

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH
Original Application No. 181/00255/2020

Tuesday, this the 30th day of June, 2020

CORAM:

Hon'ble Mr. P. Madhavan, Judicial Member

Hon'ble Mr. K.V. Eapen, Administrative Member

Pookoya M.I, aged 47 years

S/o.(Late) Muthukoya.K who was working as

Security at Rajiv Gandhi Speciality Hospital

Agatti; who is residing at Meppadayillam

Agatti, Lakshadweep – 682 553

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Applicant

(By Advocate : Mr.S.Sabarinadh)

V e r s u s

1. Union of India, through the Ministry of Health and Family Welfare
Government of India, Nirman Bhawan, Near Udyog Bhawan
Metro Station, Maulana Azad Road, New Delhi,
Delhi 110 011; represented by its Principal Secretary
2. The Administrator, Union Territory of Lakshadweep
Kavaratti, Lakshadweep 682 555
3. The Secretary of Health, Union Territory of Lakshadweep
Old DP Building, 1st Floor Secretariate Kavaratti
Lakshadweep – 682 555
4. The Director of Health Services, Union Territory of
Lakshadweep, Kavaratti, Lakshadweep 682 555
5. The Administrator/Medical Officer, Rajiv Gandhi

Speciality Hospital, Agatti, Lakshadweep – 682 553

6. The Administrator/Medical Officer, Community Health Centre/PHC, Agatti, Lakshadweep – 682 553
7. The Chairman, Village Dweep Panchayat, Agatti Island, Union Territory of Lakshadweep, Agatti, Lakshadweep – 682 553

(By Advocate : Mr.V.A.Shaji,ACGSC for R1, Mr.S.Manu for R 2 to 7)

This application having been heard on 30.06.2020 through video conferencing, the Tribunal on the same day delivered the following:

ORDER (Oral)

Hon'ble Mr. P. Madhavan, Judicial Member –

Heard Mr.S.Sabarinadh, learned counsel appearing for the applicant through video conferencing. Mr.V.A.Shaji,ACGSC takes notice on behalf of respondent no.1 and Mr.S.Manu takes notice on behalf of respondent nos.2 to 7.

2. Applicant is a native of Agatti Island in Lakshadweep. He was appointed as a Security Guard (skilled labour) under TKS on daily wages on 7.3.2011 by Annexure A1 order. Further, he was deployed to Rajiv Gandhi Speciality Hospital Store and he was required to perform loading works apart from his duties as a Security Guard. As the applicant was suffering from chronic joint pain, he requested for reversion as a Security Guard and accordingly, by Annexure A-3 order dated 1.5.2017, he was re-deployed to

another store. On 1.7.2019, by Annexure A4 order, 5th respondent redeployed the applicant to do the earlier physical activities. Applicant worked there for three more months and by that time, his medical condition worsened. Hence he applied for medical leave for one week and on his resumption of duties on 11.10.2019, by Annexure A6 order, applicant's service was terminated. Applicant filed Annexure A7 representation before the respondents and the same is pending. Hence he approached this Tribunal seeking the following reliefs:

“I. Declare that, stigmatic termination of the Applicant without conducting a Disciplinary proceeding, through Annexure A6, is per se illegal; and

II.. Issue an order or direction quashing Annexure A6 Termination Order (vide OM . No.F.No.06/8-2/2016-PHC/Agt/510 dated 11.10.2019) issued by the 5th/6th respondent by which the applicant has been illegally terminated.; and

III. Issue an order or direction directing the 5th/6th respondent to reinstate the applicant; or in the alternative

IV. Issue an order or direction directing the 5th/6th respondent to consider Annexure A7 representation, and pass appropriate orders in light of the above declaration, after affording an opportunity of hearing to the applicant, within a timeframe to be stipulated by this Tribunal; and

V. Pass such any other direction, order or reliefs, as this Tribunal may deem fit in the interest of justice, equity and good conscience. “

3. When the matter came up for consideration, it has come out before the Tribunal that the representation of the applicant is still pending. But the learned counsel for the respondents submits that the Competent Authority is the Director of Health Services and not the one stated in representation.

Since the remedies are not exhausted, the applicant will file a fresh representation before the 4th respondent i.e, the Director of Health Services, within two weeks from the date of receipt of a copy of this order and the Competent Authority Director of Health Services will pass a reasoned and speaking order on the basis of rules and regulations on the subject within three months from the date of receipt of representation of the applicant.

4. The Original Application is disposed of as above at the admission stage itself. No order as to costs.

(K.V. EAPEN)
ADMINISTRATIVE MEMBER

(P. MADHAVAN)
JUDICIAL MEMBER

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List of Annexures

Annexure A1 – A true photocopy of the letter no.F.No.1/4/203-VDP(AGT) dated 7.3.2011 issued by the Chairperson, Village Dweep Panchayat to the 6th respondent

Annexure A2 – A true photocopy of the OM No.F.No.1/3/2014-RGSH(Agt)/175 dated 1.7.2016 issued by the 5th respondent to the applicant.

Annexure A3 – A true photocopy of the O.M. No.F.No.06/03-48/2017-PHC/dated 1.5.2017 issued by the 6th respondent to the applicant

Annexure A4 – A true photocopy of the O.M No.F.No.6/3-56/2017-PHC/AGT dated 16.7.2019 issued by the 5th respondent

Annexure A5 – A true photocopy of the Leave Application dated 3.10.2019 submitted by the applicant with the 5th respondent.

Annexure A6 A true photocopy of the Termination order vide O,M No.F.No.06/8-2/2016-PHC/Agt/510 dated 11.10.2019 issued by the 5th/6th respondent along with its retyped copy.

Annexure A7 - A true photocopy of the representation dated 21.10.2019 submitted by the applicant with the 5th/6th respondent seeking reinstatement

Annexure A8 - A true photocopy of the Prescription Chart dated 9.3.2019 issued from Dr.Muhammed Faisal of IQRAA Hospital, Malaparambu, Calicut – 673 009, indicating the medical condition of the applicant

Annexure A9 - A true photocopy of the Letter No.F.No.2/10/2017-VDP(AGT) dated 20.5.2020 issued by the 7th respondent to the 2nd respondent, indicating Psychological disorder of the author of Annexure A6 order.

RESPONDENTS' ANNEXURES

Nil

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