Item No.4

WP(C) No. 879 of 2018

Smt. Laimayum Kullabati Devi ....Petitioner

-Versus-

Regional Institute of Medical Sciences (RIMS)
....Respondents

BEFORE
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

10.2.2020

Heard Mr. A. Bimol, learned counsel appearing for the petitioner as well as Mr. M. Devananda, learned counsel appearing for the RIMS.

[1] The present writ petition has been filed by the petitioner praying for extension of the petitioner's deputation period in the Regional Institute of Medical Sciences, Imphal as Rehabilitation Counselor. After filing of the writ petition, the petitioner has filed another Misc Case No. 299 of 2019 praying for amendment of the prayer in the writ petition for extension of her period of deputation up to 31st October, 2020.

[2] During the pendency of this writ petition as well as the other misc cases, the petitioner had put in suggestions requesting for extension of her period of deputation up to 31st October, 2020 as Rehabilitation Counselor at Regional Institute of Medical Sciences, Imphal. Accordingly, this Court by an order dated 23-01-2020 passed in MC(WP(C)) No. 251 of 2019 had allowed time to Mr. M. Devananda, learned counsel for the RIMS to take instructions.

[3] Today, when the matter is taken up, Mr. M. Devananda, learned counsel for the RIMS has produced a letter dated 7th February, 2020 written by the Deputy Director

(Administration, RIMS, Manipur) and the extract copy of the said letter is reproduced herein below:

"**REGIONAL INSTITUTE OF MEDICAL SCIENCES**
(An autonomous Institute under the Ministry of Health & Family Welfare, Govt of India)
Imphal-795004, Manipur

No.B/2796/2011-RIMS (Pt) Imphal, the 7th Feb, 2020

To

Shri M. Devananda Singh,
Legal Advisor, RIMS, Imphal

Subject: Extension of deputation period of Smt Laimayum Kullabati Devi.

Sir,

This has reference to your letter dated 31st January, 2020 communicating the Order dated 23.01.2020 passed the Hon'ble High Court of Manipur in MC (WP(C)) No.251 of 2019 Ref: WP(C) No.879 of 2018 (SmtLaimayumKullabati Devi Vs RIMS &Anr) wherein it was held that:

"Mr.A. Bimol, the learned counsel for the petitioner represent before this Court that if the respondents agrees for the extension of the service till October, 2020 the petitioner will be satisfied and the learned Senior Counsel also informed this Court that the petitioner will not seek any further extension after October, 2020 and to that effect Mr.M.Devananda, learned counsel for the respondents seeks time to get instruction from the Respondents/RIMS.

Therefore, Mr.M.Devananda, learned counsel for the respondents is directed to get instructions to that effect from the Respondent/RIMS on the next hearing."

Accordingly, the RIMS authority considered the matter and it is to convey that the RIMS authority has agreed for extension of deputation of SmtLaimayaumKullabati Devi as Rehabilitation Counselor in the Department of PMR, RIMS, Imphal till Oct., 2020 subject to the following terms & conditions:

i. She will produce NOC from her parent department i.e. Kalawati Saran Children's Hospital, New Delhi.
ii. She will not seek any further extension after Oct., 2020 from the Competent Authority of RIMS, Imphal to which effect she may furnish an undertaking.
iii. She will not file any litigation for extension of her deputation period in RIMS, Imphal before any forum after October, 2020.

This issues with the approval of the Director, RIMS, Imphal

Yours faithfully,
Sd/-
(K.Doungel)
Deputy Director (Admn).
Regional Institute of Medical Sciences
Imphal."

[4] Mr. M. Devananda, learned counsel for the RIMS submits that the RIMS authorities are willing to allow the

petitioner for extension of her deputation period up to 31st October, 2020 provided she produces the No Objection Certificate from the parent department i.e., Kalawati Saran Children's Hospital, New Delhi as provided at Clause (i) of the conditions in the letter dated 7th February, 2020.

[5] As regards condition No. (i), Mr. A. Bimol, learned senior counsel for the petitioner submits that there is no necessity to produce the No Objection Certificate from her parent department in view of the Office Order dated 14-12-2019 written by the Administrative Officer of Kalawati Saran Children's Hospital, New Delhi which is the parent department of the petitioner. The same is also reproduced herein below:

"Govt of India
Ministry of Health & Family Welfare
Kalawati Saran Children's Hospital, New Delhi
Bangla Sahib Marg, New Delhi-110001
Ph.011-23408503, 011 23346538

No.KSCH ADMN 19-20/6186 Dated:14.12.19

OFFICE ORDER

In reference to the Hon'ble High Court, Imphal interim order no.MC (WP(C)) No.251 of 2019 (Ref: WP(C) No.879 of 2018 dated 22.11.2019 and the Legal Notice received on 02.12.2019, it is informed that the instruction conveyed through KSCH letter vide no.KSCH/ADMN/19-20/5763 dated 22.11.2019 is kept in abeyance till such time Hon'ble High Court passes to further order for which it is posted on 02.12.2019.

The Petitioner is also instructed to keep this office in the knowledge about the Court order which might have been posted on 02.12.2019.

This issues with the approval of the Director LHMC & Associated Hospital, New Delhi.

Sd/-
(Administrative Officer)
Kalawati Saran Chldren's Hospital
New Delhi 110001

To

Smt Laimayum Kullabati Devi,
Rehabilitation Counselor, PMR
Regional Institute of Medical Sciences,
Lamphalpat Imphal, Manipur 795001"

[6] Mr. A. Bimol, learned senior counsel for the petitioner has also drawn the attention of this Court to

Annexure-X/7 of the Misc Case No. 251 of 2019 which is the order dated 12th September, 2019 written by the Deputy Director (Administration), Regional Institute of Medical Sciences, Imphal and the same is also reproduced herein below:

"REGIONAL INSTITUTE OF MEDICAL SCIENCES

(An authonomous Institue under Ministry of Health & Femily Welfare, Government of India)

LAMPHELPAT, IMPHAL – 795004 : MANIPUR

ORDER

Imphal, the 12th September, 2019

No. B/2796/2011-RIMS (Pt)/3329 The Ministry of Health & Family Welfare vide letter No. U. 12025/02/2016-NE dated 02/01/2019 has conveyed that the issue concerning deputation is within the jurisdiction of RIMS, Imphal and Ministry of Health & Family Welfare has no role in the matter.

2. Accordingly, the representation dated 04/07/2018 received from Smt. Laimayum Kullabati Devi regarding extension of deputation period for one year w.e.f. 06/10/2018 has been considered by the RIMS authority and she is allowed to continue in her present capacity as Rehabilitation Counselor in the Department of PMR, RIMS, Imphal.

The issue with the approval of the Director, RIMS, Imphal.

(K. Doungel)
Deputy Director (Admn)
Regional Institute of Medical Sciences,
Imphal, the 12th September, 2010."

[7] A conjoint reading of the Office Order dated 14-12-2019 and the Order dated 12-09-2019 would indicate that it may not be absolutely necessary for the petitioner to produce the No Objection Certificate as required by the RIMS authorities in their condition No. (i) of the letter dated 7th February, 2020 more particularly when the Ministry of Health & Family Welfare has conveyed that the issue concerning deputation is within the jurisdiction of RIMS, Imphal and Ministry of Health & Family Welfare has no role in the matter as clearly reflected in the letter dated 12-09-2019. It is also to be kept in mind that the Kalawati Saran Children's Hospital, New

Deli is a Central Hospital under the Ministry of Health & Family Welfare, Government of India and therefore, Kalawati Saran Children's Hospital authorities cannot take a contrary stand to that of the Ministry of Health & Family Welfare, Government of India. Therefore, this Court is of the considered opinion that production of No Objection Certificate is not required as demanded by the RIMS authorities particularly in view of the stand taken by the Ministry of Health & Family Welfare, Government of India in their Order dated 12-09-2019.

Condition Nos. (ii) and (iii) of the letter dated 7th February, 2020 on consensus is acceptable to both the parties.

[8] Therefore, in view of the development that has taken place as well as the observation made herein above by this Court, this writ petition is disposed of with a direction that the RIMS authorities shall allow extension of the petitioner's deputation period and allow her to continue in her present place of posting up to 31st October, 2020 without insisting for No Objection Certificate. It is also made clear that there shall be no further extension of the petitioner's deputation period beyond 31st October, 2020 nor will the petitioner ask for any further extension beyond 31st October, 2020. Further, the petitioner shall not be disturbed under any circumstances till she completes her deputation period at RIMS, Imphal till 31st October, 2020. The RIMS authorities shall pass appropriate orders in terms of this Court's order forthwith.

With the above observations and directions, writ petition stands disposed of.

JUDGE

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WAIKHOM
TONEN MEITEI

Digitally signed by WAIKHOM
TONEN MEITEI
Date: 2020.02.11 17:00:55 +05'30'