

Central Administrative Tribunal
Principal Bench
New Delhi

R.A.No.291/2016
in
O.A.No.2127/2016

New Delhi, this the 14th day of December, 2016

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri K. N. Shrivastava, Member (A)

Shri Girish Chander, Age 52 years

S/o Late Shri Mohan Lal

Dark Room Assistant

Ram Monohar Lohia Hospital

New Delhi – 110 001.

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Applicant

Vs.

1. Union of India

Through Secretary

Ministry of Health & Family Welfare

Nirman Bhawan

New Delhi – 110 011.

2. Directorate General of Health Services

Ministry of Health & Family Welfare

Nirman Bhawan

New Delhi – 110 011.

3. Medical Superintendent

Dr. Ram Manohar Lohia Hospital

New Delhi – 110 001.

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Respondents

O R D E R (By Circulation)

By V. Ajay Kumar, Member (J):

The applicant, a Dark Room Assistant of the 3rd respondent-Dr. Ram Manohar Lohia Hospital, New Delhi has filed the OA No.2127/2016, questioning the Order of suspension dated 16.06.2016

where under he was placed under suspension as per Sub Rule (1) of Rule 10 of the CCS(CCA) Rules, 1965. The said OA was disposed of vide Order dated 16.11.2016 with a specific direction to reinstate the applicant with effect from the expiry of 90 days from 16.06.2016 with all consequential benefits. The operative part of the OA reads as under:

"11. In the circumstances, the OA is allowed and the impugned order is quashed and set aside and the applicant is entitled to be reinstated w.e.f. the expiry of 90 days from 16.06.2016 with all consequential benefits. The respondents shall comply with the said order forthwith. However, it is made clear that we have not expressed any view on the other grounds raised by either side. No costs."

2. The applicant has now filed the Review Application with a prayer to amend the Para 11 by deleting the words "the expiry of 90 days from" so as to make it clear that the applicant is entitled to be reinstated from 16.06.2016 with all consequential benefits.

3. We have perused the contents of the Review Application as well as the Order of this Tribunal dated 16.11.2016. It is noticed that the respondents have already complied with the aforesaid directions by reinstating the applicant from 14.09.2016 with all consequential benefits, vide Annexure RA2 - Order dated 02.12.2016. The said compliance is in accordance with the observations made in the OA, to the affect that no suspension made under Rule 10(1) of CCS (CCA) Rules, 1965 shall continue to be valid, if the same is not reviewed within 90 days, w.e.f. the expiry of 90 days from the date of suspension.

4. As we do not find any error apparent on the face of the record, the RA is accordingly dismissed but without costs.

(K. N. Shrivastava)
Member (A)

(V. Ajay Kumar)
Member (J)

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