

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

OA No.4394/2017

Reserved on: 20.12.2017  
Pronounced on: 27.02.2018

**Hon'ble Mrs. Jasmine Ahmed, Member (J)**  
**Hon'ble Mr. Uday Kumar Varma, Member (A)**

Shri Ahbay Kumar (Nursing Attendant)  
Aged about 39 years, Rank No.6289  
S/o Shri Madan Mohan Sharma  
C-18, Type-I, S.J. Hospital Staff Quarter,  
West Didwai Nagar,  
New Delhi-110029

....Applicant

(Through Shri Vinay Sabharwal, Advocate)

Versus

1. Union of India,  
Through the Secretary of Ministry of Health  
& Family Welfare,  
Nirman Bhawan, New Delhi

2. Safdarjung Hospital  
Through its Medical Superintendent,  
Safdarjung Hospital & V.M.M.C,  
New Delhi-110029

....Respondents

(Through Shri K.M. Singh, Advocate)

**ORDER**

**Hon'ble Mrs. Jasmine Ahmed, Member (J)**

The applicant joined as a Nursing Attendant in Safdarjung Hospital on 29.03.2001. He was served with a

charge sheet for the alleged incident of physical assault and molestation on Dr. Pooja Uniyal, PG-IIIrd year in duty hours. The Inquiry Officer (IO) concluded that the complaint of assault and molestation was genuine. A copy of the inquiry report was sent to the applicant asking him to file a reply. The applicant submitted his reply. He was, however, dismissed from service by the impugned order dated 19.07.2017. The applicant challenged his dismissal by filing OA No.3066/2017, which was withdrawn with liberty to first exhaust administrative remedies. In terms of liberty granted, the applicant submitted a departmental appeal on 11.09.2017, which has not been decided so far.

2. During the course of arguments, we have been provided with a copy of letter dated 15.12.2017 (taken on record), whereby applicant has been directed to vacate the house allotted to him.

3. Heard the learned counsel for the parties and perused the record.

4. Having heard the learned counsel for the parties, we find that it would be in the fitness of things/justice that the respondents decide the aforementioned Appeal of the applicant dated 11.09.2017 within a fixed time frame. Accordingly, we direct the respondents to consider the

Appeal of the applicant and pass a reasoned and speaking order thereon within a period of 4 weeks from the receipt of a certified copy of this order, if not already decided. We may add that in case the appeal has been disallowed or gets disallowed within next four weeks, as directed above, the respondents will be at liberty to recover from the applicant the rent of the premises occupied by him as per rules. Till such time, the respondents pass a speaking order on the applicant's appeal, the applicant shall not be evicted from the accommodation allotted to him. With these directions the OA is disposed of.

(Uday Kumar Varma)  
Member (A)

(Jasmine Ahmed)  
Member (J)

/dkm/