

**THE HIGH COURT OF MEGHALAYA AT
SHILLONG**

: ORDER :

**MC[WP(C)] NO. 13 OF 2018
In WP(C) No. 355 OF 2017**

Mohd. Yunus	::	Applicant
Versus		
The Union of India and Others	::	Respondents
Date of Order	::	26.02.2018

**HON'BLE THE CHIEF JUSTICE SHRI TARUN AGARWALA
HON'BLE SHRI JUSTICE S.R. SEN**

Ms. SG Momin, for the applicant.

Shri K Paul, for the respondents.

BY THE COURT: (per Hon'ble the Chief Justice) (Oral)

The Central Administrative Tribunal by an order dated 07.11.2017 had directed the respondents North Eastern Indira Gandhi Regional Institute of Health and Medical Sciences (NEIGRIHMS), Shillong to relieve the applicant to enable him to join as Professor in AIIMS, Bhopal. The said order was challenged by the Union of India in Writ Petition No. 340 of 2017, which was allowed by an order dated 22.11.2017 and the order of the Central Administrative Tribunal dated 07.11.2017 was set aside. The Writ Court however, recorded the submissions of the Assistant Solicitor General appearing on behalf of the Union of India and the Ministry of Health and Family Welfare to the effect that they would instruct AIIMS, Bhopal to extend the date of joining of the respondent No. 1 for a period of three months.

Based on the aforesaid observation which was recorded in the order of the Writ Court dated 22.11.2017, the Ministry of Health and Family Welfare by their letter dated 29.11.2017 requested the Director, AIIMS, Bhopal, Madhya Pradesh to extend the date of joining of the respondent No. 1, Dr. Mohd. Yunus for a period of three months. AIIMS, Bhopal, by the letter dated 10.01.2018 informed the applicant that the extension for joining the post in question, namely, Professor in the Department of TEM at AIIMS, Bhopal is extended upto 24.02.2018 and if the applicant does not join, the post would be treated as withdrawn.

The Disciplinary Proceedings initiated by the NEIGRIHMS, Shillong has been completed and the inquiry report has been submitted to the Disciplinary Authority on 19.02.2018. The Court by an order dated 22.02.2018 directed the Disciplinary Authority to take the final decision within two weeks.

Since the Disciplinary Proceedings has not been concluded and the last date of joining was ending on 24.02.2018, the respondent No. 1 has moved this present Misc. Case No. 13 of 2018 praying that direction may be issued to the authority to extend the date for joining.

Considering the facts and circumstances that has been brought on record, we find that since the Disciplinary Proceedings has not as yet been concluded by the NEIGRIHMS, Shillong, it would be fair that the Ministry of Health and Family Welfare is

directed to request AIIMS, Bhopal to extend the period for joining of applicant on the post of Professor in AIIMS, Bhopal.

We accordingly dispose this Misc. Application being MC[WP(C)] No. 13 of 2018 directing the Ministry of Health and Family Welfare to direct AIIMS, Bhopal to extend the date of joining of applicant Dr. Mohd. Yunus for a period of two months i.e., till 30th April 2018. This order shall be communicated by Shri K Paul, learned counsel appearing for writ petitioner.

JUDGE

CHIEF JUSTICE

Sylvana

Item No. SL-2