IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

&

THE HONOURABLE MR. JUSTICE GOPINATH P.

WEDNESDAY, THE 09TH DAY OF DECEMBER 2020 / 18TH AGRAHAYANA, 1942

OP (CAT).No.199 OF 2020

AGAINST THE ORDER IN OA 291/2020 DATED 06-11-2020 OF CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH

PETITIONER/4th RESPONDENT IN THE OA:

DR.ASHA KISHORE
AGED 60 YEARS
W/O S.Y.KISHORE, DIRECTOR, SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY, THIRUVANANTHAPURAM-695 011, RESIDING AT TC 95/58,HILL TOP GARDENS, MEDICAL COLLEGE P.O.THIRUVANANTHAPURAM-695 017

BY ADVS.
SRI.K.JAJU BABU (SR.)
SMT.M.U.VIJAYALAKSHMI
SRI.BRIJESH MOHAN
KUM.T.S.ATHIRA
SRI.RAJESH NAIR

RESPONDENTS/APPLICANT & RESPONDNETS 1 TO 3 IN THE OA:

1 **DR. SAJITH SUKUMARAN**
AGED 47 YEARS
S/O SUKUMARAN, ADDITIONAL PROFESSOR, DEPARTMENT OF NEUROLOGY, SCTIMST, MEDICAL COLLEGE P.O.THIRUVANANTHAPURAM-695 011, RESIDING AT THEJUS, T.C.5/2713(30, CRA.A64 (C), SREEKARYAM P.O.THIRUVANANTHAPURAM-695 011.

**2 UNION OF INDIA,
REPRESENTED BY ITS SECRETARY, MINISTRY OF SCIENCE AND TECHNOLOGY, DEPARTMENT OF SCIENCE AND TECHNOLOGY, TECHNOLOGY BHAVAN, NEW MEHRAULI ROAD, NEW DELHI-110 016.**

**3 SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY,
THIRUVANANTHAPURAM-695 011,
REPRESENTED BY ITS DIRECTOR.**

**4 THE PRESIDENT,
SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY,
THIRUVANANTHAPURAM-695 011.**

**R1 BY ADV. SRI.ELVIN PETER P.J.
R1 BY ADV. SRI.K.R.GANESH
R2-3 BY ADV. SRI.P.VIJAYAKUMAR (ASGI)
R3-4 BY ADV. SHRI.V.SAJITH KUMAR, SC, SCTIMST
R4 BY ADV. SRI.M.R.HARIRAJ**

THIS OP (CAT) HAVING BEEN FINALLY HEARD ON 27-11-2020, ALONG WITH OP (CAT).200/2020, THE COURT ON 09-12-2020 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

&

THE HONOURABLE MR. JUSTICE GOPINATH P.

WEDNESDAY, THE 09TH DAY OF DECEMBER 2020 / 18TH AGRAHAYANA, 1942

OP (CAT).No.200 OF 2020

AGAINST THE ORDER IN OA 375/2020 DATED 06-11-2020 OF CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH

PETITIONER/APPLICANT IN THE OA:

DR.ASHA KISHORE
AGED 60 YEARS
W/O.S.Y.KISHORE, DIRECTOR, SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY, THIRUVANANTHAPURAM-695011, RESIDING AT TC 95/58, HILL TOP GARDENS, MEDICAL COLLEGE P.O., THIRUVANANTHAPURAM-695017.

BY ADVS.
SRI.K.JAJU BABU (SR.)
SMT.M.U.VIJAYALAKSHMI
SRI.BRIJESH MOHAN
KUM.T.S.ATHIRA
SRI.RAJESH NAIR

RESPONDENTS/RESPONDENTS IN THE OA:

1 UNION OF INDIA
REPRESENTED BY ITS SECRETARY, MINISTRY OF SCIENCE AND TECHNOLOGY, DEPARTMENT OF SCIENCE AND TECHNOLOGY, TECHNOLOGY BHAVAN, NEW MEHRAULI ROAD, NEW DELHI-110016.

2 SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY, THIRUVANANTHAPURAM-695011, REPRESENTED BY ITS DIRECTOR.

3 THE PRESIDENT, SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY, THIRUVANANTHAPURAM-695011.

4 STATE OF KERALA REPRESENTED BY PRINCIPAL SECRETARY TO HEALTH AND FAMILY WELFARE AND AYUSH, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695036.

5 DR.ASHALATHA RADHAKRISHNAN, AGED 50 YEARS W/O.DR.PRAKASH N. NAIR, PROFESSOR, DEPARTMENT OF NEUROLOGY, SREE CHITRA TIRUNAL FOR MEDICAL SCIENCE AND TECHNOLOGY, THIRUVANANTHAPURAM-695001, RESIDING AT FLAT 5C, NIKUNJAM ORIENT, PONTHI ROAD, KUMARAPURAM, TRIVANDRUM-695011.

6 DR. JAYAKUMAR K., AGED 64 YEARS S/O. LATE SRI. KARUNAKARAN, PROFESSOR, SENIOR GRADE, ADULT CARDIAC SURGERY, DEPARTMENT OF CTVS, SREE CHITRA TIRUNAL FOR MEDICAL SCIENCE AND TECHNOLOGY, THIRUVANANTHAPURAM-695001, RESIDING AT 7TH FLOOR, SURGICAL BLOCK, SCTMST, THIRUVANANTHAPURAM-695011.

7 DR. SUBIN SUKESAN, AGED 44 YEARS S/O. SUKESAN GOVINDAN, ASSOCIATE PROFESSOR, DEPARTMENT OF CARDIAC ANESTHESIOLOGY, SREE CHITRA TIRUNAL FOR MEDICAL SCIENCE AND TECHNOLOGY, THIRUVANANTHAPURAM-695001, RESIDING AT A7, 7TH FLOOR, NFH FACULTY ACCOMMODATION, SCTIMST, KUMARAPURAM CAMPUS, PONTHI ROAD, THIRUVANANTHAPURAM-695011.

8 **DR. BINEESH K.R.,**
AGED 43 YEARS
S/O.N.RADHAKRISHNAN, ASSOCIATE PROFESSOR,
ADULT CARDIAC SURGERY, SREE CHITRA TIRUNAL FOR
MEDICAL SCIENCE AND TECHNOLOGY,
THIRUVANANTHAPURAM-695001,
RESIDING AT 7TH FLOOR SURGICAL BLOCK,
SCTIMST, THIRUVANANTHAPURAM-695011.

9 **DR. VIVEK V. PILLAI,**
AGED 44 YEARS
S/O. DR. VELAYUDHAN PILLAI, ADDITIONAL
PROFESSOR, ADULT CARDIAC SURGERY,
DEPARTMENT OF CTVS, SREE CHITRA TIRUNAL FOR
MEDICAL SCIENCE AND TECHNOLOGY,
THIRUVANANTHAPURAM-695001,
7TH FLOOR, SURGICAL BLOCK, SCTIMST,
THIRUVANANTHAPURAM-695011.

10 **DR. SABARINATH MENON,**
AGED 41 YEARS
S/O. U.NARAYANAN KUTTY,
ADDITIONAL PROFESSOR,
DEPARTMENT OF CTVA, SREE CHITRA TIRUNAL FOR
MEDICAL SCIENCE AND TECHNOLOGY,
THIRUVANANTHAPURAM-695001, 3RD FLOOR,
PEDIATRICS AND CONGENITAL HEART SURGERIES,
MEDICAL BLOCK, SCTIMST,
THIRUVANANTHAPURAM-695011.

11 **DR. S.MANIKANDAN,**
AGED 51 YEARS
S/O.KUMARAN V., PROFESSOR,
HEAD NEUROANAESTHESIOLOGY DIVISION,
SREE CHITRA TIRUNAL FOR MEDICAL SCIENCE AND
TECHNOLOGY, THIRUVANANTHAPURAM-695001,
RESIDING AT 7TH FLOOR,
FACULTY ROOM, SCTIMST,
THIRUVANANTHAPURAM-695011.

12 **DR. VARGHESE T. PANIKAR,**
AGED 47 YEARS
S/O.K.V.THOMAS PANIKER,
ADDITIONAL PROFESSOR, ADULT CARDIAC SURGERY,
SREE CHITRA THIRUNAL FOR MEDICAL SCIENCE AND TECHNOLOGY, THIRUVANANTHAPURAM-695001,
DEPARTMENT OF CTVS, 7TH FLOOR,
SURGICAL BLOCK, SCTIMST,
THIRUVANANTHAPURAM-695011.

13 **DR. SUDIP DUTTA BARUAH,**
AGED 40 YEARS
S/O. BUDHINDRANATH DUTTA (LATE), ASSISTANT PROFESSOR, RESIDING AT FLAT 8A, SFS CYBERPALMS SILVER, NEAR MGM SCHOOL, N.H.BYPASS,
P.O.KARIMANA,
THIRUVANANTHAPURAM-695583.

14 **DR. MATHEW ABRAHAM,**
AGED 49 YEARS
S/O. LATE SRI ABRAHAM, PROFESSOR, NEUROSURGERY DEPARTMENT, SREE CHITRA TIRUNAL FOR MEDICAL SCIENCE AND TECHNOLOGY, THIRUVANANTHAPURAM-695001, RESIDING AT 7TH FLOOR FACULTY ROOM, SCTIMST, THIRUVANANTHAPURAM-695011.

15 **DR. SMITHA V.,**
AGED 43 YEARS
D/O. G.BAHULEYAN, ASSOCIATE PROFESSOR, NEUROANESTHESIOLOGY DIVISION, SREE CHITRA TIRUNAL FOR MEDICAL SCIENCE AND TECHNOLOGY, THIRUVANANTHAPURAM-695001, 7TH FLOOR, FACULTY ROOM, SCTIMST, THIRUVANANTHAPURAM-695011.

16 **DR. K.P.UNNIKRISHNAN,**
AGED 48 YEARS
S/O.P.K.JANAKY, PROFESSOR, DEPARTMENT OF CARDIOVASCULAR ANESTHESIOLOGY, SREE CHITRA TIRUNAL FOR MEDICAL SCIENCE AND TECHNOLOGY, THIRUVANANTHAPURAM-695001, RESIDING AT TC 6/1572(3), KRISHNAKRIPA, SREENARAYANANAGAR, THURUVIKKAL, THIRUVANANTHAPURAM-695011.

17 **DR. P.R.SUNEEL,**
AGED 50 YEARS
S/O.RAMAN P.N., PROFESSOR, DEPARTMENT OF ANAESTHESIOLOGY, SREE CHITRA TIRUNAL FOR MEDICAL SCIENCE AND TECHNOLOGY, THIRUVANANTHAPURAM-695001, RESIDING AT DPRA-59 DEVAMRITAM, DR. C.PINTO LANE, THURIVIKKAL (P.O.), THIRUVANANTHAPURAM-695011.

18 **DR. SANTHOSHKUMAR K.,**
AGED 41 YEARS
S/O.RAVINDRANATHAN T.,
ADDITIONAL PROFESSOR, DEPARTMENT OF ISIR, SCTIMST, THIRUVANANTHAPURAM-695011.

19 **DR. C.KESAVADAS,**
AGED 54 YEARS
S/O. SRI. P.CHANDRASHEKHAR,
HEAD OF DEPARTMENT, PROFESSOR,
DEPARTMENT OF ISIR SCTIMST,
THIRUVANANTHAPURAM-695011.

20 **DR. RAJBHARAT,**
AGED 36 YEARS
S/O. D.RUDRAPPAN, ASSOCIATE PROFESSOR,
DEPARTMENT OF TRANSFUSION MEDICINE, HOD,
SCTIMST, THIRUVANANTHAPURAM-695011.

21 **DR. AMITA R.,**
AGED 37 YEARS
D/O.RADHAKRISHNAN NAIR,
ASSOCIATE PROFESSOR,
DEPARTMENT OF TRANSFUSION MEDICINE, HOD,
SCTIMST, THIRUVANANTHAPURAM-695011.

22 **DR. JINEESH V.,**
AGED 33 YEARS
S/O.CHOYUNNI V.,
ASSOCIATE PROFESSOR,
DEPARTMENT OF ISIR, SCTIMST,
THIRUVANANTHAPURAM-695011.

23 DR. ANOOP A.,
AGED 33 YEARS
S/O.AYYAPPAN M., ASSOCIATE PROFESSOR,
DEPARTMENT OF ISIR, SCTIMST,
THIRUVANANTHAPURAM-695011.

24 DR. RUPA SREEDHAR,
AGED 63 YEARS
W/O. DR. SHRINIVAS V.G., PROFESSOR SENIOR GRADE, DEPARTMENT OF ANAESTHESIOLOGY, SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY, THIRUVANANTHAPURAM-695001.

25 DR. SARAVANA BABU M.S.,
AGED 34 YEARS
ASSISTANT PROFESSOR, DEPARTMENT OF ANESTHESIOLOGY,
SREE CHITRA TIRUNAL FOR MEDICAL SCIENCE AND TECHNOLOGY, THIRUVANANTHAPURAM-695001, 1ST FLOOR, FACULTY ROOM, SURGICAL BLOCK, SCTIMST, THIRUVANANTHAPURAM-695011.

26 DR. ARUN GOPALAKRISHNAN,
AGED 37 YEARS
S/O.K.V.GOPALAKRISHNAN,
ASSISTANT PROFESSOR,
PAEDIATRIC CARDIOLOGY, 2ND FLOOR, SCTIMST,
THIRUVANANTHAPURAM-695011.

27 DR. BAIJU S. DHARAN,
AGED 50 YEARS
S/O. SRI. DHARAN, RESIDING AT HEAD DEPARTMENT OF CTVA, 3RD FLOOR, PROFESSOR, PAEDIATRIC AND CONGENITAL HEART SURGERIES MEDICAL BLOCK, SCTIMST, THIRUVANANTHAPURAM-695011.

28 DR. AJIT KUMAR V.K.,
AGED 62 YEARS
S/O.KUMARAN V.K., PROFESSOR SENIOR GRADE, RESIDING AT H.NO.34, VALLEY VIEW GARDENS, POTHUJANAM LANE, KUMARAPURAM,
THIRUVANANTHAPURAM-695011.

29 **DR. JAYADEVAN E.R.,**
AGED 46 YEARS
S/O.RAJAN S., ADDITIONAL PROFESSOR, DEPARTMENT OF ISIR, SCTIMST, THIRUVANANTHAPURAM-695011.

30 **DR. SHIVANESAN P.,**
AGED 43 YEARS, S/O.PITCHAL V., ASSISTANT PROFESSOR, VASCULAR SURGERY, DEPARTMENT OF CTVS, 1ST FLOOR FACULTY ROOM, SURGICAL BLOCK, SCTIMST, THIRUVANANTHAPURAM-695011.

31 **DR. PRASANTA KUMAR DASH,**
AGED 54 YEARS
S/O.NARASINHA DASH, PROFESSOR, DEPARTMENT OF NEUROSURGICAL ANESTHESIOLOGY, SREE CHITRA TIRUNAL INSTITUTE OF MEDICAL SCIENCES AND TECHNOLOGY, THIRUVANANTHAPURAM, RESIDING AT 1-C, CORDIAL CASILDA, KOCHULLOOR, THIRUVANANTHAPURAM-695011.

32 **DR. BEJOY THOMAS, AGED 51 YEARS**
S/O. PROF. V.J,THOMAS, PROFESSOR, DEPARTMENT OF ANESTHESIOLOGY, SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY, THIRUVANANTHAPURAM-695001, RESIDING AT TC 6/1592(3), THURUVICKAL P.O., THIRUVANANTHAPURAM-695031.

33 **DR. DEBASISH GUPTA,**
AGED 60 YEARS
S/O. SRI. GUPTA, PROFESSOR, DEPARTMENT OF TRANSFUSION MEDICINE, HEAD OF DEPARTMENT, SCTIMST, THIRUVANANTHAPURAM-695011.

34 **DR. SHRINIVAS GADHINGLAJKAR,**
AGED 54 YEARS
S/O.VITTHAL RAMACHANDRA GADHINGLAJKAR, PROFESSOR, DEPARTMENT OF CARDIOLOGY, SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY, THIRUVANANTHAPURAM-695001, RESIDING AT 8D SFS, CARLTON APARTMENTS, NEAR JALA BHAWAN, AMBALAMUKKU, THIRUVANANTHAPURAM-695003.

35 DR. GEORGE C. VILANILAM,
AGED 43 YEARS
S/O. SRI. VILANILAM, ADDITIONAL PROFESSOR,
NEUROSURGERY DEPARTMENT, 7TH FLOOR, FACULTY ROOM, SCTIMST, THIRUVANANTHAPURAM-695011.

36 DR. JAYANAND SUDHIR B.,
AGED 43 YEARS
S/O. SRI. SUDHIR, ASSOCIATE PROFESSOR,
NEUROSURGERY DEPARTMENT, 7TH FLOOR, FACULTY ROOM, SCTIMST,
THIRUVANANTHAPURAM-695011.

R1-2 BY ADV. SRI.P.VIJAYAKUMAR, ASGI
R2-3 BY ADV. SHRI.V.SAJITH KUMAR, SC, SCTIMST
R3 BY ADV. SRI.M.R.HARIRAJ
R4 BY SRI.T.RAJASEKHARAN NAIR, SR.GOVT.PLEADER
R5-36 BY ADV. SRI.ELVIN PETER P.J.
R5-36 BY ADV. SRI.K.R.GANESH

THIS OP (CAT) HAVING BEEN FINALLY HEARD ON 27-11-2020, ALONG WITH OP (CAT).199/2020, THE COURT ON 09-12-2020 DELIVERED THE FOLLOWING:

J U D G M E N T

Dated this the 9th day of December, 2020

Shaffique, J.

The Original Petitions arise from common order dated 6/11/2020 of the Central Administrative Tribunal. OA No.291/2020 has been filed by Dr.Sajith Sukumaran challenging order dated 2/6/2020 issued by the President, Sree Chitra Tirunal Institute for Medical Sciences and Technology, Thiruvananthapuram (in short 'the Institute') extending the term of Dr.Asha Kishore as Director of the Institute w.e.f. 15/7/2020 till the date of her superannuation. The applicant also sought for a direction to issue notification inviting fresh applications for recruitment to the post of Director in the Institute. OA No.375/2020 has been filed by Dr.Asha Kishore challenging Annexures A9 and A11 and seeking for a declaration that she was entitled to continue as Director of the Institute in terms of Annexures A7 and A8. Annexure A7 is the minutes of the 55th Institute Body Meeting held on 12/5/2020 in which a decision had been taken by the Institute Body to extend

the term of Dr.Asha Kishore as Director till the date of her superannuation. By Annexure A8, the President of the Institute had by communication dated 2/6/2020 issued orders extending her tenure as Director from 15/7/2020 till the date of her superannuation. Annexure A9 is a letter issued by Government of India, on behalf of Ministry of Science and Technology, Department of Science and Technology, New Delhi to the President of the Institute requesting him to withdraw order dated 2/6/2020 granting extension of tenure to Dr.Asha Kishore as Director on the premise that orders had been issued without approval of Appointment Committee of the Cabinet (ACC). It was further indicated that the Institute shall send the bio data of Dr.Asha Kishore, vigilance clearance certificate and other documents to the said department for processing and obtaining approval of the ACC and in the meantime, a proposal for assigning additional charge of the post of Director to Dr.Asha Kishore for three months w.e.f. 15/7/2020 has to be submitted. Annexure A11 is yet another communication issued by the Government of India, Ministry of Science and Technology, Department of Science and Technology to the President of the

Institute dated 28/7/2020. The said letter reads as under;-

"Dear Sir,

Please refer to your D.O. letter No. 11014/07/04/2020-S&T dated 20th July, 2020 addressed to the Hon'ble Minister of Science & Technology regarding the extension of the tenure of Dr.Asha Kishore as Director, SCTIMST.

2. The matter has been considered in the Ministry, the SCTIMST Act and Rules and Regulations framed under the Act prescribes the manner for appointment of Director, SCTIMST. There is no express provision in rules for extension of tenure to the post of Director. Rule 7(ii) relates to the procedure of appointment of Director. IN THIS Case, since procedure has not been followed, even as per rule (ii), the approval of the IB for giving extension of 5 years, which is equal to original tenure cannot be said be proper and hence Institute is required to cancel the extension order dated 2.6.2020. Further, the Institute has considerably delayed amendment of the Rules in this regard and as well as also the Recruitment Rules for the post. It may be appreciated that extensions are given to incumbents owing to extra-ordinary circumstances and that too for a short time till the post is filled up on regular basis. Despite this norm as well as the absence of such provisions in the Rules & Regulations. SCTIMST has been giving extensions in a regular manner. In the case of Dr. Asha Kishore, the tenure has been extended for 5 years till her superannuation which is equal to the original tenure. It is also observed that this Department's earlier directions to initiate timely action for filling up of the post had not been acted upon with a view to extend the tenure of Dr. Asha Kishore.

3. In view of the above, the Competent Authority in the

Ministry of Science & Technology has decided to issue the following directions to the Institute.

i. To withdraw the order dated 2.6.2020 for extending the tenure of Dr.Asha Kishore immediately.

ii. To submit a proposal for grant of extension of the tenure of Dr.Asha Kishore as Director, SCTIMST for a period of 3 months w.e.f 15.7.2020 for consideration by the ACC.

iii. To amend the Rules/Regulations within a period of one month to bring appointment of the Director, SCTIMST within the purview of ACC so that the same are in harmony with the extent orders of the Government of India.

4. It is therefore, requested that the above directions may be got executed expeditiously in a time bound manner.

With regards,

Yours sincerely,

sd/-

(Rajiv Kumar Tayal)"

2. The facts available in the case would disclose that Dr.Asha Kishore was appointed as Director pursuant to the recommendation of a Selection Committee in terms of the statutory provisions and as per appointment order dated 13/7/2015. The order of appointment *inter alia* stated that the tenure of appointment will be for a period of five years and she will continue to have lien as Professor in the department of neurology. Her conditions of service will be governed as per the Service Rules framed by the Sree Chitra Tirunal Institute for

Medical Sciences and Technology, Trivandrum Act, 1980 (hereinafter referred to as 'the 1980 Act'). Admittedly, the term for which she was appointed would expire by middle of July, 2020. The Apex Body of the Institute convened a meeting on 12/5/2020 and they decided to extend the tenure of Dr.Asha Kishore until the date of her superannuation. The Government of India took up a stand that ACC approval was required before granting extension of the tenure.

3. The contention urged by Dr.Sajith Sukumaran is that in the absence of any provision for extension of tenure either under the 1980 Act or the Rules framed thereunder, a fresh selection has to be conducted from among the candidates eligible and qualified to be appointed to the post of Director and in the absence of any provision for extension of tenure, such a decision cannot be taken. Even assuming that the term of office of a Director can be extended by the Institute Body, prior approval of ACC was mandatory. Since the approval of ACC was not obtained, Dr.Asha Kishore has no right to continue in office.

4. The Tribunal after considering the respective contentions of the parties and having observed that there is no

provision in the Act or the Rules as regards extension of tenure of the Director after the initial posting for five years, the Institute Body does not have the power to extend the term of appointment and therefore the said decision itself is bad in law.

5. Having regard to the provisions of Sections 25 and 26 of the 1980 Act, it was held that when Central Government had directed that prior approval ought to have been obtained before extending the tenure of Dr.Asha Kishore, necessarily, the Institute was bound by the said direction.

6. Learned Senior counsel Sri.Jaju Babu appearing on behalf of Dr.Asha Kishore would argue that when the Institute Body has been statutorily given the power to appoint Director of the Institute, the said power carries with it the right for the Institute to extend the tenure of the Director as well. On earlier occasion, when permission was sought for renewing the tenure of Dr.K.Mohandas, the Central Government stand was that prior approval of ACC was not required. Therefore, it is contended that when the Institute Body has already recommended extension of the term of Dr.Asha Kishore and the President had issued order dated 2/6/2020, further directions issued by the Central

Government calling upon the Institute to request for ACC approval is absolutely unwarranted and Sections 25 and 26 of the Act do not give any such power to the Central Government to meddle with the activities or the right of the Institute to appoint a Director of its choice. Learned counsel also placed reliance on an earlier judgment of this Court in WA No. 766/2013 and WP(C) No. 31533/2012 decided on 15/7/2013 to contend that when the Institute is bound by the provisions of the statute, the instructions issued by the Government of India have no application.

7. On the other hand, Sri.Elvin Peter, learned counsel appearing on behalf of Dr.Sajith Sukumaran justified the stand taken by the Tribunal when it found that prior ACC approval was required for extending the term of the Director. It is also argued that even before the Institute Body taking such a decision, direction had been issued by the Central Government to appoint a Director on regular basis which apparently indicated that a regular selection procedure ought to have been followed for the purpose of appointing a Director.

8. Sri.Hariraj, learned counsel appearing for the President of the Institute supported the stand taken by the Institute Body

and the correspondence in that regard. It is submitted that when the statute permits the Institute Body to make appointment to the post of Director, and initially when appointment of Dr.Asha Kishore has been made after conducting a selection in accordance with the procedure prescribed, for extension of the tenure, a further selection by the Selection Board is not required. The statute does not contemplate such a situation. When the power to appoint impliedly gives power to extend appointment and when ACC approval is not required when appointments are made based on specific statute, the direction of the Government to obtain ACC approval for extending the tenure of appointment cannot be sustained.

9. We heard the learned Assistant Solicitor General appearing on behalf of Union of India and the Institute in its capacity represented by its Director. Learned ASG also supports the view taken by the Tribunal and submits that though an autonomous body, the Institute will have to comply with the directions issued by the Central Government from time to time. With reference to extension of tenure of a Director, there is no specific provision either under the Act or the Rules. Therefore,

Central Government instructions which are issued from time to time are binding on the Institute and a different stand cannot be taken by them. He also referred to Sections 25 and 26 of the 1980 Act in order to emphasise the point that Central Government instructions are to be complied by the Institute in letter and spirit. It is submitted that letters issued on behalf of Central Government to the Institute specifying that ACC approval was required for extension of tenure of Dr.Asha Kishore has not been complied with by the President of the Institute and the Tribunal was justified in interfering with the said decision.

10. The short question to be considered is whether the Institute was justified in extending the tenure of appointment of Dr.Asha Kishore, and if so, whether approval from ACC is required or not.

11. The Institute has been incorporated as a body corporate in terms of S.4 of the 1980 Act. Section 5 contemplates composition of the Institute consisting of members which includes three Members of Parliament. Section 6 deals with the term of office of members. Section 7 indicates that there shall be a President for the Institute, who shall be nominated by

the Central Government from among the members other than the Director. The activities of the Institute are carried out by a Governing Body which shall be the Executive Committee of the Institute and shall exercise such powers and discharge such functions as the Institute may, by regulations made in that behalf, confer or impose upon it. Section 11 and its proviso reads as under;

> "***11. Staff of Institute***.—*(1) There shall be a chief executive officer of the Institute who shall be designated as the Director of the Institute and shall, subject to such rules as may be made in this behalf, be appointed by the Institute:*
>
> *Provided that the first Director of the Institute shall be appointed by the Central Government.*
>
> *(2) The Director shall act as the Secretary to the Institute as well as the Governing Body.*
>
> *(3) The Director shall exercise such powers and discharge such functions as may be prescribed by regulations or as may be delegated to him by the Institute or the President or by the Governing Body or the Chairman.*
>
> *(4) Subject to such rules as may be made in this behalf, the Institute may appoint such number of other officers and employees as may be necessary for the exercise of its powers and discharge of its functions and may determine the designations and grades of such other officers and employees.*
>
> *(5) Subject to such rules as may be made in this behalf, the Director and other officers and employees of the Institute shall be entitled to such salary and allowances and shall be governed*

by such conditions of service in respect of leave, pension, gratuity, provident fund and other matters as may be prescribed by regulations made in this behalf."

In terms of S.11(1), the Chief Executive Officer is designated as Director of the Institute and he/she shall be appointed by the Institute of course subject to such rules as may be made in that behalf. Sections 25 and 26 which we are concerned with and relied upon by the contesting respondents, reads as under:-

> ***"25. Control by Central Government**.—The Institute shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act.*
>
> ***26. Disputes between Institute and Central Government.—**If in, or in connection with, the exercise of its powers and discharge of its functions by the Institute under this Act, any dispute arises between the Institute and the Central Government, the decision of the Central Government on such dispute shall be final. "*

Rule making power of the Central Government is specified u/s 31(1) and the Institute could make regulations with previous approval of Central Government as per Section 32(1).

12. Central Government had framed rules known as Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum Rules, 1981 (hereinafter referred to as 'the 1981

Rules'). The creation of posts and appointments thereto are specifically dealt with under Rule 7 and Rule 7(ii) deals with appointment to the post of Director, which reads as under;

> *“(7)xxx*
> *(ii) Appointment to the post of Director shall be made by the Institute on the basis of the recommendations of a Selection Committee constituted by the Central Government consisting of the Secretary, Department of Science and Technology of Government of India as Chairman, the Director-General of Indian Council of Medical Research, the President of the National Academy of Medical Sciences and the President of the Institution of Engineers (India) as members.”*

There is no dispute about the fact that Dr.Asha Kishore was appointed to the post of Director of the Institute on the basis of the recommendation of a Selection Committee constituted in terms with Rule 7(ii) of the 1981 Rules.

13. Regulations had been framed by the Central Government u/s 32(2) of the 1980 Act known as the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum Regulations, 1981 (hereinafter referred to as 'the Regulations'). As per the Regulations, the Governing Body shall consist of the following persons:-

“11. xxxx

(i) The President of the Institute, Chairman;

(ii) The member of the Institute representing the Department of Science and Technology, Government of India.

(iii) Director General of Health Services, Government of India.

(iv) Director of the Institute.

(v) Head of the Biomedical Technology Wing of the Institute.

(vi) Member of the Institute representing the Department of Planning, Science and Technology, Government of Kerala.

(vii) Two members of the Institute to be nominated by the Central Government; and

(viii) One Professor of the Institute nominated annually by the President.”

As per Regulation 12, the Governing Body shall exercise such powers and discharge such functions as are specified under Schedule 1 of the Regulations. The various powers of the Governing Body are specifically narrated in Schedule 1.

14. Looking at the statutory provisions, it is rather clear that the appointment of a Director comes well within the power of the Institute. Of course, the procedure for selecting the Director is specified under Regulation 7(ii). There is no dispute about the fact that Dr.Asha Kishore was selected to be appointed to the post of Director. But, in her order of appointment, it is stated that

she is appointed for a period of five years. Apparently it is a tenure appointment and as laid down by the Apex Court in ***Venugopal P. v. Union of India*** [(2008) 5 SCC 1], once a person is appointed to a tenure post, his appointment to the said post begins when he joins and it comes to an end on completion of tenure unless curtailed on justifiable grounds. Such a person does not superannuate. He only goes out of the office on completion of his tenure.

15. It is true that neither Section 11 or the Regulations framed specifies that the appointment should be on a tenure basis. But still the appointing authority had appointed Dr.Asha Kishore as per order of appointment dated 13/7/2015 on a tenure basis. Though she is appointed on a tenure basis, nothing prevents the Institute to extend her tenure for a further period or until the date of her superannuation.

16. However, even before the Institute Body taking a decision to extend the tenure of Dr.Asha Kishore, Government of India by its letter dated 25/9/2019 having taken note of the fact that Dr.Asha Kishore's tenure is coming to an end on 14/7/2020, requested the Institute to take necessary action for filling up the

post of Director in the Institute beyond 14/7/2020 on regular basis. Apparently it is pursuant to the aforesaid letter that the Institute Body had taken a decision to extend the tenure of Dr.Asha Kishore. To that extent, we do not find any illegality in the matter.

17. As already stated, the moot question is whether approval of ACC is required for extending the tenure of Dr.Asha Kishore as Director of the Institute. Learned Senior counsel appearing on behalf of Dr.Asha Kishore had placed much reliance on an earlier judgment of this Court in WA No. 766/2013 and WP(C) No. 31533/2012. That was a case in which a Division Bench of this Court was considering whether prior approval of ACC was required for appointing a person as Director of the Institute. After referring to S.11 of the 1980 Act and Regulation 7(ii) of the Regulations, it was held that when the statute clearly provides a mechanism for selection of the Director, prior approval of ACC was not required. This judgment apparently cannot have application to the facts of the present case as we are concerned with a situation where the Institute Body had taken a decision to extend the tenure of Dr.Asha Kishore. Whether approval of ACC is

required for extending the tenure of the said candidate had not been dealt with in the judgment aforesaid. The said judgment is good only for the proposition that for making appointment to the post of Director, prior approval from ACC is not required.

18. In fact, there is no statutory provision which deals with the question relating to obtaining prior approval from ACC. But, the Government of India Office Memorandums (OMs) which are applicable to the appointments made in autonomous bodies have application to the factual aspects involved in the present case also. We would therefore refer to OMs dated 3/7/2006 and 5/1/2015. Both sides had placed much reliance on the aforesaid OMs. The Government of India, Department of Personnel and Training, Office of the Establishment Officer had issued these OMs. Clauses (i), (viii), (x) and (xi) of OM dated 3/7/2006 indicate as under:-

> *"(i) All appointments of Chief Executives, carrying the scale of pay of Rs.18400-22400/- and above, in Central autonomous institutions, that are wholly or substantially funded by the Central Government should come under the purview of the ACC. This would apply to the appointments of officers (and not non-officials and public figures) and would include*

posts, which combine the functions of the Chief Executive and Chairman.

(viii) All appointments, which are covered by specific statutes are to be carried out, on the basis of the statutory provisions. Wherever the statutes provide for an appointment, to the post, with the approval of the "Central Government", the appointment to the posts of Chief Executives, of the pay scale of Rs.18400-22400/- and above, will be within the purview of the ACC. In case of statutes, which do not lay down the manner of recruitment, appropriate rules may be framed, under these statues, for such recruitments, in such a way that they are in harmony with the extant orders of the ACC.

(x) Approval for entrusting additional charge/current charge of the posts of Chief Executive in autonomous institutions carrying the scale of pay of Rs.18400-22400/- or above shall be with the ACC. However, in respect of unanticipated vacancies (the regular appointments to which require ACC approval) the administrative ministry may, with the approval of the Minister in charge, order additional charge arrangements subject to maximum period of six months, with effect from the date of occurrence of the vacancy, and also subject to the condition that the officer to whom the additional charge is assigned is the senior most officer in the next lower grade and is clear from vigilance angle, and also the additional charge is assigned to an officer in the same station as far as possible in which the post has fallen vacant. In respect of officers other than the Chief Executive, the

authority, for entrusting additional/current charge, for a maximum period of one year with effect from the date of occurrence of the vacancy, will vest with the Minister in charge of the Administrative Ministry.

(xi) Authority for approval of extension in tenure of Chief Executives of autonomous institutions will vest with the ACC. Extension in tenure, of persons other than the Chief Executives shall be considered by the Search-cum-Selection Committee and their recommendations should be implemented by the Ministry/Department. Any deviation will require approval of the ACC."

The 1st and 2nd paragraph of the OM dated 5/1/2015 reads as under:-

"The undersigned is directed to refer to this Secretariat's OM No.28/13/2006-EO(SM.II) dated 03.07.2006 on the subject referred to above and to state that the procedure prescribed in para (x) for assigning additional charge of the posts for a maximum period of one year w.e.f the date of occurrence of vacancy with the approval of the Minister-in-charge is specifically for posts other than that of the Chief Executive which are not being filled with the approval of the ACC. However, for such posts other than the chief executive (Including the posts in subordinate organizations, Statutory Bodies and Regulatory Bodies), which are being filled with the approval of the ACC, it is clarified that the additional charge arrangements have to be made in accordance with the procedure prescribed for the post of Chief Executive, which is as under:

xxx

2. Similarly, for all posts (whether of Chief Executive or otherwise), being filled with the approval of the ACC, any extension in the approved tenure of the incumbent also requires approval of the ACC.

19. In the OM dated 3/7/2006, it is inter alia provided that all appointments of Chief Executives carrying a particular pay scale in the central autonomous institutions that are wholly or substantially funded by the Central Government should come under the purview of the ACC and the provision would apply to the appointments of officers including posts, which combine the functions of the Chief Executive and Chairman. But clause (viii) draws an exception which indicates that if the appointments are covered by specific statutes, those appointments are to be carried out on the basis of the said statutory provisions. In the case on hand, S.11(1) of the 1980 Act r/w Regulation 7(ii) are specific provisions made under the statute for making appointments especially in the case of Director, in which event, the OM dated 3/7/2006 does not apply. However, clause (xi) further indicates that the authority for approval of extension in tenure of Chief Executives of autonomous institutions shall vest with the ACC. The contention urged on behalf of Dr.Asha Kishore

is that when the appointment itself is made by the Institute and the extension can also be made by the Institute, question of approval from ACC is not required.

20. Now let us refer to the OM dated 5/1/2015. The first paragraph relates to procedure in paragraph (x) of the OM dated 3/7/2006. It was indicated that, for such posts other than the Chief Executive, which are filled up with the approval of the ACC, it is clarified that additional charge arrangements have to be made in accordance with the procedure prescribed under clauses (i) to (iv). Paragraph 2 appears to be an independent provision which states that, for all posts (whether Chief Executive or otherwise) being filled up with the approval of ACC, any extension in the approved tenure of the incumbent also requires approval of the ACC. The counsel appearing for Dr.Asha Kishore places much reliance on the aforesaid provision, which, according to him, is in modification of OM dated 3/7/2006 and it is clarified that only for posts which are filled up with the approval of ACC, extension of tenure requires approval of ACC. In other words, the contention is that, if the original appointment is not based on any approval by ACC, for extension, ACC approval is not required.

21. On the other hand, learned counsel appearing on behalf of the respondent viz., Dr.Sajith Sukumaran and the ASG would submit that Clause (xi) of OM dated 3/7/2006 has not been modified and OM dated 5/1/2015 only clarifies the procedure prescribed under paragraph (x) of the OM dated 3/7/2006.

22. Let us now understand the stand of the Central Government in the matter. On receipt of the appointment order dated 2/6/2020, Sri.Rajiv Kumar Tayal, on behalf of Government of India, had addressed letter dated 16/7/2020 (Annexure A16) to the President of the Institute. After referring to OM dated 3/7/2006, it was inter alia stated that the order of extension of tenure of Dr.Asha Kishore is required to be issued with the approval of ACC. The said letter reads as under;-

> *"Respected Sir,*
>
> *I am directed to refer to the Order NO.P&AI/X/33/SCTIMST/2020 dated 02.6.2020 vide which the term of Dr. Asha Kishore as the Director of SCTIMST was extended w.e.f. 15.7.2020 till the date of her superannuation on the basis of the resolution of the Institute Body in its meeting held on 12.5.2020. In terms of DoPT's OM No.28/13/2006-EO(SM.II) dated 3.7.2006, the authority for approval of extension in terms of Chief Executives of autonomous institutions will vest with the*

ACC. As such, the order of extension of tenure of Dr. Asha Kishore, Director SCTIMST is required to be issued with the approval of ACC.

2. It is therefore requested that the aforesaid order dated 02.6.2020 may be withdrawn as it has been issued without obtaining the approval of the ACC. SCTIMST may be advised to submit a detailed proposal, which includes bio-data of Dr. Asha Kishore, Vigilance Clearance Certificate etc, to this Department for processing the matter and obtaining the approval of the ACC. In the meantime, a proposal for assigning additional charge of the post of Director, SCTIMST to Dr. Asha Kishore for 3 months w.e.f 15.7.2020 may also be submitted for consideration by the Department."

23. The President of the Institute had sent letter dated 20/7/2020 to Professor Ashutosh Sharma to withdraw the letter dated 16/7/2020 and explaining the manner in which a decision had been taken to extend the tenure of Dr.Asha Kishore. This was followed by letter from Ministry dated 28/7/2020. Therefore, Government of India in their instructions dated 16/7/2020 and 28/7/2020 has taken a view that for extension of the tenure of Dr.Asha Kishore, approval of ACC is required apparently based on the OM dated 3/7/2006. As rightly pointed out by the learned ASG, though the Institute has the power to appoint a Director based on a selection being conducted in terms of Regulation 7(ii),

when it was a tenure appointment, the Institute has a right to extend the period of tenure as well. But still, when as per OM dated 3/7/2006, it is specified that approval of ACC is required for renewal, which is clarified by subsequent letters issued by the Central Government, the Institute cannot take a different stand in the matter. As per Section 25, the Institute is bound to carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of the Institute. S.26 further indicates that, if any dispute arises between the Institute and the Central Government, the decision of the Central Government on such dispute shall be final.

24. Here, the only question was whether ACC approval was required for extending the period of tenure of Dr.Asha Kishore. When the Central Government based in its OM dated 3/7/2006 clarifies the position, we have to proceed on the basis that the dispute stands resolved by the direction issued by the Central Government.

25. Going by the statutory provisions, it might be true that the Institute has the power to extend the tenure of a Director, but such extension should be with prior approval of ACC. Since ACC

approval has not been obtained in the matter, there is justification on the part of the Tribunal in rejecting the plea of Dr.Asha Kishore and therefore, necessarily, a fresh selection has to be conducted in the matter for appointing any person to the post of Director.

Consequently, OP(CAT)s are dismissed.

Sd/-

A.M.SHAFFIQUE

JUDGE

Sd/-

GOPINATH P.

JUDGE

Rp

APPENDIX OF OP (CAT) 199/2020

PETITIONER'S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE O.A NO 291/2020 ALONG WITH ANNEXURE A1 TO A15 FILED BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH**
ANNEXURE A15	**TRUE COPY OF ORDER NO P&A 1/X/33/SCTIMST/2020 DATED 2.6.2020 ISSUED BY THE 3RD RESPONDENT EXTENDING THE TENURE OF THE 4TH RESPONDENT**
ANNEXURE A1	**TRUE COPY OF THE NOTIFICATION ADVT NO P&A 11/13/DIR/SCTIMST/2014 DATED 30.4.2014 ISSUED BY THE 2ND RESPONDENT ALONG WITH TYPED COPY**
ANNEXURE A2	**TRUE COPY OF THE MINUTES OF THE IB MEETING ALONG THE TYPED COPY**
ANNEXURE A3	**TRUE COPY OF THE ORDER NO PER & G1.ADMN/SCTIMST/2015 DATED 137/2015 ISSUED BY THE 3RD RESPONDENT APPOINTING THE 4TH RESPONDENT AS DIRECTOR OF SCTIMST ALONG WITH TYPE COPY**
ANNEXURE A4	**TRUE COPY OF THE OFFICE MEMORANDUM NO 28/13/2006-EO(SM.11) DATED 3.7.2006 ISSUED BY THE 1ST RESPONDENT**
ANNEXURE A5	**TRUE COPY OF THE OFFICE MEMORANDUM NO AB.14017/11/2004-ESTT (RR) DATED 30.7.2007**
ANNEXURE A6	**TRUE COPY OF THE OFFICE MEMORANDUM NO 20.7.2014/EO (SM 11) DATED 5.1.2015 ISSUED BY THE 1ST RESPONDENT**
ANNEXURE A7	**TRUE COPY OF THE ORDER NO PER & G1 ADMN.1/23/SCTIMST/94 DATED 9.5.2014 ISSUED BY THE DIRECTOR APPOINTING DR.K. MOHANDAS AS DIRECTOR OF SCTIMST.**

ANNEXURE A8	**TRUE COPY OF THE LETTER NO A1/SET/007/1999 DATED 14.7.2000 ISSUED BY THE 1ST RESPONDENT EXTENDING THE TENURE OF DR. K. MOHANDAS AS DIRECTOR OF SCTIMST**
ANNEXURE A9	**TRUE COPY OF THE LETTER ISSUED BY THE 3RD RESPONDENT NO PER & G & ADMN 1.1/34/SCTIMST/2004 DATED 22.9.2004 EXTENDING THE SERVICE OF DR.K.MOHANDAS AS DIRECTOR OF SCTIMST**
ANNEXURE A10	**TRUE COPY OF THE LETTER DATED 10.3.2020 SENT BY THE K.V.SACHIDANANDAN CHAIRMAN OF THE FACT FINDING COMMITTEE TO THE HON'BLE UNION MINISTER DR. HARSH VARDHAN**
ANNEXURE A11	**TRUE COPY OF THE FACT FINDING COMMITTEE REPORT SUBMITTED ALONG WITH EXT P10 TO THE HON'BLE MINISTER DR. HARSH VARDHAN**
ANNEXURE A12	**TRUE COPY OF THE LETTER NO A1/16/33/MISE/2019 DATED 29.4.2020 SENT BY THE 1ST RESPONDENT TO THE 3RD RESPONDENT**
ANNEXURE A13	**TRUE COPY OF THE LETTER D.O NO A1/19/SCTIMST DATED 26.12.2019 SENT BY THE 1ST RESPONDENT TO THE 3RD RESPONDENT**
ANNEXURE A14	**TRUE COPY OF THE RELEVANT PAGES OF THE INTERNAL AUDIT REPORT**
EXHIBIT P2	**TRUE COPY OF THE M.A NO 373/2020 IN O.A NO 291/20 FILED BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH DATED 22.7.2020 ALONG WITH WITH ANNEXURE A16.**

ANNEXURE A16	**TRUE COPY OF THE ORDER NO A1/1/19/SCTIMST/2014 DATED 16.7.2020 ISSUED BY THE HEAD, AUTONOMOUS INSTITUTIONS, DEPARTMENT OF SCIENCE AND TECHNOLOGY, GOVERNMENT OF INDIA**
EXHIBIT P3	**TRUE COPY OF THE REPLY STATEMENT FILED BY THE 4TH RESPONDENT IN OA NO 291/20 FILED BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH DATED 27.7.2020 ALONG WITH ANNEXURES R4(1) TO R4(8)**
ANNEXURE R4(1)	**TRUE COPY OF THE ORDER NO P& A 1/PF-1904/SCTIMST/2017 DATED 15.5.2018**
ANNEXURE R4(2)	**TRUE COPY OF THE JUDGMENT DATED 15.7.2013 IN WA NO 766/2013 OF THE HON'BLE HIGH COURT OF KERALA**
ANNEXURE R4(3)	**TRUE COPY OF THE SUMMERY OF ACHIEVEMENT OF SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCE AND TECHNOLOGY (SCTIMST) DURING THE LAST 5 YEARS 2015-2020**
ANNEXURE R4(4)	**TRUE COPY OF THE LETTER NO FNO.142/A1/SCT/2010/RTI DATED 3.8.2010 ISSUED UNDER THE RIGHT TO INFORMATION ACT TO A CONSULTANT NEUROLOGIST UNDER THE 2ND RESPONDENT ALONG WITH TYPED COPY**
ANNEXURE R4(5)	**TRUE COPY OF THE CONCISE STATEMENT OF INTERNAL AUDIT REPORT FOR THE PERIOD OF 2017-19 AND SUMMERY OF INSTITUTES REPLY**
ANNEXURE R4(6)	**TRUE COPY OF THE MINUTES OF THE 55TH Institute Body MEETING OF SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCE AND TECHNOLOGY (MINUTES OF Institute Body MEETING DATED 12.5.2020)**

ANNEXURE R4(7)	**TRUE COPY OF THE REPLY (DO.NO.11014/07/04/2020-S&T) DATED 20.7.2020 OF THE 3RD RESPONDENT TO ANNEXURE A16.**
ANNEXURE A4(8)	**TRUE COPY OF THE LETTER NO SCTIMST/P&A/FFC/2019 DATED 4.5.2020 OF THE 2ND RESPONDENT INFORMING THE 1ST RESPONDENT AND 3RD RESPONDENT ABOUT ITS CONCERNS ON THE FFC REPORT**
EXHIBIT P4	**TRUE COPY OF THE COUNSELS STATEMENT FILED BY THE STANDING COUNSEL FOR RESPONDENTS 2 AND 3 IN O.A NO 291/2020 FILED BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH ALONG WITH ANNEXURES R3(A) TO R3(D)**
ANNEXURE R3(A)	**TRUE COPY OF THE JUDGMENT OF THE HON'BLE HIGH COURT OF KERALA IN WA NO 766/2013 DATED 15.7.2013**
ANNEXURE R3(B)	**TRUE COPY OF DO LETTER NO DST/SECTY/501 SCTMIST/2006 DATED 31.7.2006**
ANNEXURE R3(C)	**TRUE COPY OF LETTER NO A1/1/19/SCTMIST/2014 DATED 16.7.2020**
ANNEXURE R3(D)	**TRUE COPY OF DO NO 11014/07/04/2020-S&T DATED 20.7.2020**
EXHIBIT P5	**TRUE COPY OF THE M.A.NO 386/2020 IN O.A NO 291/2020 FILED BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH**
EXHIBIT P6	**TRUE COPY OF ORDER DATED 5.8.2020 IN M.A NO.180/373/2020 AND M.A NO 180/386/2020 IN O.A NO 180/0291/2020 OF THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH**

EXHIBIT P7	**TRUE COPY OF THE JUDGMENT DATED 13.8.2020 IN O.P.9CAT0 NO 141/2020 OF THIS HON'BLE COURT**
EXHIBIT P8	**TRUE COPY OF REPLY STATEMENT DATED 6.9.2020 IN OA NO 291/2020 FILED BY THE 2ND AND 3RD RESPONDENT**
ANNEXURE R3(E)	**TRUE COPY OF LETTER NO MST/CCA/IA/W/10-14/20169-20/161 DATED 8.6.2020**
ANNEXURE R3(F)	**TRUE COPY OF RELEVANT PORTION OF MINUTES DATED 10.6.2020 OF THE FINANCE COMMITTEE.**
ANNEXURE R3(G)	**TRUE COPY OF RELEVANT PORTION OF MINUTES DATED 21.7.2020 OF THE GOVERNING BODY**
ANNEXURE R3(H)	**TRUE COPY OF NOTICE DATED 24.8.2020 BY THE FINANCE ADVISOR**
EXHIBIT P9	**TRUE COPY OF THE REPLY STATEMENT DATED 15.9.2020 OF THE 2ND RESPONDENT HEREIN IN OA NO 291/2020 SUBMITTED BEFORE THE HON'BLE TRIBUNAL**
ANNEXURE R1(A)	**TRUE COPY OF THE RELEVANT PORTION OF THE ACT WITH SECTION 26**
ANNEXURE R1(B)	**TRUE COPY OF THE D.O LETTER NO A1/1/19/SCTIMST/2014 DATED 28.7.2020**
EXHIBIT P10	**TRUE COPY OF THE ARGUMENT NOTE DATED 14.10.2020 IN O.A .NOS 291/2020 & 375/2020 FILED BY THE PETITIONER BEFORE THE TRIBUNAL**
EXHIBIT P11	**TRUE COPY OF THE ARGUMENT NOTE DATED 15.10.2020 IN OA NOS 291/2020 & 275/2020 FILED BY THE 2ND RESPONDENT BEFORE THE TRIBUNAL**

EXHIBIT P12	**TRUE COPY OF THE ORDER DATED 6.11.2020 IN OA NO 180/00291/2020 OF THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH**
EXHIBIT P13	**TRUE COPY OF REJOINDER DATED 20.9.2020 IN OA NO 291/2020 SUBMITTED BY THE APPLICANT BEFORE THE CENTRAL ADMINISTRATIVE TRIBUAL ERNAKULAM BENCH ALONG WITTH ANNEXURE -A17 TO A25**
ANNEXURE A17	**TRUE COPY OF THE ORDER D.O.NO.A1/1/19/SCTIMST/2014 DATED 28.7.2020 ISSUED BY THE 1ST RESPONDENT.**
ANNEXURE A18	**TRUE COPY OF THE JUDGMENT DATED 13.8.2020 IN OP(CAT)NO.141/2020 OF THE HON'BLE HIGH COURT OF KERALA.**
ANNEXURE 19	**TRUE COPY OF THE ORDER D.O.NO.A1/12/SCT/2020 DATED 18.8.2020 ISSUED BY THE 1ST RESPONDENT.**
ANNEXURE A20	**TRUE COPY OF THE REPLY D.O.NO.A1/12/4/SCT/2020 DATED 17.9.2020 OF THE 1ST RESPONDENT.**
ANNEXURE A21	**TRUE COPY OF THE COMMUNICATION D.ONO.11014/07/04/2020-S&T DATED 11.8.2020 SENT BY THE 3RD RESPONDENT TO THE 1ST RESPONDENT ALONG WITH TYPED COPY.**
ANNEXURE A22	**TRUE COPY OF THE MBBS DEGREE CERTIFICATE OF THE APPELLANT ISSUED BY THE UNIVERSITY OF KERALA DATED 30.5.1997.**
ANNEXURE A23	**TRUE COPY OF THE MD CERTIFICATE OF THE APPLICANT ISSUED BY THE SCTIMST, THIRUVANANTHAPURAM DATED 6.5.2006.**
ANNEXURE A24	**TRUE COPY OF THE DNB CERTIFICATE OF THE APPLICANT IN GENERAL MEDICINE.**

ANNEXURE A25	**TRUE COPY OF THE COMMOWEALTH FELLOWSHIP CERTIFICATE OF THE APPLICANT IN DN NEUROLOGY ALONG WITH TYPED COPY OF ENGLISH VERSION.**

APPENDIX OF OP (CAT) 200/2020

PETITIONER'S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE O.A.NO.375/2020 ALONG WITH ANNEXURES.**
ANNEXURE A9	**TRUE COPY OF LETTER NO.AI/I/19/SCTIMST/2014 DATED 16.7.2020 ISSUED BY THE 1ST RESPONDENT TO THE 3RD RESPONDENT.**
ANNEXURE A11	**TYPED COPY OF THE COMMUNICATION NO.D.O.NO.AI/I/19/SCTIMST/2014 DATED 28.7.2020 ISSUED BY THE 1ST RESPONDENT.**
ANNEXURE A1	**TRUE COPY OF THE ACT 52/1980 & RULES AND REGULATIONS INCLUDING AMENDMENTS UPTO 30.6.1984 OF THE SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES & TECHNOLOGY, TRIVANDRUM ACT.**
ANNEXURE A2	**TRUE COPY OF THE RULES AND REGULATIONS OF THE SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES & TECHNOLOGY.**
ANNEXURE A3	**TRUE COPY OF THE EXTRACT OF RECRUITMENT RULE FOR THE POST OF DIRECTOR.**
ANNEXURE A4	**TRUE COPY OF THE NOTIFICATION ADVT. NO.P&A.II/13/DIR/SCTIMST/2014 DATED 30.4.2014.**
ANNEXURE A5	**TRUE COPY OF THE EXTRACT OF THE MINUTES OF THE IB HELD ON 13.7.2015.**
ANNEXURE A6	**TRUE COPY OF THE APPOINTMENT ORDER NO.PER.&GI.ADMN./SCTIMST/2015 DATED 13.7.2015 ISSUED BY THE 3RD RESPONDENT TO THE APPLICANT.**

ANNEXURE A7	**TRUE COPY OF THE MINUTES OF 55TH IB MEETING ON 12.5.2020 OF SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES & TECHNOLOGY, THIRUVANANTHAPURAM.**
ANNEXURE A8	**TRUE COPY OF THE PROCEEDINGS NO.P&A.I/X/33/SCTIMST/2020 DATED 2.6.2020 ISSUED BY THE 3RD RESPONDENT ALONG WITH TYPED COPY.**
ANNEXURE A10	**TRUE COPY OF THE REPLY NO.D.O.NO.11014/07/04/2020-S&T DATED 20.7.2020 OF THE 3RD RESPONDENT.**
ANNEXURE A12	**TRUE COPY OF THE SUMMARY OF ACHIEVEMENTS OF THE SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY (SCTIMST) DURING THE LAST 5 YEARS - 2015 TO 2020.**
ANNEXURE A13	**TRUE COPY OF THE OFFICE MEMORANDUM NO.28/13/2006-EO(SM.II) DATED 3.7.2006 ISSUED BY THE 1ST RESPONDENT.**
ANNEXURE A14	**TRUE COPY OF THE COMMUNICATION NO.D.O.NO.DST/SECY/501(SCTMIST)/2006 DATED 31.7.2006 ALONG WITH TYPED COPY.**
ANNEXURE A15	**TRUE COPY OF COMMUNICATION NO.F.NO.14/2/A1/SCT/2010/RTI DATED 3.8.2010 ISSUED UNDER THE RIGHT TO INFORMATION ACT TO A CONSULTANT NEUROLOGIST UNDER THE 2ND RESPONDENT ALONG WITH TYPED COPY.**
ANNEXURE A16	**TRUE COPY OF THE NEWS BULLETIN OF DST DATED 7.4.2020.**
EXHIBIT P2	**TRUE COPY OF THE JUDGMENT DATED 13.8.2020 IN O.P.(CAT) NO.141/2020 OF THIS HON'BLE COURT.**

EXHIBIT P3	**TRUE COPY OF THE ADOPTION APPLICATION IN O.A.NO.375/2020 ALONG WITH THE REPLY STATEMENT DATED 8.9.2020 ALONG WITH ANNEXURES FILED BY THE 2ND AND 3RD RESPONDENT.**
ANNEXURE R3(A)	**TRUE COPY OF THE JUDGMENT OF THE HON'BLE HIGH COURT OF KERALA IN WA.766/2013.**
ANNEXURE R3(B)	**TRUE COPY OF THE DO LETTER NO.DST/SECTY/501(SCTIMS)/2006 DATED 31.7.2006.**
ANNEXURE R3(C)	**TRUE COPY OF AI/I/19/SCTIMST/2014 DATED 16.7.2020.**
ANNEXURE R3(D)	**TRUE COPY OF DO NO.11014/07/04/2020-S&T DATED 20.7.2020.**
ANNEXURE R3(E)	**TRUE COPY OF LETTER NO.MST/CCA/IA/W/10-14/20169-20/161 DATED 8.6.2020.**
ANNEXURE R3(F)	**TRUE COPY OF RELEVANT PORTION OF MINUTES DATED 10.6.2020 OF THE FINANCE COMMITTEE.**
EXHIBIT P4	**TRUE COPY OF THE M.A.NO.180/529 OF 2020 IN O.A.NO.375/2020 IMPLEADING APPLICATION FILED BY ADDITIONAL RESPONDENTS 5 TO 36 BEFORE THE HON'BLE TRIBUNAL.**
EXHIBIT P5	**TRUE COPY OF THE REPLY STATEMENT 18.9.2020 FILED BY THE 1ST RESPONDENT IN O.A.NO.375/2020 BEFORE THE HON,BLE TRIBUNAL.**
EXHIBIT P6	**TRUE COPY OF THE ADDITIONAL REPLY STATEMENT DATED 12.10.2020 ALONG WITH ANNEXURES FILED BY RESPONDENTS 2 AND 3 IN O.A.NO.375/2020 BEFORE THE HON'BLE TRIBUNAL.**

ANNEXURE R3(I)	**TRUE COPY OF DO/AI/I/18/10/SCTIMST/2020 DATED 17.9.2020 ISSUED BY THE FIRST RESPONDENT.**
ANNEXURE R3(J)	**TRUE COPY OF AGENDA AND THE MINUTES OF THE 88TH MEETING OF THE GOVERNING BODY OF THE INSTITUTE.**
ANNEXURE R3(K)	**TRUE COPY OF LETTER F.NO.AI/I/19/SCTIMST/2014 DATED 4.4.2020.**
EXHIBIT P7	**TRUE COPY OF THE REJOINDER DATED 26.9.2020 FILED BY THE PETITIONER IN O.A.NO.375/2020 BEFORE THE HON'BLE TRIBUNAL ALONG WITH ANNEXURES.**
ANNEXURE A17	**TRUE COPY OF THE RELEVANT EXTRACT OF THE MINUTES OF THE 106TH GOVERNING BODY ON 21.7.2020.**
ANNEXURE A18	**COPY OF THE JUDGMENT OF THE HON'BLE HIGH COURT OF KERALA DATED 13.8.2020 IN O.P.(CAT) NO.141/2020.**
ANNEXURE A19	**COPY OF THE LETTER DATED 17.9.2020 SENT BY THE DST SECRETARY.**
EXHIBIT P8	**TRUE COPY OF THE REJOINDER DATED 11.10.2020 FILED BY THE PETITIONER IN O.A.NO.375/2020 BEFORE THE HON'BLE TRIBUNAL ALONG WITH ANNEXURES.**
ANNEXURE A20	**TRUE COPY OF LETTER DATED 23.4.2013 OF THE THEN DIRECTOR (IN CHARGE) ADDRESSED TO SHRI. K.M.CHANDRASEKHAR, THE THEN PRESIDENT OF THE INSTITUTE (FORMER CABINET SECRETARY, GOVERNMENT OF INDIA).**

ANNEXURE A21	**TRUE COPY OF THE LETTER DATED 4.4.2014 ISSUED BY THE DIRECTOR (AI), GOVERNMENT OF INDIA, MINISTRY OF SCIENCE AND TECHNOLOGY, ADDRESSED TO THE THEN DIRECTOR OF THE INSTITUTE.**
ANNEXURE A22	**TRUE COPY OF THE NOTIFICATION ISSUED VIDE ADVT. NO.P&A.II/13/DIR/SCTIMST/2014 DATED 30.4.2014.**
EXHIBIT P9	**TRUE COPY OF THE LETTER DATED 5.10.2020 HANDED OVER BY THE GOVERNMENT PLEADER BEFORE THE HON'BLE TRIBUNAL AT THE TIME OF FINAL HEARING ON 14.10.2020.**
EXHIBIT P10	**TRUE COPY OF THE COMMON ARGUMENT NOTE SUBMITTED BY THE PETITIONER HEREIN IN O.A.NO.375/2020 AND O.A.NO.291/2020 FOR FINAL HEARING ON 14.10.2020.**
EXHIBIT P11	**TRUE COPY OF THE COMMON ORDER DATED 6.11.2020 ISSUED BY THE HON'BLE TRIBUNAL IN O.A.NO.375/2020 AND O.A.NO.291/2020.**

True Copy

PS to Judge

Rp