

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA

[Circuit Court at Ranchi]

O.A./051/00246/2018

Date of order : 12th September, 2018

C O R A M

THE HON'BLE MR. A.K. PATTNAIK, MEMBER(J)
HON'BLE MR. PRADEEP KUMAR, MEMBR (A)

Dr. Ashok Kumar Aman, R/o Sr. Consultant (Pediatrics), Bokaro General Hospital, PO & PS District – Bokaro, Jharkhand.

..... Applicant.

By Advocate : Shri Praveen Akhori
Shri Shubham Mishra.

Vrs.

1. Steel Authority of India Limited, through Chairman, Bokaro Steel City, PO, PS & Dist Bokaro.
2. Director, Bokaro General Hospital, PO, PS & Dist Bokaro.
3. Director, I/C (M&HS), Bokaro General Hospital, PO, PS & Dist Bokaro.
4. Acting Director, I/C (M&HS), Bokaro General Hospital, PO, PS & Dist Bokaro.

..... Respondents.

By Advocate : Shri Prabhat Kumar.

ORDER
[O R A L]

Per A.K. Pattnaik, J.M.:- Heard Shri Shubham Mishra along with Shri Praveen Akhori, learned counsel for the applicant and Shri Prabhat Kumar, learned Standing Counsel appearing for Steel Authority of India Limited.

2. As per submission of the learned counsel for the applicant, this O.A. has been filed against the orders of the respondents dated 13.10.2017 whereby and whereunder a punishment of censure was passed against the applicant in violation of principle of natural justice in that the enquiry report of the Complaint Committee was never supplied to the applicant before imposing the punishment.

3. On being questioned as to why the applicant has not approached the Appellate Authority as because section 20 of the A.T. Act and rules provides that before exhausting the departmental remedies, no application can be entertained, the learned counsel for the applicant fairly submitted that apprehending some more coercive action, he has no other option to rush to this Tribunal because the applicant was not even a copy of the enquiry report. However, as the applicant has not availed the appellate forum, therefore, we dispose it of by granting liberty to the applicant to approach appropriate appellate authority and enclosing a copy of this order within a period of one month from today. In case, any

such appeal is preferred within a period of one month from today, the said Appellate Authority will consider the matter, keeping in mind all the grievance as well as the law governing the filed and communicate the result thereof by way of reasoned and speaking order within a period of three months from the date of receipt of the copy.

4. Although we have not expressed any opinion on the merits of the matter, still then we hope and trust that after consideration of the appeal, if the Appellate Authority is satisfied, then he may direct for quashing the punishment of censor imposed on the applicant.

5. With the aforesaid observations/directions, this O.A. stands disposed of at the admission stage itself. As prayed by the learned counsel for the applicant, a copy of this order be handover to the learned counsel for both the sides. The applicant is granted liberty to annex a copy of this order along with the appeal preferred within a period of one month from today. We also made it clear that Appellate Authority will not go into the point of limitation while considering the appeal. No costs.

[Pradeep Kumar]/M(A)

[A.K. Pattnaik]/M/(J)

sk/s/-