34/SCTIMST/2004 dated 22.09.2004, extending the service of Dr. K. Mohandas, Director, SCTIMST.
Annexure A-10	-	True copy of the letter dated 10.03.2020 sent by K.V. Sachidanandan, Chairman of the Fact Finding Committee to the Hon'ble Union Minister Dr. Harsh Vardhan.
Annexure A-11	-	True copy of the Fact Finding Committee Report submitted along with Ext. P10 to the Hon'ble Minister Dr. Harsh Vardhan.
Annexure A-12	-	True copy of the letter No.A1/16/33/Misc./2019 dated 29.04.2020 sent by the 1 <sup>st</sup> respondent to the 3 <sup>rd</sup> respondent.
Annexure A-13	-	True copy of the letter D.O. No. AI /1/ 19/ SCTIMST/2014 dated 26.12.2019 sent by the 1 <sup>st</sup> respondent to the 3 <sup>rd</sup> respondent.

Annexure A-14 - True copy of the relevant pages of the Internal Audit Report.

Annexure A-15 - True copy of the order No. P&A.I/ X/ 33/ SCTIMST/2020 dated 02.06.2020 issued by the 3<sup>rd</sup> respondent extending the tenure of the 4<sup>th</sup> respondent.

Annexure A-16 - True copy of the order No. AI/1/19/SCTIMST/2014 dated 16.07.2020 issued by the Head, Autonomous institutions, Department of Science & Technology, Government of India.

Annexure A-17 - True copy of the order D.O. No. A1 /1/ 19/ SCTIMST/2014 dated 28.07.2020 issued by the 1<sup>st</sup> respondent.

Annexure A-18 - True copy of the judgment dated 13.08.2020 in O.P (CAT) No. 141/2020 of the Hon'ble High Court of Kerala.

Annexure A-19 - True copy of the order D.O. No. A1/12/SCT/2020 dated 18.08.2020 issued by the 1<sup>st</sup> respondent.

Annexure A-20 - True copy of the reply D.O. No. A1/12/4/SCT/2020 dated 17.09.2020 of the 1<sup>st</sup> respondent.

Annexure A-21 - True copy of the communication D.O. No. 11014/07/04/2020-S&T dated 11.04.2020 sent by the 3<sup>rd</sup> respondent to the 1<sup>st</sup> respondent.

Annexure A-22 - True copy of the MBBS Degree Certificate of the applicant issued by the University of Kerala dated 30.05.1997.

Annexure A-23 - True copy of the MD Certificate of the applicant issued by the SCTIMST, Thiruvananthapuram dated 06.05.2006.

Annexure A-24 - True copy of the DNB certificate of the applicant in General Medicine

Annexure A-25 - True copy of the Commonwealth Fellowship Certificate of the applicant in DN Neurology.

Respondents' Annexures

Annexure R-1(a) - True copy of the relevant portion of the Act with Section 26.

Annexure R-1(b) - True copy of the DO letter No. AI/ 1/ 19/ SCTIMST/2014 dated 28.07.2020.

Annexure R-3(A) - True copy of the judgment of the Hon'ble High Court of Kerala in WA 766/2013.

Annexure R-3(B)	-	True copy of the DO letter No. DST/ Secty/ 501(SCTIMS)/2006 dated 31.07.2006.
Annexure R-3(C)	-	A true copy of AI/1/19/SCTIMST/2014 dated 16.07.2020.
Annexure R-3(D)	-	A true copy of DO No. 11014/07/04/2020-S&T dated 20.07.2020.
Annexure R-3(E)	-	True copy of letter No. MST/CCA/IA/W/10-14/ 20169-20/161 dated 08.06.2020.
Annexure R-3(F)	-	A true copy of relevant portion of minutes dated 10/06/2020 of the Finance Committee.
Annexure R-3(G)	-	A true copy of relevant portion of minutes dated 21.07.2020 of the Governing Body.
Annexure R-3(H)	-	A true copy of notice dated 24.08.2020 by the Finance Advisor.
Annexure R-3(I)	-	A true copy of DO/A1/1/18/10/SCTIMST/2020 dated 17.09.2020 issued by the first respondent.
Annexure R-4(1)	-	Copy of the order No. P&A.I/PF-1904/ SCTIMST/ 2017 dated 15.05.2018.
Annexure R-4(2)	-	Copy of the judgment dated 15.07.2013 in W.A No. 766 of 2013 of the Hon'ble High Court of Kerala
Annexure R-4(3)	-	Summary of achievements of Sree Chitra Tirunal Institute for Medical Sciences and Technology (SCTIMST) during the last 5 years – 2015-20.
Annexure R-4(4)	-	Copy of the letter No. F.No. 142/A1/SCT/2010/RTI dated 03.08.2010 issued under the Right to Information Act to a Consultant Neurologist under the 2 <sup>nd</sup> respondent.
Annexure R-4(5)	-	Copy of a concise statement of internal audit report for the period of 2017-19 and summary of institutes reply.
Annexure R-4(6)	-	Copy of the minutes of the 55 <sup>th</sup> Institute Body meeting of Sree Chitra Tirunal Institute for Medical Sciences and Technology (minutes of Institute Body meeting dated 12.05.2020).
Annexure R-4(7)	-	Copy of the reply (D.O. No. 11014/07/041/2020-S&T) dated 20.07.2020 of the 3 <sup>rd</sup> respondent to Annexure A-16.
Annexure R-4(8)	-	Copy of the order letter No. SCTIMST/ P&A/ FFC/ 2019 dated 04.05.2020 of the second respondent informing the first respondent and the 3 <sup>rd</sup> respondent about its concerns on the FFC report.

OA No. 375/2020  
Applicant's Annexures

Annexure A-1	-	True copy of the Act 52/1980 & Rules and Regulations including Amendments upto 30.06.1984 of the Sree Chitra Tirunal Institute for Medical Sciences & Technology, Trivandrum Act.
Annexure A-2	-	True copy of the Rules and Regulations of the Sree Chitra Tirunal Institute for Medical Sciences & Technology.
Annexure A-3	-	True copy of the extract of Recruitment Rule for the post of Director .
Annexure A-4	-	True copy of the Notification Advt. No. P&A.II/ 13/ DIR/SCTIMST/2014 dated 30.04.2014.
Annexure A-5	-	A true copy the extract of the Minutes of the IB held on 13.07.2015.
Annexure A-6	-	True copy of the Appointment Order No. Per.&GI. Admn./SCTIMST/2015 dated 13.07.2015 issued by the 3 <sup>rd</sup> respondent to the applicant.
Annexure A-7	-	True copy of the Minutes of 55 <sup>th</sup> IB meeting on 12.05.2020 of Sree Chitra Tirunal Institute for Medical Sciences & Technology, Thiruvananthapuram.
Annexure A-8	-	True copy of the proceedings No. P&A.I/ X/33/ SCTIMST/2020 dated 02.06.2020 dated 02.06.2020 issued by the 3 <sup>rd</sup> respondent.
Annexure A-9	-	True copy of letter No. AI/I/19/SCTIMST/2014 dated 16.07.2020 issued by the 1 <sup>st</sup> respondent to the 3 <sup>rd</sup> respondent.
Annexure A-10	-	True copy of the reply No. D.O. No. 11014/ 07/ 04/ 2020-S&T dated 20.07.2020 of the 3 <sup>rd</sup> respondent.
Annexure A-11	-	Typed copy of the communication No.D.O.No.AI/I/19/SCTIMST/2014 dated 28.7.2020 issued by the 1 <sup>st</sup> respondent.
Annexure A-12	-	True copy of the Summary of achievements of the Sree Chitra Tirunal Institute for Medical Sciences & Technology (SCTIMST) during the last 5 years – 2015 to 2020.
Annexure A-13	-	True copy of the Office Memorandum No. 28/13/ 2006-EO(SM.II) dated 03.07.2006 issued by the 1 <sup>st</sup> respondent.
Annexure A-14	-	True copy of the Communication No. D.O. No. DST/Secy/501(SCTMIST)/2006 dated 31.07.2006.

Annexure A-15	-	True copy of Communication No. F. No. 14/ 2/ A1/SCT/2010/RTI dated 03.08.2010 issued under the Right to Information Act to a Consultant Neurologist under the 2 <sup>nd</sup> respondent.
Annexure A-16	-	True copy of the News Bulletin of DST dated 07.04.2020.
Annexure A-17		Copy of the relevant extract of the Minutes of the 106 <sup>th</sup> Governing Body on 21.07.2020.
Annexure A-18	-	Copy of the Judgment of the Hon'ble High Court of Kerala dated 13.08.2020 in O.P (CAT) No. 141/2020.
Annexure A-19	-	Copy of the letter dated 17.09.2020 sent by the DST Secretary.
Annexure A-20	-	Copy of letter dated 23.04.2013 of the then Director (in charge) addressed to Shri K.M. Chandrasekhar, the then President of the Institute (former Cabinet Secretary, Government of India).
Annexure A-21	-	Copy of the letter dated 04.04.2014 issued by the Director (AI), Government of India, Ministry of Science and Technology, addressed to the then Director of the Institute.
Annexure A-22	-	Copy of the notification issued vide Advt. No. P&A.II/13/DIR/SCTIMST/2014 dated 30.04.2014.
<u>Annexures of Respondents</u>		
Annexure R-6(a)	-	True copy of the Order No. AB.14017/11/2004-Estt. (RR) dated 30.07.2007 of the 1 <sup>st</sup> respondent.
Annexure R-6(b)	-	True copy of the Order B.O. No. A1/1/19/SCTIMST/2014 dated 26.12.2019 issued by the 1 <sup>st</sup> respondent.
Annexure R-6(c)	-	True copy of the Order D.O. No. A1/1/19/SCTIMST/2014/Part dated 22.04.2020.
Annexure R-6(d)	-	True copy of the interim order dated 05.08.2020 issued by this Tribunal in O.A No. 180/0291/2020.
Annexure R-6(e)	-	True copy of the judgment dated 13.08.2020 in O.P (CAT) No. 141/2020.
Annexure R-3(I)	-	A true copy of DO/AI/1/18/10/SCTIMST/2020 dated 17.09.2020 issued by the first respondent.
Annexure R-3(J)	-	A true copy of Agenda and the minutes of the 88 <sup>th</sup> Meeting of the Governing Body of the Institute.
Annexure R-3(K)	-	A true copy of letter F. No. AI/1/19/SCTIMST/2014 dated 04.04.2020.

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