

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Dated:-

12 MAY 1994

APPLICATION NUMBER:

252 of 1994.

APPLICANTS:

Dr. Kum. Vijayalakshmi
T.e.

RESPONDENTS:

v/s. Secretary, Ministry of Health & Family
Welfare, New Delhi and Others.

1. Dr. M. S. Nagaraja, Advocate, No. 11, Second Floor,
First Cross, Sujatha Complex, Gandhinagar, Bangalore-9.
2. The Deputy Director, C.G.H.S. 7 Ganesh Towers,
111, Infantry Road, Bangalore-560001.
3. Sri. M. Vasudeva Rao, Addl. CGSC, High Court Bldg,
Bangalore-1.

Subject:- Forwarding of copies of the Orders passed by the
Central Administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/, passed by this Tribunal in the above
mentioned application(s) on 21st April, 1994.

Issued

for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

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13/5/94

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

ORIGINAL APPLICATION No.252/94.

THURSDAY, THIS THE 21ST DAY OF APRIL, 1994

SHRI JUSTICE P.K. SHYAMSUNDAR .. VICE CHAIRMAN

SHRI V. RAMAKRISHNAN .. MEMBER (A)

Dr. Kum. Vijayalakshmi,
Aged 43 years,
D/o Late Sri Lingappa,
C.G.H.S. Dispensary No.3,
Basavanagudi, Bangalore-4. Applicant

(By Advocate Dr. M.S. Nagaraja)

Vs.

1. Union of India,
represented by Secretary to Govt.,
Ministry of Health & Family Welfare,
New Delhi.

2. The Deputy Director,
C.G.H.S., Ganesh Towers,
111, Infantry Road,
Bangalore - 560 001.

3. The Director,
C.G.H.S.,
Office of the Director General,
Health & Family Welfare Services,
Nirman Bhawan, New Delhi. Respondents

(By Advocate Shri M. Vasudeva Rao)
Central Govt. Addl. Standing Counsel

ORDER

Shri Justice P.K. Shyamsundar, Vice Chairman:

Heard. Admit.

The grievance of the applicant herein is that she has
been denied the benefit of crossing the Efficiency Bar in lieu
of disciplinary proceedings pending against her.



3. It is now not denied that this Tribunal in O.A. No.559/93, disposed off on 18.6.1993, quashed the enquiry proceedings and directed the Govt. not to take any further steps in the matter of disturbing her tenure in office as Medical Officer in the C.G.H.S., Bangalore. Admittedly, there was Special Leave Petition before the Supreme Court against that order and that Special Leave Petition, we are told was dismissed at the stage of admission. The learned standing counsel tells us that unfettered by the dismissal, the Central Govt. again applied for review of that order of the Supreme Court and the Review Application is yet to come up for admission.

4. Be that as it may, the position is as of today, our order referred to supra is still current and has not been faulted by the Supreme Court who admittedly dismissed the Special Leave Petition filed in that behalf.

5. In the circumstances, the pendency of a disciplinary proceedings being out of bounds, the respondents are bound to consider and make an order relating to the issue to the entitlement of the applicant to cross the Efficiency Bar. We, therefore, direct a Review D.P.C. be held and appropriate decision taken. Time to comply with these directions is three months from the date of receipt of a copy of this order by the respondents. By way of abundant caution, the Review D.P.C. will not take into consideration the pendency of the disciplinary proceedings which by now is a non-est-factum. No costs.



TRUE COPY

21/5/94. Sd-
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

(V.RAMAKRISHNAN)
(V.RAMAKRISHNAN)
MEMBER (A)

Sd-
(P.K.SHYAMSUNDAR)
VICE CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

CONTEMPT PETITION NO.55/1994 IN
D.A.252/94

WEDNESDAY THIS THE TWENTY SIXTH DAY OF OCTOBER, 1994

MR. JUSTICE P.K. SHYAMSUNDAR VICE CHAIRMAN

MR. T.V. RAMANAN

MEMBER(A)

Dr. Kum. Vijayalakshmi,
aged 43 years,
D/o Shri Lingappa
C.G.H.S. Dispensary,
3, Basavanagudi,
Bangalore - 560 004

Applicant

(By Advocate Dr.M.S. Nagaraja)

v.

1. Shri M.S. Dayal,
Secretary to Government,
Ministry of Health & Family Welfare,
Central Government Health Scheme,
Nirman Bhavan,
New Delhi - 110 001

2. Dr. Smt. Sheela, I.Sachdev,
Deputy Director,
Central Government Health Scheme,
Ganesh Towers, 2nd Floor,
111, Infantry Road,
Bangalore - 560 001

3. Shri Baraka Katty,
Director,
Ministry of Health & Family Welfare,
Central Government Health Scheme,
Nirman Bhavan,
New Delhi - 110 001

Respondents

(By learned Standing Counsel)
Shri M.V. Rao

ORDER

MR. JUSTICE P.K. SHYAMSUNDAR, VICE CHAIRMAN

Learned Standing Counsel maintains that
there is total compliance of the directions of
the Tribunal and there is absolutely no scope

or room for any grievance to be made of non-compliance and thus this contempt petition is misconceived and is, therefore, to be dismissed. We agree and hold that there is total compliance. No costs.

Sd/-

MEMBER (A)

Sd/-

VICE CHAIRMAN

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uay
Secretary
Central Administrative Tribunal
Bangalore Bench
Bangalore