

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00622/2018

Jabalpur, this Monday, the 08th day of October, 2018

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

Dr. Sudhir Kumar Goel, Age 62 years
S/o Late Shri Ram Autar Agrawal
Occupation: Professor and Head of the
Department of Biochemistry
All India Institute of Medical Sciences,
Saket Nagar
Bhopal
R/o 5020 Type 5,
AIIMS Residential Campus,
Saket Nagar
Bhopal (M.P.) 462020

-Applicant

(By Advocate –**Shri N.S. Ruprah**)

V e r s u s

1. All India Institute of Medical Sciences
Saket Nagar
Bhopal 462020
Through Director

2. Union of India,
Through Secretary
Ministry of Health and Family Welfare
Nirman Bhawan
New Delhi 110001

- Respondents

(By Advocate –**Smt. Kanak Gaharwar**)

O R D E R (REASONED)
By Navin Tandon, AM:-

The applicant is working as Professor and Head of the Department of Biochemistry in All India Institute of Medical Sciences (AIIMS) (respondent No.1).

2. The applicant was served with a show cause notice on 15.05.2018 (Annexure A/1) wherein the following has been stated:-

“3. AND WHEREAS, on the scrutiny of your records, it has been found that your Ph.D Degree topic is not related to Biochemistry and found not-eligible for selection to the aforementioned post, as on last date of submission of online Application i.e. 31.01.2012.”

3. The applicant has prayed for the following relief in this Original Application:-

“8. Reliefs Sought:-

It is most humbly prayed that the Hon'ble Court be pleased to issue a writ in the nature of certiorari, mandamus, direction or the like:

- (a) To quash Annexure A-1 dt. 15.05.2018.*
- (b) To pass such order/orders this Hon'ble Court may deem fit under the facts and circumstances of the case.”*

4. The respondents in their reply have been submitted that all the employees including the applicant recruited for faculty positions on direct basis are the Government servants and as per appointment letter issued to them are governed by the Central Civil Services (Conduct) Rules, 1964 and Central Civil Services

(Classification, Control and Appeal) Rules, 1965 [in short CCS (CCA) Rules] as amended from time to time. They are also subject to other conditions of services as provided under the Rules, Bye laws and Regulations of the Institute.

5. Heard the learned counsel for both the parties and perused the short reply and documents annexed therewith.

6. It is evident that the applicant was afraid that his services will be terminated on the basis of show cause notice. However, the respondents have clarified that any punitive action against him can only be taken after pursuing due process as stipulated in CCS(CCA) Rules. Therefore, fear of the applicant is unfounded.

7. Accordingly, this Original Application is dismissed. No costs.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

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