

CP.No.170/00149/2016/CAT/BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

CONTEMPT PETITION No. 170/00149/2016

IN

ORIGINAL APPLICATION NO.170/01324/2015

DATED THIS THE 29<sup>TH</sup> DAY OF AUGUST, 2018

**HON'BLE DR.K.B.SURESH, MEMBER (J)**

**HON'BLE SHRI DINESH SHARMA, MEMBER (A)**

Dr. Arish M.K. Sherwani,  
S/o Dr. Ashfaq M.K. Sherwani,  
Aged about 40 years,  
Working as Reader & HOD,  
Thaffuzi wa Samaji tib,  
National Institute of Unani Medicine,  
Kattigepalya, Magadi Main Road,  
Bangalore – 560 091,  
R/at Flat No. 204, 2<sup>nd</sup> Floor, 6<sup>th</sup> and 7<sup>th</sup>  
Ranganath Regency, 2<sup>nd</sup> Main,  
12<sup>th</sup> Cross, RHCH Nagar,  
Bangalore – 560 091.

.....Petitioner

(By Advocate M/s. B.B. Bajentri & Associates)

Vs.

1. Sri Ajit M. Sharan,  
The Secretary,  
Ministry of Health & Family Welfare  
Services, Government of India,  
New Delhi - 1100

2. Dr. Mansoor Ahmed Siddiqui  
The Director,  
National Institute of Unani Medicine,  
Kattigepalya Main Road,  
Bangalore – 560 091

3. Vaidya Rajesh Kotecha  
Special Secretary,  
Ministry of AYUSH

4. Prof. Junaid Siddiqui,  
Delhi

5. Ramanand Meena,  
Deputy Secretary,  
Ministry of AYUSH

....Respondents

(By Shri Veerendra Sharma, Counsel for Respondent No. 1, 3 and 5 &  
Shri B.Vishnu Bhat, Senior Panel Counsel for Respondent No. 2)

O R D E R (ORAL)

(HON'BLE DR. K.B. SURESH, MEMBER (J))

We heard the learned counsels in great detail. It appears that substantial part of our orders have been complied with. We had directed that the DPC may be held. The DPC found him to be unsuitable because of the pending punishment. This pending punishment was removed vide another judicial order in another OA but then in that OA we had also directed that the inquiry may continue as it is and therefore it appears that the inquiry is now on. Only after the inquiry is over the fate of the petitioner can be determined.

2. Therefore, for the time being, CP is dismissed but with liberty. Notices are discharged. No order as to costs. MA No. 391/2018 for recalling the order is disposed off.

(DINESH SHARMA)

MEMBER (A)

(DR.K.B.SURESH)

MEMBER (J)

/ksk/

**Annexures referred to by the petitioner in CP No. 170/00149/2016**

Annexure CP 1 Copy of the final order dated 21.12.2015 in O.A. No. 1324/2015

Annexure CP 2 Copy of the representation dated 05.03.2016

Annexure CP 3 Copy of the legal notice dated 13.05.2016

Annexure CP 4 Copy of the RPAD receipt dated 13.05.2016

Annexure CP 5 Copy of the order dated 09.08.2016

Annexure CP 6 Copy of the order dated 17.08.2016 in Writ Petition No. 29178/2016

Annexure CP 7 Copy of the representation dated 31.08.2016

Annexure CP 8 Copy of the notification/advertisement dated 12.11.2016 issued by the 2<sup>nd</sup> respondent.

**Annexures with reply statement of Respondent No.2**

Annexure R1 Copy of the committee recommendation

**Annexures with reply statement of Respondent No.1**

Annexure R1 Copy of the order dated 21.12.2015

Annexure R2 Copy of the order dated 09.08.2016

Annexure R3 Copy of the advertisement No 03/2016

Annexure R4 Copy of the corrigendum dated 11.01.2017

Annexure R5 Copy of the Recruitment Rules 2002

Annexure R6 Copy of the Revised Recruitment Rules 2016

Annexure R7 Copy of the Revised Recruitment Rules 2017

**Annexures with MA for recalling the order**

Annexure CP 9 Copy of the order dated 10.04.2018 passed in O.A. No. 453/2016

Annexure CP 10 Copy of the entire order sheet in CP No 149/2016

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