

Minutes of the 6th meeting of the Governing Body, AIIMS, Bhubaneswar held at 11.00 AM, on 14. 03.2020 under chairmanship of Dr. S. K. Acharya at the Hotel "The Ashok", Chanakyapuri, New Delhi.

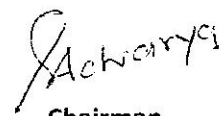
The 6th meeting of the Governing Body, All India Institute of Medical Sciences, Bhubaneswar was held at 11.00 AM, on 14th March, 2020 at the hotel "The Ashok", Chanakyapuri, New Delhi. The following have attended the meeting: -

01.	Dr. S K Acharya, Executive Director, Fortis Hospital, New Delhi	Chairman
02.	Dr. Amar Patnaik, Hon'ble Member of Parliament, Rajya Sabha	Member
03.	Shri Dharmendra S. Gangwar, IAS, Additional Secretary & Financial Adviser, Ministry of Health and Family Welfare, Govt. of India.	Member
04.	Dr. Rajiv Garg, Director General of Health Services, Ministry of Health and Family Welfare, Government of India.	Member
05.	Prof. Gitanjali Batmanabane, Director, AIIMS, Bhubaneswar	Member-Secretary
06.	Shri Sanjeev Kumar Mishra, IAS, Resident Commissioner, New Delhi, Govt. of Odisha	Representative of the Chief Secretary, Govt. of Odisha
07.	Shri Jitendra Arora, Director (PMSSY), Ministry of Health and Family Welfare, Govt. of India.	Representative from the Ministry of Health and Family Welfare, Govt. of India
08.	Shri P. K. Ray, Deputy Director (Admin), AIIMS, Bhubaneswar	Special Invitee

Ms. Preeti Sudan, IAS, Secretary, Ministry of Health and family Welfare, Govt. of India, Shri Asit Kumar Tripathy, IAS, Chief Secretary, Government of Odisha, Prof. Balram Bhargava, Director General, ICMR and Secretary, DHR, Govt. of India, Prof. Showkat Ali Zargar, Ex. Director, SKIMS, Srinagar, Jammu and Kashmir & Dr. K Jagadeesan, Founder Chairman & Chief Surgeon, K J Hospital Research & Postgraduate Centre, Chennai who are members of the GB could not attend the meeting and leave of absence was granted to them. Prof. Gitanjali Batmanabane, Director, AIIMS, Bhubaneswar and Member-Secretary of the Governing Body invited Dr. S K Acharya, Chairman of the Governing Body to chair the 6th meeting of the Governing Body of AIIMS, Bhubaneswar.



Member Secretary



Chairman

The Chairman called the meeting to order. It was noted that the quorum was complete. The reafter, the Chairman requested the Member-Secretary to introduce the agenda and initiate deliberations on the agenda items. The Member-Secretary presented the agenda items and the decisions of the GB are as under:-

Agenda Item: GB- 06/01

Welcome to the Chairman

The Member-Secretary welcomed the Chairman of the Governing Body to its sixth meeting and conveyed her sincere thanks to him for giving his valuable time for chairing the sixth meeting of the Governing Body and extending his continuous guidance for the all-round development of this Institution.

Agenda Item: GB- 06/02

Introduction of Members of the Governing Body.

The Member-Secretary introduced all the members present including the Representatives with the permission from the Chair.

Agenda Item: GB- 06/03

Confirmation of the minutes of the 5th meeting of the GB held on 09.04.2019.

The Member-Secretary informed the GB that the minutes of the 5th meeting of the GB were circulated to all members of the GB and no comments were received. Accordingly, the GB confirmed the minutes of the 5th meeting of the GB held on 09.04.2019.

Agenda Item: GB- 06/04

Action Taken Report of 5th meeting of the GB held on 09.04.2019.

The GB noted the Action Taken Report (ATR) as placed and discussed in detail some of the ATRs. The GB has decided as under in regard to some of the items in the ATR:-

- 1. Agenda No.GB: 05/11-** Ratification of initiation of Disciplinary proceedings against Dr. Sukdev Nayak, Professor in the Department of Anesthesiology under Rule-14 of CCS (CCA) Rules, 1965 and Rule-10 of the CCS(CCA) Rules.

5th GB Decision: The GB has ratified the initiation of disciplinary proceedings against Dr. Sukdev Nayak, Professor, Department of Anesthesiology under Rule -14 of the CCS (CCA) Rules and issue of suspension order under Rule-10 of the CCS (CCA) Rules.


Member Secretary


Chairman

Action Taken Report: - Implemented.

6th GB's decision: - Some members of the GB asked the present status of the disciplinary proceedings as initiated against Dr. Sukdev Nayak. The Member-Secretary has informed that the charged officer has filed an OA before the Hon'ble CAT, Cuttack Bench, Cuttack and several MAs in this regard. Further proceedings have been held up due to interim order of the Hon'ble Tribunal. The Member-Secretary has informed that Dr. Nayak has been filing several cases to bring various legal hurdles to delay the proceedings. The Institute has forwarded a proposal to the MoH &FW, Govt. of India to allow the Institute to engage some experienced legal counsel to contest the case on behalf of the Institute which was not agreed. The GB has discussed the issue and agreed the need of engaging special counsel by the Institute to make a strong legal defence before the courts to safeguard the legitimate interest of the Institute. Accordingly, the GB has authorized the Director to engage any experienced legal counsel other than the Central Govt. Panel Counsel on a case to case basis at the rate of professional fees as approved by the Ministry of Law to contest some special cases on behalf of AIIMS, Bhubaneswar.

2. **Agenda No. GB: 05/12-Detection of Several Irregular TA Claims** including visits abroad as submitted by Dr. Sukdev Nayak, Professor, Department of Anaesthesiology, which have been paid to him and submission of alleged false E-Tickets/Boarding Passes in support of several such claims-proposed action to be taken against him.

5th GB decision: - The agenda has been deliberated in details and all the members of the GB has agreed that it is a serious matter. Accordingly, the member from the MoH&FW has suggested that these matters may be referred to the CVO of the Ministry of Health and Family Welfare, Govt. of India for a details enquiry. Accordingly, the GB has approved to refer these irregularities to the CVO of the Ministry of Health and Family Welfare, Govt. of India for further investigation and his finding may be placed to the GB for a decision in due course.

Action Taken Report: - As approved by the GB, the matter has been referred to the CVO, Ministry of Health and Family Welfare, Govt. of India vide letter No.27.05.2019 and followed by a reminder dated 10.01.2020, but action is yet to be taken by the CVO, MoH&W, GoI.

6th GB's decision: - The Member- Secretary has informed that no action has yet been taken on this matter by the CVO, MoH&FW, GoI in-spite of two letters and follow-up in person by the Director. The members of the GB have unanimously expressed their concerns about delay in bringing such serious cases to a logical conclusion. The Member-Secretary has stated that the institute is not having any specialized vigilance wing to deal with such large number of irregularities and suggested whether CBI can be roped in to investigate these cases.


Member Secretary


Chairman

The GB has suggested that these are department vigilance matters and disciplinary proceedings can be initiated in each case after getting all documentary evidences against him as per the applicable provision of the CCS(CCA) Rules. The GB has agreed that some experienced personnel in vigilance matters are required to deal these cases to facilitate speedy disposal. Accordingly, the GB has approved to engage some retired Govt. Officers who are well experienced in vigilance/disciplinary matters as consultants on nomination basis with consultancy fees as decided by the Director in consultation with Finance as per the rules for a specific period to help the Director to deal these matters. These consultants may be designated as Consultant (Vigilance) and advise the Director on vigilance matters and specifically in the matter of Dr. Sukdev Nayak.

It was also pointed out that Dr. Sukdev Nayak, at the time of joining AIIMS Bhubaneswar, had declared that he had the requisite teaching experience as required for the post of Professor. However, on enquiring the same from the State Government, the Principal Secretary, Department of Health & Family Welfare, Govt of Odisha has confirmed that his experience in the State Govt., prior to joining in AIIMS Bhubaneswar cannot be treated as teaching experience. Based on the same, Dr Nayak was issued show cause notice as to why his services will not be terminated for not possessing the requisite experience as per the advertisement. Thereafter, Dr Nayak has filed an OA before the Hon'ble CAT, Cuttack Bench, with several MAs, after which there is a status quo order by the Tribunal. The GB has directed the Member-Secretary to expedite the process of vacation of status quo if required by engaging a special counsel. The GB decided, that based on this information, necessary action should be taken after following the relevant rules.

3. **Agenda No. GB: 05/13-** Cancellation of name of wait-list panel from the approved panel for the post of Additional Professor in Department of Cardiology.

5th GB decision: - The approval of the GB in 4th meeting of the GB held on 05.12.2017 under Agenda item No. 04/05 has been revised by deleting the name of Dr. Ramachandra Barik from the wait-listed panel for the post of Additional Professor in Department of Cardiology. The GB approves to advertise the post if the selected candidates (Dr. A A Pillai) does not join the post.

Action Taken Report: - Implemented, but the filling up the post of Additional Professor in Department of Cardiology has been stayed by the Hon'ble High Court of Odisha in its order dated 19.04.2019 in WP (C)No. 7418 of 2019.

6th GB's decision: - The GB has noted that the Department of Cardiology is very important for smooth patient care services in Hospital and the filling up the post of Additional Professor is essential. Therefore, the GB has instructed that Member-Secretary to take up the matter with the Assistant Solicitor General for early vacation of the stay and filing of caveat if required in consultation with the concerned counsel.


Member Secretary


Chairman

Agenda Item: GB- 06/05

Ratification of the Minutes of the 8th & 9th meetings of the Standing Finance Committee held on 15.01.2019 & 20.12.2019 respectively.

The GB has ratified the Minutes of the 8th & 9th meetings of the Standing Finance Committee held on 15.01.2019 & 20.12.2019 respectively.

Agenda Item: GB- 06/06

Proposal for downgrading one vacant post of Additional Professor (UR) in Department of Nephrology to the level of Assistant Professor (UR) in terms of the decision of the CIB in its 4th meeting held on 27.07.2019.

The GB has approved the proposal of downgrading one vacant post of Additional Professor (UR) in Department of Nephrology to the level of Assistant Professor (UR) in the same Department on Direct Recruitment basis in terms of the CIB decision in its 4th meeting held on 27.07.2019 under Agenda Item No. CIB-415(a) till a new post under UR category at Assistant Professor level is sanctioned in the Department of Nephrology.

Agenda Item: GB- 06/07

Approval of the recommendations of the Standing Selection Committee in respect of selection Interviews for faculty posts on direct recruitment as held in two phases- Phase-I (28th-29th December, 2019) & Phase-II (31st January to 2nd February, 2020).

The GB has approved the recommendation of the Standing Selection Committee for appointment to faculty posts as placed before it. The list is enclosed at Annexure – A. The GB has instructed to publish the result and issue offers of appointment to the selected candidates immediately after signing of the Annexure – A by the Chairman and Member-Secretary. Further, the GB has also asked the Member-Secretary to place a proposal for re-constitution of the HR Sub-committee to approve the proceedings of the selection committee in line with AIIMS, New Delhi as the Member-Secretary has pointed out that there is difficulty in availability of quorum in the present HR Sub-committee.



Member Secretary



Chairman

Agenda Item: GB- 06/08

Approval of the proceedings of the recommendation of the Standing Selection Committee for Assessment Promotion of eligible faculty members as on 30th June, 2019 under Assessment Promotion Scheme.

The GB has approved the recommendation of the Standing Selection Committee for Assessment Promotion of eligible faculty member as placed before it (Annexure – B) and instructed to issue the APS order of those who are declared “Fit” by the SSC immediately after signature of Annexure – B by the Chairman and the Member – Secretary.

Agenda Item: GB- 06/09

Approval of the extension of tenure of some essential contractual staffs engaged as Consultants for another period one year.

The GB has deliberated the issue and approved extension of tenure in respect of contractual staff such as Consultant (Official Language), Consultant (IT) & Consultant (Security) for another period of one year beyond three years or filling up of the posts on regular basis whichever is earlier. The GB has directed the Institute to expedite the process of regular recruitment.

Agenda Item: GB- 06/10

Any other matter with the permission from the Chairman GB.

The following table agendas were placed before GB with prior permission from the Chairman. The GB has deliberated these agenda items and the decisions are as under:-

Agenda Item: GB- 06/10(i)

Proposal for ratification of Procurement of Medical Equipment on Single Tender/PAC basis as per the extant instruction

The GB has noted the list as placed before it which are in compliance with the applicable provisions of the GFR-2017 as stated by the Member-Secretary.


Member Secretary


Chairman

Agenda Item: GB- 06/10(ii)

Consideration of the representation dated 16.04.2019 & 22.04.2019 of Dr. Sukdev Nayak, Professor, Department of Anesthesiology in compliance of the Order dated 10.04.2019 of the Hon'ble Tribunal, Cuttack Bench, Cuttack and consideration of his representation dated 10.06.2019.

The GB has carefully considered the representation dated 16.04.2019 & 22.04.2019 of Dr. Sukdev Nayak in compliance of the order dated 10.04.2019 of the Hon'ble Tribunal, Cuttack Bench, Cuttack in M. A. No. 266/2019(arising out of O.A. No. 156 of 2019) regarding the issue of revocation of the order of the suspension dated 22.02.2019 and against the order of the Respondent No. 3 rejecting the request of Dr. Sukdev Nayak to proceed to other medical institutions to work as external examiner taking into consideration the whole facts and circumstances of the case besides applicable rules and regulations on this matter. The GB has noted that the order of suspension dated 22.02.2019 has already been revoked vide order dated 08.05.2019, therefore his request for revocation of suspension order needs no consideration at this point of time.

The GB has noted that the FR-55 has provided that leave may not be granted to a Government servant under suspension. Therefore, the order of the Respondent No. 3 of not permitting to avail any kind of leave for the purpose of proceeding to other medical institutions to work as external examiner during his suspension order was just and in terms of the provision of FR – 55 as applicable to him. Therefore, the GB has disposed both his representations as mentioned above with the above observations. Similarly, the GB has also examined his representation dated 10.06.2019 and found that his grievances pertaining to selection of the Director has already been disposed off by the Competent Authority of the Ministry of Health and Family Welfare, Govt. of India through a reasoned and speaking order vide their order dated F. No. C-17011/83/2018- PMSSY-IV, and the GB agrees with the same. Regarding all other matters as pointed out by Dr. Nayak in his representation dated 10.06.2019 regarding seizure of his official computer, asking the Director not to deal with his personal file, stating that the Director should not issue order/letter without approval of the GB etc., the GB also examined it in terms of applicable rules and regulations and found that the disciplinary proceeding has been initiated against him with prior approval of the President /GB as per Schedule – II of the AIIMS Regulation, 1999 and all other orders /letters have been issued as per the applicable provision of CCS(CCA) Rules and AIIMS Act, Rules & Regulations. Therefore, the representation dated 10.06.2019 is rejected as it is not supported by any Rules & Regulations and he has also not mentioned the violation of any specific rules and regulations, whereas the Director has acted strictly as per the rules and regulations and within the powers delegated to her.


Member Secretary


Chairman

Agenda Item: GB- 06/10(iii)

Unsatisfactory performance of Dr. Ramachandra Barik, Associate Professor, Department of Cardiology during Probationary period including extended probationary period.

The GB has discussed the matter and examined the documents as placed before it. Accordingly, the decision of the GB are as under: -

- a) The probationary period is to be further extended due to unsatisfactory performance upto 30.03.2020 or vacation of the status quo in compliance of the Status quo order dated 26.02.2019 passed by Hon'ble Tribunal, Cuttack Bench, Cuttack in OA No. – 568/2018
- b) The GB has authorized the President, AIIMS, Bhubaneswar to act as the appointing authority to take a decision about completion of probationary period / termination of service during probationary period as per the applicable rules subject to compliance of the order of the Hon'ble Tribunal/Court if any.

The meeting ended with thanks of the Chair.



Member-Secretary



Chairman

Member Secretary



Chairman