

**Central Administrative Tribunal
Madras Bench**

OA/310/00023/2017

Dated Friday the 7th day of September Two Thousand Eighteen

P R E S E N T

Hon'ble Mr. R.Ramanujam, Member(A)

&

Hon'ble Mr.P.Madhavan, Member(J)

Smt.H.Santhila Premkumar,
W/o A.Premkumar,
Quarters No.3, Type IV Quarters,
Cornwall Road,
Coonoor 643 103. .. Applicant
By Advocate **M/s.S.Satish**

Vs.

1. Union of India, rep by its
Secretary (HFW),
Chairman of Governing Body of
Pasteur Institute of India, Coonoor,
M/o Health & Family Welfare,
Nirman Bhawan, New Delhi 110011.
2. The Director & Disciplinary Authority,
Pasteur Institute of India,
Coonoor 643 103,
Nilgiris District. .. Respondents

By Advocate **Mr.M.Kishore Kumar**

ORAL ORDER

(Pronounced by Hon'ble Mr.R.Ramanujam, Member(A))

Heard. The applicant has filed this OA seeking the following relief:-

“to call for the records on the file of the 1st and 2nd respondent in Order bearing No.PII/ADMN/C-8/2014-15/723 dated 31.5.2016 passed by the 2nd respondent terminating the applicant from service from the post of Research Assistant and the Order bearing F.No.V-11012/08/2009-V.I dated 20.9.2016 passed by the 1st respondent confirming the aforesaid order of the 2nd respondent and quash the same as unconstitutional, illegal, arbitrary and direct the respondents to regularize the services of the applicant in the post of Research Assistant w.e.f. the date of her initial appointment and to grant her all consequential service and monetary benefits.”

2. It is seen that the applicant had filed OA 937/2016 which was disposed of by this Tribunal by an order dated 10.6.2016 granting liberty to the applicant to submit an appeal to the Appellate Authority within a period of one week from the date of receipt of a copy of the order, whereupon, the Appellate Authority was directed to dispose of the same within a period of two months thereafter, and communicate the result to the applicant. It is submitted that the applicant accordingly made Annexure A36 Appeal addressed to the 1st respondent, the Secretary, M/o Health & Family Welfare dated 14.6.2016 which was disposed of by the Appellate Authority by Annexure A44 order dated 20.9.2016.

3. On perusal of the order, it is seen that the Appellate Authority had merely stated that it was found that the disciplinary authority had taken all material facts into account before imposing the penalty of removal from service by an order dated 31.5.2016 and the appellate authority concluded that the applicant's appointment was not in accordance with the Recruitment Rules and Bye-laws of the Institute and further that he was of the opinion that the penalty imposed on the applicant was adequate and, did not, as such warrant any modifications.

4. Learned counsel for the applicant would submit that a cursory reading of the order would show that the appellate authority failed to consider the issues raised in the appeal and record the basis of its conclusion that the matter did not call for interference.

5. Learned counsel for the respondents would admit that the order passed by the appellate authority was summary in content. However, it is submitted that the competent authority would pass a detailed order, if so directed.

6. Keeping in view the aforesaid submissions and the fact that the issue raised in the appeal of the applicant dated 14.6.2016 have not been dealt with in the order passed by the appellate authority dated 20.9.2016, we direct the appellate authority to consider all relevant issues and pass a detailed and speaking order within a period of two months from the date of receipt of a copy of this order. In the meantime, if there is any development with respect to the criminal case, the applicant shall be at liberty to bring the same to the notice of the appellate authority who shall take that also into account while passing the detailed order.

7. OA is disposed of with the above direction. No costs.

(P.Madhavan)
Member(J)

07.9.2018

(R.Ramanujam)
Member(A)

/G/