

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00099/2021

Jabalpur, this Monday, the 15th day of February,2021

HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER
HON'BLE MS. NAINI JAYASEELAN, ADMINISTRATIVE MEMBER



Shetan Singh, S/o Shri Duli Chand Meena,
 Aged about 28 years, Occupation Service,
 R/o 313-A, Block Gurudev Ravindra Nath Tagore
 Parisar Saket nagar, Bhopal, District Bhopal (MP)
 Pin Code Bhopal-462020

-Applicant

(By Advocate – **Shri A.S.Baghel**)

V e r s u s

1. Union of India, through Director (Pradhan Mantri Swasthya Suraksha Yojna), Ministry of Health & Family Welfare, PMSSY, Division 3rd Floor, IRCS Building Red Cross Road, New Delhi, Pin Code New Delhi 110011

2. Deputy Director (Administration), All Institute of Medical Science Saket Nagar, Bhopal (MP)
 Pin code 462020

- Respondents

(By Advocate – **Shri Gopi Chourasia**)

O R D E R(ORAL)

By Ramesh Singh Thakur, JM:-

Heard.

2. This Original Application has been filed against the order dated 03.10.2020 (Annexure A-6) whereby the applicant has been terminated from service.
3. From the pleadings the facts of the case is that the applicant was appointed as Staff Nurse Grade-II vide order



dated 12.12.2018. Thereafter, the applicant was served with a show cause notice dated 04.07.2020 wherein applicant has been called upon to give explanation about attestation form filled at the time of joining. Copy of show cause notice is annexed as Annexure A-2. It is further submitted by the applicant that an incident dated 11.11.2010, Crime No. 140/10 was registered against the applicant and four other persons punishable under Section 143, 341, 323, 427 of IPC at police station Mothpur, District Baran, Rajasthan. Looking to the nature of offence, a charge sheet was filed before the Gram Nyayalaya, Atru wherein criminal case No. 143/12 was registered against the applicant and four other persons.

4. It is submitted by the applicant that as per Section 12 of the Probation of Offenders Act "*Notwithstanding anything contained in any other law, a person found guilty of an offence and dealt with under the provisions of section 3 or section 4 shall not suffer disqualification, if any, attaching to a conviction of an offence under such law: Provided that nothing in this section shall apply to a person who, after his release under section 4 is subsequently sentenced for the original offence.*"

5. Counsel for the applicant submits that Review petition against the order of termination of services of the applicant

has been filed before the authority, which is pending consideration.

6. Counsel for the applicant submits that let the Review be treated as Appeal and further the applicant will be satisfied if the appellate authority is directed to decide the appeal in a time bound manner.



7. We have considered the matter, and we are of the view that the natural justice will be met if the review application filed as Annexure A-7 be treated as Appeal and the appellate authority decide the same, which is pending.

8. Resultantly, the Review Application Annexure A-7 is treated as appeal before the appellate authority and the appellate authority is directed to decide the appeal within a period of six weeks' after receiving the copy of this order.

9. Needless to say that the appellate authority shall pass the reasoned and speaking order. Appellate authority shall also deal with all the contentions raised in the appeal filed at Annexure A-7.

10. However, it is made clear that this Court has not commented anything about the merits of the case.

11. Counsel for the applicant submits that the yardstick as per the judgment of Hon'ble Apex Court in the matters of

Avtar Singh vs. Union of India, (2016) 8 SCC 471 shall also be taken care.

12. Needless to say that the respondents shall pass the final order as per law.

13. With these observations, this Original Application is disposed of at admission stage itself.



(Naini Jayaseelan)
Administrative Member

(Ramesh Singh Thakur)
Judicial Member