

**Central Administrative Tribunal
Principal Bench**

**OA No.2189/2018
MA No.2874/2018**

New Delhi, this the 23rd day of July, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Dr. Manju Gupta (Aged about 51 years)
Assistant Professor in CT & VS
Vardhman Mahavir Medical College &
Safdarjung Hospital
Ministry of Health and Family Welfare
New Delhi.

...Applicant

(By: Applicant in person)

Vs.

Union of India through
Secretary, Ministry of Health & Family Welfare
Nirman Bhavan, New Delhi.

...Respondent

(By Advocate: Shri Satish Kumar)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman:-

The applicant is working as Assistant Professor(CT&VS). She was issued an order dated 15.01.2018 by the Government of India, Ministry of Health and Family Welfare stating that disciplinary proceedings are contemplated against her and pending such proceedings, she is placed under suspension. The suspension, so ordered, has been reviewed and was

extended further, through an order dated 12.04.2018. A charge sheet has also been served upon her.

2. This OA is filed challenging the order of suspension, as extended later. It is pleaded that the charges are very trivial in nature and the inquiry into the same does not warrant suspension pending inquiry. It is also stated that the applicant, has performed large number of operations every day and on account of continued suspension, the patients are suffering; and her expertise is likely to be adversely affected on account of her being idle. Other grounds are also urged.

3. The respondents have filed a counter affidavit opposing the OA. It is stated that it is only after examining the matter in detail, that the disciplinary authority has chosen to place the applicant under suspension and no interference is warranted in the same. Various developments that have taken place in the disciplinary proceedings are also mentioned.

4. Heard the applicant who argued the case in person and Shri Satish Kumar, learned counsel for the respondents.

5. The subject matter of the OA is an order of suspension dated 15.01.2018, as extended vide order dated 12.04.2018. The order of suspension was also followed by a charge memo and the disciplinary inquiry is in progress.

6. We are clear in our mind that it is only when an order of suspension is issued by an authority, not competent under the relevant recruitment rules, that the question of interference with the same may arise. Such a ground is not even pleaded in the instant case. The question as to whether the suspension pending inquiry was warranted in the case of the applicant and if so, up to what extent, needs to be examined by the disciplinary authority himself. As of now, the disciplinary proceedings are in progress. It is stated that on account of retirement of some officers, it is getting delayed. Since the applicant is ready in all respects, the disciplinary authority may consider the case of the applicant, for reinstatement if the enquiry is likely to prolong further and if no prejudice is caused to such enquiry due to reinstatement. In any case, the disciplinary proceedings cannot go beyond six months.

7. We, therefore, dispose of the OA refusing to interfere with the order of suspension, but directing the disciplinary authority to ensure that the proceedings against the applicant are concluded as early as possible, but not later than six months from the date of receipt of a copy of this order, and if the proceedings spill over beyond, to consider the feasibility of reinstating the applicant. It is expected that the applicant would cooperate in the proceedings.

8. There shall be no order as to costs.

(Aradhana Johri)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

/vb/