

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00371/2019
Chandigarh, this the 12th day of April, 2019

...
CORAM:HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MS. P. GOPINATH, MEMBER (A)

...
Dr. Amitava Chakrabarti S/o Dr. P.K. Chakrabarti, age 65 years, R/o House No. 1035, Sector 24-B, Chandigarh. Prof. and Head (Retd) (Group A Post) Department of the Pharmacology Postgraduate Institute of Medical Education and Research, Chandigarh – 160024.

....Applicant

(Present: Mr. ADS Bal, Advocate)

Versus

1. Union of India through the Secretary to Government of India, Department of Health and Family Welfare, Nirman Bhawan, New Delhi – 110011.
2. Postgraduate Institute of Medical Education and Research, through the Director, PGI, Chandigarh – 160012.
3. The Governing Body of PGIMER, Chandigarh through the Director, Postgraduate Institute of Medical Education and Research, Chandigarh.

Respondents

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

1. The present O.A. has been filed against decision of Respondent No. 3 to refer the Inquiry Report dated 31.03.2018 in the disciplinary case of the applicant to HR Committee.
2. Learned counsel submitted that in response to an application filed under the RTI Act, it has been informed vide communication dated 05.02.2019 that the HR Committee was constituted by the Governing Body of PGI in its meeting held on 11.05.2017 to approve duly selected candidates for all Group-A posts at PGIMER

Chandigarh. The argument is that the HR committee is not empowered to look into the disciplinary case of the employees and the Inquiry report in the disciplinary case of the applicant has arbitrarily been referred to the HR committee only to delay the proceedings.

3. Learned counsel submitted that the applicant had submitted a representation dated 14.02.2019 (Annexure A-6), raising the same grievance, as has been raised in this O.A., but the same has not been decided till date. He prayed that the applicant would be satisfied if a direction is issued to the respondents to take a call on his representation and decide the same in accordance with law within a stipulated period.

4. In the wake of above, we dispose of the O.A., in limine, with a direction to the respondents to consider and decide the indicated representation (Annexure A-6) of the applicant in accordance with law, by passing a reasoned and speaking order within a period of six weeks from the date of receipt of a certified copy of this order.

The order so passed be duly communicated to the applicant.

5. Needless to mention, that the disposal of the O.A. shall not be construed as an expression of any opinion on the merit of the case. No costs.

(P. GOPINATH)
MEMBER (A)

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(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 12.04.2019