

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00276/2018

DATED THIS THE 1ST DAY OF MARCH 2019

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

HON'BLE SHRI CV. SANKAR, MEMBER (A)

Mrs.Jincy Mathew,  
W/o Shebin.K.T,  
Aged 31 years,  
Working as Staff Nurse in the  
Department of Emergency ICU,  
National Institute of Mental Health  
and Neuro Sciences, (NIMHANS),  
Hosur road,  
Bengaluru-560 029.

... Applicant

(By Advocate M/s Subbarao & Co.)

Vs.

1.National Institute of Mental Health  
and Neuro Sciences, (NIMHANS),  
Rep. by its Director,  
Hosur Road,  
Bengaluru-560 029.

2.The Administrative Officer,  
National Institute of Mental Health  
and Neuro Sciences, (NIMHANS),  
Hosur Road,  
Bengaluru-560 029.

...Respondents

(By Shri K. Prabhakar Rao, Counsel for the Respondents)

ORDER (ORAL)

DR. K.B. SURESH, MEMBER (J):

1. We have resolved this matter today. Both sides agree that 50% of the Bond amount i.e., Rs.1.5 lakhs can be retained by the Institution as a compensation for the applicant having deserted the post after having agreed to serve it for a period of time. We are not going into the merit of the matter but as per the counsels' suggestions which was made on instructions of their parties, as we had given time earlier also for detailed consideration. Therefore, Registry is directed to issue cheques to both parties on the above lines, as immediately as possible , after notice. Registry will disburse the interest also on a 50, 50 ratio to both parties.

2. OA is disposed off. No order as to costs.

(CV. SANKAR)  
MEMBER (A)

(DR. K.B. SURESH)  
MEMBER (J)

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Annexures referred to by the applicant in OA No. 276/2018

Annexure-A1: Copy of Employment Notification dated 16.1.2015

Annexure-A2: Copy of appointment order dated 27.5.2015

Annexure-A3: Copy of Notification dated 3.12.2015

Annexure-A4: Copy of NOC dated 30.12.2015 issued by 2<sup>nd</sup> respondent

Annexure-A5: Copy of appointment order dated 16.10.2017

Annexure-A6: Copy of OM dated 18.12.2017.

Annexure-A7: Copy of OM dated 26.2.2018

Annexure-A8: Copy of Circular dated 9.2.2017

Annexure-A9: Copy of order dated 29.1.2016 passed in Writ Petition (C) No.527/2011

Annexure-A10: Copy of Circular dated 29.8.2011

Annexure-A11: Copy of reply dated 21.11.2016

Annexure-A12: Copy of order dated 4.12.2017 passed in OA.No.227/2017

Annexures with reply statement:

Annexure R-1: Copy of bond executed by the applicant dated 24.6.2015

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00276/2018

DATED THIS THE 19TH DAY OF MARCH 2019

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

HON'BLE SHRI CV. SANKAR, MEMBER (A)

Mrs.Jincy Mathew ... Applicant  
(By Advocate M/s Subbarao & Co.)

Vs.

1. NIMHANS,Rep. by its Director,  
Bengaluru-560 029 and another. ...Respondents

(By Shri K. Prabhakar Rao, Counsel for the Respondents)

ORDER (ORAL)

DR. K.B. SURESH, MEMBER (J):

When we had passed an order, there was a mistake we had made. The Bond amount was only for Rs.3 lakhs. But then, if the matter was prolonged and as a result interest need to accrued on any side, to provide for it we had directed the applicant to produce a deposit of Rs.3.5 lakhs. Now the issue is only regarding the 3 lakhs. Therefore, the division will be made between the applicant and the respondents on 50, 50 basis on the 3 lakhs amount only. But the Rs.50000/- the applicant is eligible to receive along with the whatever interest they have. The order is clarified as above.

(CV. SANKAR)  
MEMBER (A)

(DR. K.B. SURESH)  
MEMBER (J)

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