

**Central Administrative Tribunal  
Principal Bench  
New Delhi**

**OA No.4302/2017**

Reserved on : 23.04.2019  
Pronounced on : 29.04.2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman**  
**Hon'ble Mr. Mohd. Jamshed, Member (A)**

Dr. Jagdish Prasad Singh S/o Shri Ganeshi Lal,  
Aged 45 years (Group A),  
R/o A-57, Ordinance Apartment,  
Vikaspuri, New Delhi-110018.

... Applicant

(By Mr. Ajesh Luthra, Advocate)

Versus

1. Government of NCT of Delhi  
through its Chief Secretary,  
6<sup>th</sup> Level, A-Wing, Delhi Secretariat,  
New Delhi-110002.
2. Department of Health and Family Welfare  
through its Principal Secretary,  
Level-9, A-Wing,  
Delhi Secretariat,  
I.P. Estate, New Delhi-110002.
3. Deen Dayal Upadhyay Hospital,  
through its Medical Director,  
Clock Tower Chowk, Hari Enclave,  
Hari Nagar,  
New Delhi-110064.
4. The Lieutenant Governor of Delhi,  
6, Raj Niwas Marg, Civil Lines,  
Delhi-110054.

... Respondents

(By Mr. Amit Anand, Advocate)

## ORDER

**Justice L. Narasimha Reddy, Chairman :**

Through an order dated 01.12.2017, the Appointing Authority of the applicant, placed him under suspension. The same is challenged in this OA.

2. The applicant contends that the very basis for passing the impugned order is a complaint dated 24.05.2017, submitted by one Mr. Parul, and the same is pseudonymous in nature. He contends that in view of the guidelines issued by the CVC and the DoP&T, initiation of disciplinary proceedings on the basis of such complaints is impermissible, and equally the order of suspension becomes untenable.

3. The respondents filed a detailed counter affidavit. It is stated that the complaint dated 24.05.2017 alleging that the applicant is indulging in private practice, was forwarded to the Medical Superintendent, Deen Dayal Upadhyay Hospital, New Delhi, and he in turn constituted a Committee to examine the contents thereof. It is stated that the Committee examined the person who submitted the complaint, and opined that the matter needs to be inquired into further. It is also stated that

the allegations against the applicant are serious in nature, and accordingly the order of suspension was passed.

4. We heard Shri Ajesh Luthra, learned counsel for the applicant, and Shri Amit Anand, learned counsel for the respondents.

5. The main contention advanced by the applicant is that a pseudonymous complaint cannot constitute the basis for placing him under suspension. The disciplinary authority issued him a charge memorandum dated 06.02.2018 in relation to the very allegation. The applicant filed OA No.1872/2017 challenging the same. Through a separate order, we dismissed the said OA today. It was observed that the complaint cannot be treated as pseudonymous in nature. The same reasoning holds good for this OA also.

6. Since the disciplinary proceedings against the applicant are in progress, his suspension cannot be found fault with. The applicant can make a request for reinstatement after the inquiry officer submits his report.

7. We, therefore, dispose of the OA, leaving it open to the applicant to make a representation for reinstatement, soon

after the inquiry officer submits his report. There shall be no order as to costs.

**( Mohd. Jamshed )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

/as/