

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.236/09

Monday this the 27th day of April 2009

C O R A M :

**HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Ms.K.NOORJEHAN, ADMINISTRATIVE MEMBER**

C.Beebi,
D/o.late N.C.Abdulkader,
Auxiliary Nurse Midwife
(Multi Purpose Health Worker),
Community Health Centre,
Amini Island, U.T of Lakshadweep.

...Applicant

(By Advocate Mr.M.P.Krishnan Nair)

Versus

1. Union of India represented by the Secretary,
Ministry of Health and Family Welfare,
Government of India, New Delhi.
2. Administrator,
Union Territory of Lakshadweep Administration,
Kavaratti.
3. Secretary (Health),
Union Territory of Lakshadweep Administration,
Kavaratti.
4. Director of Medical & Health Services,
Union Territory of Lakshadweep Administration,
Kavaratti.
5. Medical Officer-in-Charge,
Community Health Centre,
Amini Island, Lakshadweep.
6. Commissioner for Departmental
Enquiries & Enquiring Authority,
Union Territory of Lakshadweep, Secretariat,
Kavaratti represented by Shri.AK Saxena.

...Respondents

(By Advocate Mr.S Radhakrishnan)

This application having been heard on 27th April 2009 the Tribunal on
the same day delivered the following :-

.2.

ORDER

HON'BLE Mr. GEORGE PARACKEN, JUDICIAL MEMBER

The applicant has filed this Original Application seeking the following reliefs :-

1. To declare that the applicant Auxiliary Nurse Midwife is entitled to regularise her suspension period from 20.11.2007 to 15.10.2008 as duly disposing the prolonged enquiry proceedings conducted by 6th respondent within a time frame and disburse all dues attached to her post as Auxiliary Nurse Midwife.

2. To declare that the applicant is not liable to discharge the duties of Staff Nurse as substitute to Staff Nurse in labour room in Community Health Centre as she is not qualified or trained.

3. To issue direction to the respondent No.6 to submit report within a time frame to the Authority in respect of the charges framed against C.Beebi, Auxiliary Nurse Midwife, Community Health Centre, Amini Island.

4. To direct the respondents to produce before this Hon'ble Tribunal the records leading to the Enquiry proceedings conducted by respondent No.6 in respect of the applicant and other connected records kept by the respondents 2 to 5 in respect of the enquiry proceedings.

2. The first prayer of the applicant for regularisation can be considered by the respondents after the enquiry is over in accordance with the rules.

The second prayer of the applicant that she is not liable to discharge the duties of Staff Nurse as substitute to Staff Nurse in labour room in Community Health Centre as she is not qualified or trained is nothing to do with the aforesaid main relief and, therefore, it cannot be considered in this O.A. The third prayer of the applicant is to direct the respondent No.6 to submit report within a time frame to the Authority in respect of the charges framed against her and the last prayer is to produce the records leading to the Enquiry proceedings conducted by respondent No.6.



.3.

3. In our considered opinion this O.A is pre-mature. However, it is noted from Annexure A-4 letter dated 10.12.2007 that the respondents have initiated enquiry against the applicant way back on 11.12.2007. The charges against the applicant is the alleged willful absence from the duty and her refusal to attend the duty. The respondents should not have taken such a long time to complete the enquiry in the aforesaid proceedings. We, therefore, direct that the respondent shall complete the disciplinary proceedings against the applicant within a period of three months from the date of receipt of a copy of this order. Thereafter, the competent authority shall also decide as to how the suspension period from 20.11.2007 to 15.10.2008 shall be treated for the purpose of duty under intimation to the Applicant.

4. With aforesaid observation/direction, the Original Application is disposed of. There shall be no order as to costs.

(Dated this the 27th day of April 2009)


K.NOORJEHAN
ADMINISTRATIVE MEMBER

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GEORGE PARACKEN
JUDICIAL MEMBER