



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

**O.A. No. 1898/2021  
MA No. 2424/2021**

This the 8<sup>th</sup> day of September, 2021

Through Video Conferencing

**Hon'ble Ms. Manjula Das, Chairman  
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Dr. Kanika Garg,  
MD, DNB (Anesthesia and Critical Care)  
W-203, Homes 121 Noida,  
Uttar Pradesh-201301

- Applicant

(By Advocate: Mr. Upendra Pratap Singh)

**Versus**

1. Employees' State Insurance Corporation,  
Regional Office-Delhi,  
Through its Director General,  
DDA Complex Cum Office,  
3<sup>rd</sup> and 4<sup>th</sup> Floor, Rajendra Place,  
Rajendra Bhawan, New Delhi
2. Employees' State Insurance Corporation,  
Model Hospital, Noida,  
Through Director (Medical)  
Sector-24, Noida, UP
3. Ministry of Labour & Employment,  
Union of India,  
Through its Secretary,  
Shram Shakti Bhawan, Rafi Marg,  
New Delhi-110 001 - Respondents

(By Advocate: Mr. VK Singh)

**ORDER (ORAL)****Hon'ble Ms. Manjula Das, Chairman**

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief(s) :-

- a. Allow the Original Application and set aside the termination order vide office memorandum 211-A/11(14)/18/Interview /Med-1662 dated 14.06.2021 issued by the office of Director Medical Superintendent, ESIC Model Hospital, Noida/Respondent No.2 being illegal and untenable in the eye of law; and/or
  - b. Pass order or direction to the Respondent No.1 and 2 to reinstate the Applicant in her employment and to pay her salary for the period from her termination till her reinstatement and other consequential benefits; and/or
  - c. Pass order or direction against the respondents to formulate a uniform policy to govern the engagement, termination and other service condition of contractual employee; and/or”
2. The applicant in this OA, is aggrieved with the impugned order dated 14.06.2021 whereby her services were terminated by giving one month notice. According to the applicant, the said impugned order is not tenable in law, as the same was passed without assigning any reason. It is submitted that she was given contractual appointment to the post of Senior Resident (Under Residency Scheme) on



31.10.2020 for one year, which was extendable for further period of one year, but her services were terminated before completion of the period of one year, which is contrary to the terms and conditions of her appointment letter 31.10.2020. The applicant has alleged that the Director (Medical), ESIC Model Hospital, Noida, leveled baseless allegations against her absence from duty on two occasions for the period from 22.04.2021 to 24.04.2021, and from 18.05.2021 to 26.05.2021. In this context, she submitted that as far as the period of her absence from 22.04.2021 to 24.04.2021 is concerned, she was on duly sanctioned leave, as is apparent from the application for leave roster and attendance register. On 18.05.2021, she applied for immediate leave as her maternal aunt was suffering from covid complications and was critically ill and she informed this to her department roster- in-charge as per the prevailing practice. The applicant alleged that the Director (Medical) Noida, with a malafide intention, informed that her leave has been cancelled, and it was not possible for her to return and report for duty at that time. She further submitted that for the period from 20.05.2021 to 26.05.2021, she had to remain under quarantine. At that time, there was no roster maintained where she had any



duty. She therefore, prays for setting aside the impugned order dated 14.06.2021.

3. We heard Mr. Upendra Pratap Singh, learned counsel for the applicant and Mr. V.K. Singh, learned counsel for the respondents, at the stage of admission, through video conferencing.

4. It is noted that immediately after the declaration of the dedicated covid hospital on 20.04.2021, where the applicant was working, she hastily proceeded on leave w.e.f. 22.04.2021 (21.04.2021 being a Gazetted holiday), which itself speaks about her professional dedication during the pandemic. We have also perused the letter dated 23.06.2021 addressed by the Director (Medical) Noida, to the Director General, Employees' State Insurance Corporation and found that the applicant was a habitual offender for dereliction of her duties and proceeded on leave, without making alternative arrangements/proper permission from the competent authority. It is also apparent from the record that she remained absent from duty from 18.05.2021 to 26.05.2021 (nine days) and that too, without the permission of the competent authority. As such, we find the casual and indifferent attitude of the applicant towards patient care.



5. Insofar as the plea of the applicant that the termination order was passed without assigning any reason, it is clear from the appointment order dated 31.10.2021 that the services of an employee can be terminated at any time without serving any notice/assigning any reason. Therefore, we also do not find any force in the plea of the applicant.

6. With the above observations, we do not find any merit in the OA and the same is accordingly dismissed. Pending MA also stands disposed of. There shall be no order as to costs.

**(Mohd. Jamshed)**  
**Member (A)**

**(Manjula Das)**  
**Chairman**

/lg/rk/dd