

**Central Administrative Tribunal
Principal Bench**

**CP No.20/2016
in
OA No.3159/2014**

New Delhi, this the 24th day of February, 2016

**Hon'ble Mr. A.K. Bhardwaj, Member (J)
Hon'ble Mr. V.N. Gaur, Member (A)**

Dr. Kumar Tapas Bhowmik,
Aged about 58 years,
Addl. Medical Superintendent Group A,
Safdarjang Hospital and Vardhman Mahavir,
Medical College,
New Delhi.

...petitioner

(By Advocate : Shri Subodh Kaushik)

Versus

Shri B.P. Sharma,
Secretary,
Ministry of Health and Family Planning,
Nirman Bhavan,
New Delhi.

...respondents

(By Advocate : Shri D.S. Mahendru)

ORDER (ORAL)

Mr. A.K. Bhardwaj, Member (J) :-

O.A. No. 3159/2014 was disposed of in terms of order dated 18.09.2015 with a direction to the respondents to finalise the disciplinary action against the applicant in respect of charge alleged

against him within eight weeks from the date of receipt of copy of the order. Para 9 of the order of the Tribunal reads thus :-

“9. In the wake, the OA is disposed of with directions to the respondent to finalize the disciplinary action against the applicant in respect of the charge alleged against him within the ambit of Rule 15 of CCS (CCA) Rules (ibid), 13 within eight weeks from the date of receipt of a copy of this order. It is made clear that since there is no specific charge against the applicant that the caste ‘Bhuiya’ is not a scheduled caste, the opinion of Caste Scrutiny Committee would not be relevant.”

2. In implementation of the said order, the Govt. of India, Ministry of Health and Family Welfare passed order dated 23.02.2016 withdrawing the charges levelled against the applicant.

Para 18 and 19 of the order reads thus :-

“18. NOW THEREFORE, the competent Disciplinary Authority after examination of the report of Inquiry Officer, the case records and after perusing the Order of the Hon’ble CAT, PB, New Delhi dated 18th September, 2015 in detail, has accepted the findings of Inquiry Officer (copy of Inquiry Report enclosed) holding the charge against Dr. Kumar Tapas Bhowmik, presently Additional MS, Safdarjung Hospital that he secured initial appointment on the basis of fraudulent Scheduled Caste Certificate as not proved. As the findings of Inquiry Officer holding the charge levelled against Dr. K.T. Bhowmik vide Memorandum of even number dated 3.10.2005 as specifically not proved has been accepted by the Disciplinary Authority, the Charge levelled against Dr. K.T. Bhowmik, presently Additional MS, Safdarjung Hospital, New Delhi is withdrawn and the case against him is being closed for the present. However, as the matter regarding Caste Certificate of Dr. Kumar Tapas Bhowmik is under examination in the Ministry in consultation with the Scrutiny Committee of Government of Tamil Nadu, and if the report of Scrutiny Committee reveals that Dr. K.T. Bhowmik has obtained community/ caste certificate by misrepresenting facts and / or that Dr. K.T. Bhowmik was not entitled to receive Schedule Caste Certificate, it would be open to the Disciplinary Authority for initiating appropriate disciplinary action afresh against Dr.

Kumar Tapas Bhowmik, presently Additional MS, Safdarjung Hospital.”

3. In view of the aforementioned order passed by the respondents, we are satisfied that the order passed by this Tribunal in OA No.3159/2014 has been complied with and no disobedience of the same is in subsistence. The CP is accordingly closed. Notice issued to the respondent stands discharged. No costs.

(V.N. Gaur)
Member (A)

(A.K. Bhardwaj)
Member (J)

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