

**Central Administrative Tribunal
Principal Bench**

OA No.515/2019

New Delhi, this the 18th day of February, 2019

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

Dr. Manju Gupta
DOB (10.07.1966)
aged 51 years
D/o Late Shri S. K. Gupta
R/o 11, Birbal Road, Jangpura Extension,
New Delhi 110 014.
Working as Assistant Professor in CT & VS
(under suspension)
Vardhman Mahavir Medical College &
Safdarjung Hospital,
New Delhi. ... Applicant.

(Applicant in person)

Vs

Ministry of Health and Family Welfare,
Government of India
Nirman Bhawan, New Delhi
Through Secretary ... Respondent.

(By Advocate : Shri Vijendra Singh)

: O R D E R (ORAL) :

Justice L. Narasimha Reddy, Chairman:

The applicant was appointed as Assistant Professor in Cardiothoracic and Vascular Surgery in Vardhman Mahavir Medical College & Safdarjung Hospital, New Delhi, in the year 2014. Earlier to that, she was in Central Health Services (for short, CHS). She was placed under suspension on 15.01.2018 pending disciplinary

proceedings. A charge memo was issued on the same date, alleging that she has resorted to certain steps in the process of selection which would amount to acts of indiscipline. The inquiry is in progress and the suspension of the applicant was also extended through orders dated 12.04.2018, 10.10.2018 and 31.01.2019. The applicant challenges the aforesaid impugned orders.

2. She contends that on account of prolonged suspension, she is losing the skills of conducting operations and it would not be in the interest of Hospital also to continue her suspension. It is stated that the inquiry is not progressing with the required amount of pace, and in the meanwhile, she is put to irreparable loss.

3. We heard the applicant who argued her case in person and Shri Vijendra Singh, learned counsel for the respondents who obtained instructions at the admission stage itself.

4. The charge against the applicant is that she had taken certain steps at the time of her selection to the post of Assistant Professor, in Safdarjung Hospital, which would have influenced the very selection process. That, however, is a matter to be examined and established in the pending inquiry. The applicant was placed under

suspension on 15.01.2018 and the period of suspension is being extended from time to time.

5. Though the applicant has urged several grounds, we are of the view that now that the inquiry is half way through, it may be required to be completed before the expiry of present suspension period.

6. We, therefore, dispose of the OA directing that the Inquiry Officer shall ensure that all the witnesses on behalf of the department/prosecution are examined within a period of three weeks from today. Thereafter, the applicant shall be given an opportunity to examine her witness, if any, within one week. The Inquiry Officer shall make endeavour to submit his report within one week thereafter. The Disciplinary Authority shall pass appropriate orders in the disciplinary proceedings by the time the suspension period, as it stands now, expires. If for any reason, the disciplinary proceedings are not completed by that time, the competent authority shall consider the feasibility of revoking the suspension. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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