

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00618/2018

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

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

Smt. Mamta Verma
W/o Dr. D. Sharad Gedam
D.O.B.-26.12.1977
Occupation: Associate Professor
College of Nursing
All India Institute of Medical Sciences,
Bhopal
Mob.No.-9981540519
R/o D-5 Dwarka Dham,
Karond Airport Road
Bhopal 462038

-Applicant

(By Advocate –**Shri S.K. Nandy**)

V e r s u s

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

2. The Director
All India Institute of Medical Sciences
Saket Nagar
Bhopal 462020

- Respondents

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

ORDER (REASONED)

By Navin Tandon, AM:-

The applicant is working as Associate Professor, College of Nursing in All India Institute of Medical Sciences (AIIMS) (respondent No.2).

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 experience is short and found not-eligible for selection to the aforementioned post, as on last date of submission of online Application i.e. 15.10.2012.”

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

“8. Reliefs Sought:-

It I therefore prayed that this Hon’ble Tribunal may kindly be pleased to:-

8(i) Summon the entire relevant record;

8(ii) Quash the impugned show cause notice dated 15.05.2018(Annexure A/1) and direct the respondents to allow the applicant to serve on the present post with dignity, respect and other benefits.

8(iii) Any other order/orders, direction/directions may also be passed.

8(iv) Award cost of the litigation to the applicant.”

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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