

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BENGALURU**

ORIGINAL APPLICATION NO.170/00428/2017

DATED THIS THE 05th DAY OF MARCH, 2020

**HON'BLE DR.K.B.SURESH
HON'BLE SHRI C.V. SANKAR**

**...MEMBER(J)
...MEMBER(A)**

Ms T. Dhilshathu Beegam,
S/o late M. Thankappan,
Aged about 41 years,
Working as Scientific Officer-E
Chemistry Laboratory
Atomic Minerals Directorate for
Exploration and Research,
Department of Atomic Energy,
Northern Region, West Block-7
R.K. Puram, New Delhi-110 066.

. ...Applicant.

(By Advocate Shri A.J. Srinivasan)

V/s.

1. The Director
Atomic Minerals Directorate for
Exploration and Research
Department of Atomic Energy
AMD Complex, 1-10-153/156
Begumpet, Hyderabad – 500 016.

...Respondent

(By Shri Gajendra Vasu, Counsel for the Respondent)

ORDER

HON'BLE DR.K.B.SURESH ...MEMBER(J)

This matter seems to be covered by our earlier order in OA.No.896/2013
dated 02.03.2016, which we quote:

“ORDERHON'BLE DR K.B.SURESH, MEMBER (J)

The applicant laments the fact that a professional appraisal on her was done in a biased manner, suppressing relevant factors and based not on facts but on imagination. She would explain the work done by her and in an earlier case we had reason to examine her work and also had held discussion with

- 1) *Dr. Smt. Usha Nathan,*
- 2) *Dr. Smt. Anitha Mary Thomas,*
- 3) *Dr. Smt Bincy Cyriac,*
- 4) *Smt. Nishma Ojha*

who, according to the respondents, have raised a question of lack of interpersonal relation against the applicant, which led her to be given only A3. In the course of such discussion spread over several days, we had come to a conclusion that the professional competence of applicant is beyond doubt and which was also endorsed by all 4 of above. It appears that she could not get along with some of the other ladies as mentioned above in the chemistry lab and they being her seniors resented the way the applicant would work and allege that she thinks that she is intellectually superior to her seniors. It appeared that applicant will take steadfast approaches on many a scientific innovation which were to be carried out and if she finds fault in the assistance rendered by others, will be quick to point it out. It also appeared that at one time when they were sent to M.C. Palle for field work in a camp, Smt. Bincy Cyriac left the camp on 10.12.2010 and returned only on 13.12.2010 leaving the applicant alone as the only one single lady officer in the night also. Apparently, the applicant had complained and finally Smt. Bincy Cyriac had to be granted leave for the said period. It appeared that there was an issue in which Dr. Anitha Mary Thomas found that applicant's body language was not positive. There was also allegations that the applicant was misled from one project to another without completing any of the projects in order to harass her only. We found in that case that the applicant was having a thyroid disorder, which after discussion with all concerned and going through the medical journals available, we concluded that might be the result of the extreme stress situation.

2. *But we felt in that case that it is better to save the institution by resolving all these problems and, therefore, had invited all concerned for discussions as we felt that the problems could be solved. All the concerned ladies attended the discussions. Everyone had agreed that applicant's professional competence is beyond doubt. But they would say that applicant had been issuing them with legal notices and had even by then filed a few cases also against them. We had advised the applicant that it is not appropriate to her to be on inimical terms with everyone and things must be viewed in a rational and reasonable perspective. The applicant wanted the other four ladies also to come down from their decisions they have taken. Thus we found that even though some of the contentions raised by the applicant seems to be correct, the interest of the institution must come first and upheld her transfer to Delhi following which she had joined Delhi and is currently at Delhi. But unfortunately some of the officers had viewed things differently and was apparently on a collision course as they found applicant to be devoid of appropriate merit and belatedly conveyed a downgraded APAR which apparently the Reviewing Authority corrected it to the next level. She has a*

grievance that even though she was given only a grading of A3 all the others were given A2 as a grading even though in the same laboratory. During the pendency of the other case of transfer we had discussed this matter with the senior officers of the respondents as well as all those ladies involved in the issue and they were of the consistent and clear cut opinion that the professional competence of the applicant was beyond question. We also had examined reports of the applicant and found it to be scientifically viable and quite innovative, therefore, we had heard Shri Parihar, Director of the respondents, who had explained the matters. Even according to him it is not the professional competence of the applicant that mattered but her interpersonal relationship. At this point of time it will be appropriate to refer to the report of the fact finding committee constituted to look into the complaints made by the applicant against some others. In conclusion, in para 7 it is noted that the applicant is a sincere and a devoted officer, but it held that applicant is rigid about her views and opinions. But it is found that the senior officers are joining up against the applicant by isolating her and being psychologically vindictive against her. It also found in para 5 of para 7 that the in-charge officer who could have resolved the issue at the bud itself later on found it beyond his control. It held that had he tackled the issue in an impartial and non prejudicial manner the matter could have been resolved. In para 8.3 the committee recommended that the consequences of their unruly and indifferent behavior must be advised to all the officers strongly in writing. This was done by the respondents but only applicant seems to be singled out. In para 8.7 the committee noted that the applicant also must resolve the issue at appropriate level. It appears that some attempt was also made in this regard. But apparently it was beyond the control of all the senior officers to do so. We had also tried our level best as all the senior officers who had grievances against her also agreed that applicant's professional competence is beyond doubt, but then we could not succeed, therefore, we had assumed that instead of transferring out the other four the decision of the administration to transfer the applicant is more correct as she was single and she was removed from the scene. But unfortunately we now find that based on the issues as stated above her appraisal has been downgraded which will deny her future career prospects. We have also looked into the present assessment and in Theoretical ability, Experimental ability, Originality, Technical Judgment, Power of Expression, Professional Knowledge, Work Quality, and all such parameters she had been given a very good report and for co-operativeness it was confirmed to be first class at working with others. We had looked through the records and found that applicant had either received outstanding or very good throughout.

3. *After that we had gone through the detailed reply, but the most important aspect seems to be para 5.10 of the reply wherein it is mentioned that the respondents themselves have advised Smt. Usha Nathan, Dr. Anitha Mary Thomas, Smt. Nishma Ojha and Dr. Bincy Cyriac and Smt. Dhilshathu Beegam not to get associated with unhealthy activities such as seclusion, gossiping, humiliation and making complaints against each other. But the course of the matter seems to be that while all other in the issue got very good or outstanding, the applicant whom they all agreed is as good as any of them and they would also say that applicant is very clear sighted and objective in her assessment, should lag behind.*

4. *Therefore, we requested Dr. Parihar, Director, to advise us. We had discussed this matter with him and he was gracious enough to admit with the*

professional competence of the applicant. **But, as he had said in his reply, the inter-personal relations are also important. But then we found that this lacunae of inter-personal relationship had visited only the applicant and not others and we had already found that others are also equally responsible for creating this situation in the office and if we may say so, even though they are not in the party array it appears to us that the applicant has been harassed to a critical level before she had retaliated by sending legal notice.** Sending legal notice is a constitutional right of any citizen of India. Even though as Dr. Parihar put it, it creates problems in the institution as everybody must work in a team, the team spirit will then be lost. But the grievance of the applicant is the comparative analysis made. Even though we had approved the decision of the respondents to remove the applicant from the scene, it was as a practical solution that instead of four persons suffering who had families we thought it best that applicant must suffer for she is unmarried and also for the fact that she being young and staying alone will not have too much of difficulty, but that does not mean that the professional competence of the applicant can be ignored for the reasons such as this. Even though normally we will not interfere in any such decision of administrative authorities, there are some situations wherein we must necessarily intervene. It must also be noted that all creative people might, to an extent, may have lower reaction plateaus. This is because of their creativity. All writers, artists, poets, musicians, painters, sculptors and scientists are no exception. The diminishment of their interaction plateau is because of their creativity. It is this creativity which makes them the best scientists and, therefore, it is cast upon the society to ignore such idiosyncrasies and concentrate on the work quantum and quality of the scientists. We had made a study of famous scientists and had come to a conclusion that all of them, without exception, had quite a lot of idiosyncrasies. Most of them fought with their colleagues or families. This is true of all creative people, therefore, while the question of inter-personal relationship might be a very important concept in the case of an ordinary government office, **what has to be promoted in a scientific establishment is scientific dedication and Smt. Anjali in her assessment had found applicant to be a very devoted scientist.**

5. We hope that the whole system of performance appraisal in scientific community will now be bereft of bureaucratic jargon and be elastic enough to accommodate all these kind of small issues so that scientific temper is promoted first of all and best of all. That is what this nation needs now.

6. A scientific establishment need not behave like a military unit. It is innovative focus and progress that matters more than accuracy in discipline. We had also been taken by Dr. Parihar to a period of leave taken by the applicant. He would say that this period of inactivity must subtract something from the applicant's overall grading, therefore, we enquired into it and found that the applicant's brother and father had had untimely passed away and as a result of which and may be as a result of cumulative stress upon her the applicant suffered seizures several times and was on medication. Since this was contested, we had studied the medical prescriptions of the applicant and found that the explanation given by applicant is correct. **We, therefore, hold that there is no reason to subtract anything from the achievements of the applicant as she had been absent for valid and proper reasons only.** We also hold that the reasons stated will not in any way diminish the performance of the applicant in any way, therefore, it is our finding that

applicant will be entitled to atleast an appraisal of A2. Normally, we would have remitted it back to the respondents to determine the enhancement but after discussion with Dr. Parihar and finding that others were also given A2, we hold that applicant is also entitled to an appraisal of A2. This shall be done and informed to her within one month next. OA is allowed to this extent. No order as to costs."

2. This was challenged by the respondents before the Hon'ble High Court in WP.No.39754/2016 and the connected matters, which was disposed of vide order dated 06.12.2016, which we quote:

" THESE WRIT PETITIONS ARE FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE JUDGMENT AND ORDER DTD:2.3.2016 IN ORIGINAL APPLICATION NO.896/2013 MADE BY THE CENTRAL ADMINISTRATIVE TRIBUNAL, BANGALORE BENCH, BANGALORE PRODUCED AT ANNEXURE – A AND DIRECT TO THE RESPONDENT FOR REFUND OF RS.26,887/- WHICH THE PETITIONERS HAVE PAID TO HER AS TRAVEL EXPENSES ON THE DIRECTION OF THE CENTRAL ADMINISTRATIVE TRIBUNAL, BANGALORE BENCH, IN O.A.NO.896/2013 AS PER ORDERS AT ANNEXURE – J, J1 J2 & J3.

THESE WRIT PETITIONS COMING ON FOR PRELIMINARY HEARING THIS DAY, JAYANT PATEL J., MADE THE FOLLOWING:

ORDER

Rule.

2. Mr. A.J.Srinivasan, learned Counsel waives notice of rule to the respondent.

3. With the consent of learned Advocates appearing for both sides, the petitions are finally heard.

4. The present petitions are directed against the order dated 2nd March 2016 passed by the Tribunal, whereby the Tribunal for the reasons recorded in the order has given gradation of A2 to the respondent.

5. The only question to be considered in the present petitions is as to whether the Tribunal in exercise of power could give gradation by itself or was it a case to remand the matter to the competent authority for making reassessment of marking for the purpose of gradation?

6. The short facts of the case appears to be that respondent was appointed as the Scientific Officer-C (Chemistry) and she reported for duty on 18.9.2003. As per the respondent, she had secured higher grade through out. However, in the year 2010, she on account of torture and harassment at the work place, made complaint against her colleagues and even legal notices were also sent to Dr. A.Premadas, Dr. Ushanathan etc. The complaints were initially enquired into by a Committee but as per the report dated 27.4.2011, no substance was found in the complaint. The respondent pursued the matter further and therefore, second committee was constituted. Ultimately, the report was submitted by the Committee and the copy of the said report is produced at Annexure-A4 and the said Committee comprised of four members. As per the report of the said Committee, the respondent was found to be sincere and devoted officer. The conclusions and recommendations of the said fact finding committee are reproduced for ready reference and they read as under:

“7.0 CONCLUSION:

(1) Ms.Dhilshathu is sincere and devoted officer. But, she lacks adjustment due to which she has become bad to most of the senior colleagues in the laboratory. She is very rigid about her views and opinions which is evident from her umpteen complaints and causing of legal notices to her colleagues. She has no concern about the feelings of others in the office.

(2) There is groupism in the Chemistry Laboratory of Southern Region, AMD, Bengaluru which need to be weakened/curbed on priority.

(3) Because Ms.Dhilshathu ventured to fight against senior colleagues as well as Incharge through her letters, there is unity among the affected who may be still causing mental agony to Ms.Dhilshathu by isolating her and passing unhealthy remarks, by excessively laughing, etc.

(4) There is no congenial atmosphere in the laboratory which has been badly affecting the work output and mental peace of all the officers working in the laboratory including the complainant.

(5) The Incharge has not seriously thought of resolving the situation when it was bud itself. Perhaps, now it is beyond his control for the reasons attributable to him to some extent. Had he tackled the issue in an impartial and non prejudicial manner in the beginning itself, it would not have reached to the level of constituting a Fact Finding Committee to unearth the facts.

8.0 RECOMMENDATIONS:

8.1 Swift and strict action need to be taken to eradicate groupism prevailing in the Chemistry Laboratory; even transfer of officers may be resorted to in order to bring healthy and good atmosphere in the Lab.

8.2 Immediate action is necessitated to maintain congenial atmosphere in the lab.

8.3 Including Incharge, all the five senior personnel working in the lab besides the complainant should understand consequences/repercussions of their unruly/indifferent behaviour. All the Officers should be advised strongly in writing in this regard.

8.4 Steps to be taken to enhance the work output in the Chemistry Laboratory.

8.5 Groupism is a result of incapacity of Incharge. Suitable administrative action may be taken against him also to improve the situation.

8.6 The complainant may also be advised to restrain from frequent writing letters and legal notices accusing the fellow officers. She is further advised to learn to share the lab resources during sample analysis. She should also learn to respect the seniors and fellow colleagues and maintain congenial atmosphere and office decorum in the laboratory in particular.

8.7 The complainant should also be advised resolve and sort out the problems if any at appropriate level".

7. It appears as per the respondent, she came to know about her down grading from "A1 to A3" only when the information was supplied to her under the Right to Information Act. She made representation for upgradation of her grading but the petitioner No.2 herein rejected the representation. It appears that thereafter, the respondent ultimately filed O.A.No.896/2013 before a Tribunal. The Tribunal passed the impugned order. Under the circumstances, the present petition before this Court.

8. We have heard Mr.Krishna S.Dixit, learned Counsel appearing for the petitioners and Mr.A.J.Srinivasan, learned Counsel appearing for the respondent.

9. As such, the Tribunal's observations can be justified to the extent upto paragraph No.3 in its order. Even if the matter is further considered, the observations made by the Tribunal to the extent that sending legal notice is a Constitutional right of a citizen of India, may not call for interference. However, so far as other observations made exceeding the aforesaid are concerned, in our view, cannot be countenanced for the simple reason that the judicial review is available to the Tribunal in the decision making process but the Tribunal cannot substitute its own decision as if having power of appeal. If the Tribunal was satisfied about the error committed in the

decision making process, in all fairness, the Tribunal after setting aside decision could have remanded the matter to the authority for reconsideration, may be in the light of the observations made by the Tribunal. But the Tribunal of its own cannot step into the shoes of reviewing authority or accepting authority and give a gradation by itself as if having full-fledged appellate jurisdiction. Under the circumstances, the first portion of the question formulated needs to be answered in the negative.

10. When we consider the matter, we had two options, one was to remand the matter to the Tribunal itself for reconsideration and another was to remand the matter to the authority itself for reconsideration on the aspects of gradation. When we heard the matter further, it appears that even as per the learned Counsel for the petitioners, the fact finding report of the Committee, a copy whereof is produced at Annexure A4, is not considered by the accepting authority or the reviewing authority, before finalizing the gradation. In our considered view, the said fact finding report of the Committee comprising of four members has a direct bearing since one of the allegations was also against the reporting officer. In our view, if the reviewing authority or the accepting authority did not consider the aforesaid fact finding report of a Committee, which was constituted on account of the complaints filed by the respondent, the decision could be said as vitiated. Under these circumstances, we find that if the matter is remanded to the Tribunal, ultimately, the Tribunal may also be required to remand the matter to the competent authority. As the substantial time has passed and on the basis of the gradation, the question may arise for consideration of the case of the respondent for further promotion, we find it appropriate to remand the matter to the reviewing authority and the accepting authority. But considering the facts and circumstances, we find that as at one point of time, even as per the petitioners, the representation of the respondent was rejected by petitioner No.2, it would be just and appropriate to direct the consideration of matter by petitioner No.1- the Director himself.

11. We also find it appropriate to observe that petitioner No.1 shall consider the marking given by the reporting authority, reviewing authority as well as the decision of the accepting authority in the light of observations made and conclusions recorded by the fact finding Committee. After considering all the aspects, the petitioner No.1 may take appropriate decision as to whether the marking given needs to be enhanced and/or as to whether the gradation needs to be upgraded or not. We hope and trust that petitioner No.1 shall apply his mind keeping in view the objectivity of statutory body and shall take appropriate decision and will also ensure that no injustice is caused unnecessarily to any of its employees including the respondent. We leave it at that without making any further observations

and suffice it to state that petitioner No.1 shall take appropriate decision for marking and consequently for gradation in accordance with law.

12. In view of the aforesaid observations and discussion, the impugned order passed by the Tribunal so far as it relates to making observations exceeding the right of any employee and to send legal notice mentioned in para-4 onwards and ultimate conclusion of giving gradation of A-2 to the respondent are set aside and the gradations given by reviewing and accepting authority are also set aside. It is further directed that the petitioner No.1 shall examine the matter for the purpose of marking and gradation of the respondent in the light of the observations made by this Court, preferably within a period of four weeks from the date of receipt of a certified copy of this order. It is also observed that in the event the respondent has any grievance with the decision taken by petitioner No.1, she may resort to appropriate proceedings as available in law.

13. The writ petitions are partly allowed to the aforesaid extent. Rule is made absolute accordingly. Considering the facts and circumstances, no order as to costs."

3. Apparently the applicant had filed a representation before the Director relating to harassment and humiliation at the work place vide Annexure A-1, dated 06.01.2011, which we quote:

"No.AMD/SR/CHEM/DB/201/01

Bangalore

*From Dhillshathu Beegam
Scientific Officer 'D'
Chemistry Laboratory,
AMD/DAE/SR
Bangalore-72.
To*

06.01.2011

*The Regional Director,
AMD.DAE.SR
Bangalore-72.*

Sub: Grievances on harassment and humiliation at work place by the Officer in Charge and other colleagues.

Sir,

Please remember about my handing over a letter to you dated 22.12.2010 in which I have described about myself being ill treated by a colleague Mrs. Nishma Ojha and the acting Officer in charge, Dr. Anitha Mary Thomas, of not taking any action.

I wish to invite your attention to some of the incidents, where I had to undergo severe harassment and humiliation by the Officer in charge Dr. A. Premadas and the following officers of chemistry laboratory Dr. Anitha Mary Thomas, Dr Usha Nathan, Mrs Bincy Cyriac and Mrs. Nishma Ojha.

Dr. Premadas had discriminated me from other officers and isolated me as an officer of seven years of service in the department, now working under him, in a number of times. The moves to discriminate were by not assigning me any R & D problem, by denying me an opportunity for training in the operation of ICP-AES, by allotting me responsibility of upkeep of instruments like Fluorimeter and ion meters which require less operating skill, by making himself unavailable to receive in person my CR for the last year, by forcing me to work under Dr. Anitha Mary Thomas, in certain R&D problems of low quality and trying to associate me with her wherever possible, despite my resistance and threatening me of the consequence of not yielding for senior officers' commands, by hiding official matters associated with me and by denying me chance to explain my part at time of trouble but justifying the opposite parties and so on. It may please be noted that Mrs. Nishma Ojha, an officer of my own grade has been trained for operation, allowed to operate independently and assigned the responsibility of upkeep of ICP-AES, an instrument of great importance as far as routine analytical work of chemistry laboratory is concerned; she has also been given R&D problems to work on independently.

(Copy of the letter concerned issues by the OIC distributing the responsibility of instruments is enclosed).

Once I was asked by him to hand over all the documents regarding recognition of chemistry lab for Ph.D registration by Bangalore University to Mrs. Nishma despite the fact that it was me and not her who has been working hard for the same in terms of getting a number of official letters from you as well as the university authorities, frequently visiting the university, arranging the smooth visit of the Committee to Lab etc.

Coming to some of the most indecent comment made by Dr. Premadas, he had addressed me as "you stupid, idiot lady" when I tried to express my dissatisfaction of being given a credit of zero as PRIS increment. The same day, he had violently shouted at me by threatening about my future career being adversely affected after Dr. Anitha Mary Thomas, taking over as

OIC, Chemistry Lab, AMD SR. I was told that I would be send to M.C. Palle camp alone in future as I was not being liked by any of the lady officers. I was also accused of planning conspiracy against Mrs. Nishma since she got credit of two for lab efficiency and of shouting at the service engineer at M.C. Palle Camp during the installation of Spectrophotometer. I was told that I have been a constant trouble maker during Dr. Satynarayana's tenure, where she was forced to suffer me silently. He has demanded me that I should take a transfer, thus clearing out myself from Bangalore office.

Also I was told by Dr. Satynarayana, Head, Chemistry Group during his official visit to Southern Region that Dr. Premadas finds it extremely difficult to manage me because of my frequent arguing and demanding personal favours from him.

You may please take note of the fact that I was sent to M.C. Palle despite the fact of being too junior in chemistry lab, for the installation and training of AAS and Spectrophotometer in February, 2010. I had gone there after cancelling my EL application for visiting my native and I had only tried to make the service engineer to refer to the instrument manual which may help him in the installation. (Please find enclosed copy of the letter concerned, in which the OIC assigned all the officers to visit M.C. Palle for training in AAS and Spectrophotometer.)

When I was sent to M.C. Pale recently, where I was deputed from 06.12.10 to 16.12.10, I was not been informed by Dr. Premadas about the additional assignments like supervising the construction of the building for accommodation for chemistry, repair works of the MGCL tin sheet etc. although he had issued a letter siting my name along with Mrs. Bincy Cyriac as being assigned those duties.

Also I wish to point out that Mrs. Bincy had left the camp on 10.12.10 itself by around 10.30 a.m. and had returned only on 13.12.10 at 2.00 p.m despite the fact that we both were deputed for the same period. I was the only lady officer to stay back, that too alone, which again is a deliberate move to discriminate and isolate me. Also, after my return last week, he has accused me of causing inconvenience to Mrs. Bincy at M.C. Palle. The same day he ordered me to strictly follow Mrs. Nishma's instructions if I want to get my ICP-AES readings done and not to touch the software and hardware of the instrument in extremely harsh language.

Dr. Anitha Mary Thomas has been trying to trouble me from the beginning of my career itself. Quite a number of times she had complained to the OICs about myself being arrogant, non flexible and so on and had tried to mislead them by making use of her power as a senior officer. After Dr. Premadas took over as OIC, I have been struggling so much to bear the insult from her. She

makes remarks of myself not having a “positive body language” which is essential to please OIC, my typical character of trying to be self reliant, my resistance against adjusting according to the senior officers’ will etc.

She had made me to work under her guidance in an R&D problem after misleading me that it was as instructed by Dr. Premadas and also had ordered me to stop my routine work to ensure that I devote maximum time only for her work, had compelled me to include my name in another R&D paper where I was not even briefed about the contents, had extracted work from me whenever required like for operating graphite furnace and hydride generation AAS without information the OIC and not where I was not given any credit. Also she had made me to wait according to convenience whenever I had to get my AAS readings done, part of the routine work.

In another instance, in the absence of OIC, she had commanded me that she should hand over the report of samples from South India Sponge Iron Pvt. Ltd. at the earliest or else she will report to the Regional Director of myself deliberately delaying the release of the report.

In reality I had worked more than her on the analysis of these samples, even after the office hours in some days, in spite of the fact that those samples have been allotted to both Dr. Anitha and myself where responsibility was equal on both of us and I had carried out the analyses strictly as per the instruction for the OIC, trying to follow the instructions from OIC regarding the analysis as he was not available in office.

Dr. Usha Nathan has been constantly trying to trouble me. She, had a number of times interfered in my work by making provoking statements, shouting at me in indecent language, hampering my smooth working at lab as well as in instrument rooms, stopping me from using hot plates, water baths, IR lamps, Platinum wares which are issued by me the same day and so on. In several instances, she had laughed at me while working inside the lab directly and indirectly. Once she had alleged that my mother is not a Muslim and told that I can marry anyone irrespective of his caste or religion. This comment was made to Dr. K. Satyanarana in his room in presence of me.

After my return from field, she has asked me in the absence of OIC, to check the fluorimeters which she brought from Hyderabad, in a sarcastic style in front of other colleagues during the tea time. Sir the humiliation from her has crossed all the limits by now.

Mrs. Bincy Cyriac has refused to get the ICP-AES reading for my routine samples in the order which has to be followed as per the instructions of in-charge, a number of time, where she made me to wait for days, demanding that I, being junior should adjust to the convenience of other colleagues. As pointed out earlier, she has mislead the OIC that I had shouted at the

engineer in the field and also left me to stay back alone there during the last visit.

Mrs. Nishma Ojha has been always enthusiastic in creating problems to me by misleading the OIC, by undermining my qualities as a scientist as well as a person etc. She has tried to provoke me by her remarks about my personal life, a number of times, from the early months of my career itself. She had even shouted at me at Jaipur, in the dining room of the guest house where the accommodation was arranged for attending training in presence of another lady colleague from Delhi office. In an incident last year, she has instigated Dr. Roopa Bose by misleading her about myself commenting on her limited knowledge in the subject, which resulted in a very bad argument between both of us.

Also, I was told by her that Dr. Premadas has asked all the other officers including her to brief the Head, Chemistry Group about all their complaints about me in detail so that I am punished accordingly. The latest occasion where I am being insulted by her is on 22.12.2010, where she remarks that I am the rudest lady whom she has ever come across.

I am under medication for hypo-thyroidism, lymph nodule infection and sever spondylitis. I got cured of PCOD's, a gynaecological disorder due to hormone imbalance, only one year back, where I was under medication for two years continuously. The constant mental stress due to continuous harassment at workplace has been adversely affecting my physical and mental health.

Considering the seriousness of the matter, I request you to kindly look into it and take necessary action at the earliest.

Thanking you,

Yours faithfully

-sd-

Dhilshathu Beegam.T"

4. Apparently, this matter was considered by the Fact Finding Committee and which is produced here as Annexure A-1 dated 10.03.2012, which we quote:

"REPORT OF THE FACT FINDING COMMITTEE CONSTITUTED BY DIRECTOR TO LOOK INTO THE SERIES OF COMPLAINTS MADE BY MS. T. DHILSHATHU BEEGAM, SO/D, AMD, SOUTHERN REGION, BENGALURU

1.0 INTRODUCTION

A 4 Member Committee comprising the following Officers has been constituted by Director as conveyed vide order No.AMD-53/1(SR-1)/2011-Adm.II/64 dated 11.8.2011 to look into various complaints made by Ms. Dhilshathu Beegam, enquire into the matter thoroughly, suggest remedial measures and to establish congenial and amicable atmosphere in the Chemistry Laboratory of Southern Region, AMD, Bengaluru:

1. Shri K. Umamaheswar, AD (OP-II), AMD, Hyderabad - Chairman
2. Shri G.B. Rout, SO/F, AMD, Hyderabad - Member
3. Mrs. R. Sujatha Mudaliar, SO/F, AMD, SR, Bengaluru - Member
4. Shri N. Anjani Kumar, AO-III, AMD, Hyderabad - Member

The Committee has been suggested to submit its report to Director by 31.8.2011. However, due to pre-occupations of Members, the Committee could pay visit to Bengaluru only on 15.9.2011 and enquired into the matter in detail during the period from 15.9.2011 to 16.9.2011.

2.0 BRIEF HISTORY OF THE CASE.

Mrs. Dhilshathu Beegam who joined Chemistry lab southern Region, AMD, Bengaluru on 18.9.2003 as SO/C and presently working as SO/D has made number of complaints to Regional Director AMD, Southern Region, Bengaluru vide letters dated 22.12.2010, 6.1.2011, 20.1.2011, 4.2.2011, 5.2.2011, 23.2.2011, 14.6.2011. In order to unearth the facts, the Regional Director has constituted a Preliminary Enquiry Committee under the Chairmanship of Shri M.B. Verma, Deputy Regional Director and 4 more Members vide order No.AMD/SR/17(34/2011-Adm dated 20.1.2011. The Committee vide its letter No.AMD/SR/Conf.2011 dated 5/27.4.2011 submitted a report to the Regional Director concluding that the charges are trivial and there are no evidences of harassment or torture at work place by the Incharge and other Officers of Chemistry Laboratory. The Committee also opined to establish congenial atmosphere in the Chemistry Lab for which lot of efforts need to be put in by the incharge of the Chemistry Laboratory.

Ms. Dhilshathu Beegam, sought the report of Preliminary Enquiry Committee from Regional Director, Southern Region vide letter dated 18.6.2011. However, the said letter was disposed of by Regional Director, Southern Region vide letter dated 21.6.2011. Meanwhile, Ms. Dhilshathu Beegam filed an application under RTI to furnish the report as well as statements of the Officers who have deposed before the Preliminary Enquiry Committee. Accordingly, the same were furnished to her vide letter dated 29.7.2011 by Public Information Officer, AMD, Bengaluru. Subsequently, Ms. Dhilshathu Beegam caused issue of legal notice to Dr. Usha Nathan based on which a reference was made to headquarters whether or not any legal aid

could be extended to Dr. Usha Nathan. Since the issue though taken place in office, it being personal in nature, Regional Director has been informed that no such legal aid should be rendered to Dr. Usha Nathan. Since the matter has attained seriousness and other officers are also expected to receive such sort of legal notices, Regional Director felt it appropriate to refer the matter to headquarters and accordingly a reference was made by him vide letter No.AMD/SR/1(51)/2011-Adm/104 dated 2.8.2011.

Since the congenial atmosphere is lacking in the Chemistry Laboratory of Southern Region, AMD, Bengaluru, Director constituted the above Committee to probe the matter and to submit the report for corrective action.

3.0 ENQUIRY BY THE COMMITTEE

The Fact Finding Committee as constituted by Director comprising 3-Officers from AMD Headquarters, Hyderabad and one lady Officer from AMD, Bengaluru met in the office of AMD, Bengaluru on 15.9.2011 and 16.9.2011 and enquired into the matter throughout by obtaining written depositions from Ms. Dhilshathu Beegam, the complainant as well as 5 more Officers of Chemistry Laboratory including Incharge as indicated below:

1. Dr. A. Premadas, SO/G, Incharge
2. Dr (Smt) Usha Nathan, SO/E
3. Dr (Smt) Anitha Mary Thomas, SO/F
4. Dr. (Smt) Bincy Cyriac, SO/F
5. Smt Nishma Ojha, SO/D

The Committee also sought lot of clarifications and in this context, verbal deposition made by them was also recorded in the form of questions and answers besides obtaining the signature for their sake of authentication.

4.0 DEPOSITIONS:

4.1 DEPOSITION OF MS T. DILSHATHU BEEGAM, SO/D (COMPAINANT)

Ms. Dhilshathu Beegam, SO/D, who has been complaining that discriminatory attitude is being displayed towards her by the Incharge and other senior colleagues of the laboratory has appeared before the Committee on 15.9.2011 and submitted a detailed written deposition dated 15.9.2011 along with related documents. Further she also furnished various clarifications sought by Members of the Committee on 15.9.2011 and also on 16.9.2011. All the 3 documents have been taken on record and marked as Annex A-1, A-2 and A-3. The gist of the written deposition and various clarifications furnished by her are detailed below:

(a)The Preliminary Enquiry Committee consisted by Regional Director, Southern Region has overlooked the most serious incidents despite the fact that there was an intentional attempt to figure her as a mentally imbalanced lady.

(b)Dr.Premadas, Incharge, Chemistry Laboratory suggested Dr. Roopa Bose, SO/E to arrange for urgent psychiatric treatment to Ms. Dhilshathu Beegam.

(C) Dr.Usha Nathan addressed Ms. Dhilshathu Beegam as a “totally Psychic lady” in the presence of Incharge.

(d)There have been various remarks about her family, religion, parentage, physical appearance etc. by other senior colleagues of the laboratory.

(e)Dr. Anitha Mary Thomas stated that “Ms. Dhilshathu Beegam has severe behavioural problems and she suffers from inferiority complex”. The Incharge has shouted at Ms. Dhilshathu Beegam addressing her as “stupid idiot lady”.

(f) Ms. Nishma Ojha described Ms. Dhilshathu Beegam as the rudest lady whom she has never come across”.

(g)When Ms. Dhilshathu Beegam and Dr. Bincy Cyriac proceed to M.C. Palle camp, Dr, Bincy left the camp on 10.12.2010 without even informing Ms. Dhilshathu Beegam, compelling her to stay alone in the camp for 3 days.

(h) The Incharge has been adopting discriminatory attitude in the areas of providing training, nominating seminars etc.

(i)The reagents being used by Ms. Dhilshathu Beegam are being contaminated and Incharge has not shown any interest to look into the matter.

(j)A letter was issued to Ms. Dhilshathu Beegam by the Incharge on the ground that she has been disturbing the working atmosphere by her frequent and loud phone calls.

(k)She was asked to get her uranium results cross-checked by second analyst before issuing the report and expressed doubts on her credibility.

(l)There was an attempt to humiliate her by questioning her for about one hour by the Incharge, on flimsy grounds.

(m)There is also an attempt to see that there are less number of estimations by Ms. Dhillshathu Beegam by deliberately allotting less number of samples.

(n)There was an attempt to send her alone to M.C. Palle camp despite the fact that she is a lady Officer.

(o)No R & D programmes are being allotted to her.

(p)Elder brother of Ms. Dhillshathu Beegam visited Dr. Premadas at his residence and discussed for about 2 hours on various official matters and finally made clear that they are ready to file a petition to the authorities if required.

(q)No proper attention was paid to her in connection with writing of ACR.

(r)She herself had to arrange for repair of the generator as even other male colleagues did not cooperate and the Incharge maintaining silence over the same.

(s)Lot of favouritism is being shown by the Incharge towards other senior colleagues like Dr. Anitha, Dr. Bincy etc.

(t)The Incharge has been humiliating her in the area of theoretical knowledge.

(u)She did not face any problem when Dr. Chakrapani and Dr. K. Satyanarayana were Incharge of Chemistry Lab.

(v)Purposely she has been given uranium estimations alone, so that number of estimations cannot go up.

(w)The Incharge ensured that she misses the opportunity of attending symposium at Cochin during November, 2010.

(x)She is very much worried about her personal safety in the laboratory in the prevailing situation.

(y)Other than 5 officers against whom she made a complaint, she has good relations with all other colleagues of Chemistry Lab.

(z)She is bent upon to take legal recourse.

4.2 DEPOSITION OF DR. A. PREMADAS, SO/G, INCHARGE OF CHEMISTRY LAB

Dr A. Premadas, SO.G and Incharge of Chemistry Laboratory against whom Ms. Dhillshathu Beegam made umptem number of complaints was also enquired into by the Committee on 15.9.2011.

Besides clarifying the various points raised by the Members of the Committee, Dr. Premadas submitted two written depositions dated 15.9.2011 and 16.9.2011. All the 3 documents have been taken on record and marked as Annex B-1, B-2 and B-3, which will form part of the enquiry report.

The important points raised by Dr. Premadas are detailed below:

- (a) He has rendered lot of support to Ms. Dhillshathu Beegam in allowing her to take part in seminars; by providing technical guidance; at the time of promotion interview; in recognition of Chemistry Lab of AMD for the purpose of Ph.D, etc. and in accepting as a guide to her for Ph.D programme.
- (b) There are frequent quarrels among the lady officers of Chemistry Laboratory which is a bit unusual. Non-initiation of action against indisciplined people allowed the indiscipline to grow further.
- (c) There are disputes between Ms. Dhillshathu Beegam and others like Mrs. Nishma Ojha on petty issues like drying the material under IR lamp, etc.
- (d) Ms. Dhillshathu Beegam had minor or major quarrels with almost all lady colleagues.
- (e) Ms. Dhillshathu Beegam had a very big quarrel with Dr. Roopa Bose in front of a service engineer who had come from Mumbai.
- (f) He contributed a lot in presentation of two technical papers by Ms. Dhillshathu Beegam. He has given her an opportunity to analyse outside samples and to guide two research scholars of Bangalore university.
- (g) As regards Ph. D Programme or training on ICP-AES no issues have been raised by Ms. Dhillshathu Beegam when Dr. Satyanarayana was Incharge. He had given lot of patient hearing not only to Ms. Dhillshathu Beegam but also to her brother Mr. Ayooob who came to his house.
- (h) In front of Dr. Satyanarayana, Ms. Dhillshathu Beegam uttered that action has to be taken against the criminals. Ms. Dhillshathu Beegam refused to witness installation of AAS instrument and also in the operation and maintenance of GFAAS.

- (i) He never uttered the word “stupid idiot lady”. On the contrary she behaved in an objectionable manner with him against the decency and decorum of office.
- (j) She made a big issue in connection with grant of PRIS (I).
- (k) He has no role to play in leaving camp on second Saturday and Sunday by Dr. Bincy Cyriac.
- (l) She has been making false allegations against her colleagues and she is not able to keep good relations with other officers.
- (m) He refused having suggested Roopa to arrange psychiatric treatment to Ms.Dhilshathu Beegam.
- (n) Dr. Usha Nathan has not addressed her as a “totally psychic lady”.
- (o) Dr. Bincy informed him over phone from M.C. Pale camp as regards her intention to leave the camp for weekend.
- (p) She has never been deprived training of ICP-AES and on the contrary he rendered lot of support to her.
- (q) He went to the house of Ms. Dhilshathu Beegam along with his wife to discuss many issues which are general in nature with an intention to resolve the trivial issues taking place in office.
- (r) Ms. Dhilshathu Beegam lacks adjustment nature and she cannot work in term. She is in the habit of attributing motives to others without any basis.
- (s) In so far as work output is concerned, she improved a lot under his guidance.
- (t) He has not been giving importance to R & D work based on the instructions of Director, AMD.
- (u) In order to assess her technical competence as a part of assessment of her APAR, he called her and questioned her, which cannot be termed as a humiliation.
- (v) She developed animosity towards him because he refused to function as her guide at a subsequent date.

- (w) Despite all these constraints the work output of the laboratory almost remained the same.
- (x) Because Ms. Dhilshathu Beegam lacks politeness and speaks to others in a hurting way people maintain distance with her.
- (y) It is not irregular to send a lone female officer to the field.

4.3. DEPOSITION OF SMT. ANITHA MARY THOMAS ON 15.9.2011

Various clarifications sought from Dr. Anitha have been recorded in the form of questions and answers as contained in the enclosed Annex C.

The main aspects of the deposition are as follows:

- (a) There were heated arguments between Incharge and Ms. Dhilshathu Beegam and her body language was intolerable.
- (b) Ms. Dhilshathu Beegam cannot digest appreciating other colleagues by the Incharge.
- (c) It is not preferable to stay alone in the M.C. Palle camp.
- (d) There is no conspiracy to isolate Ms. Dhilshathu Beegam in laboratory.
- (e) The complaint of contamination of samples pertaining to Ms. Dhilshathu Beegam is a mere suspicion.
- (f) Ms. Dhilshathu Beegam has been spending her time on phones.
- (g) Ms. Dhilshathu Beegam is good at work and technical competence is normal. She is cool as far as nobody interferes in her work.
- (h) There is no attempt to isolate Ms. Dhilshathu Beegam. In fact she could not mingle with other colleagues.

4.4 DEPOSITION OF DR. BINCY CYRIAC, SO/F ON 16.9.2011

The Committee has enquired Dr. Bincy Cyriac as regards recent happenings in the Chemistry Laboratory and her deposition is recorded as contained in Annex D.

The various aspects that emerged during the course of enquiry are as follows:

- (a) The relations between Ms. Dhilshathu and herself were good till the incident of M.C. Palle has taken place.
- (b) Ms. Dhilshathu altercated with almost all the colleagues in the laboratory.
- (c) She has obtained verbal permission from Incharge, Chemistry Lab before proceeding to camp itself besides informing him over phone at the time of actually leaving the camp. The fact of her leaving camp was even known to Ms. Dhilshathu Beegam.

- (d) When the service engineer was trying to install spectrophotometer at M.C. Palle camp during March, 2010, Ms. Dhilshathu Beegam was furious and shouted at him for his inability to install the equipment.
- (e) She needs priority and importance in all areas and does not want to share common resources. She is in the habit of quarrelling with almost everybody in the section.
- (f) After the incident of lodging complaint by Ms. Dhilshathu Beegam, everybody in the laboratory turned against her and became united.
- (g) Ms. Dhilshathu is good at work and she could enrich her knowledge because of constant guidance by Incharge.
- (h) No discrimination is being shown in the lab towards Ms. Dhilshathu.
- (i) The work output of the laboratory has come down because everybody is undergoing mental agony.
- (j) The allegation of contamination of samples of Ms. Dhilshathu may be her own imagination. She should try to analyse the possible areas where the analysis can go wrong.

4.5 DEPOSITION OF DR. USHA NATHAN, SO/F ON 16.9.2011

The Committee sought certain clarifications from Dr. Usha Nathan also as contained in Annex E, the gist of which is as follows:

- (a) She never uttered that Ms. Dhilshathu is a “totally psychic lady”. In fact her concentration was on ISAS-BC seminar to be held on 6.2.2011 in which situation it is not possible for anybody to involve in trivial issues on
- (b) Ms. Dhilshathu was not associated in the said seminar and people have come forward to take active part, it being a voluntary work.
- (c) There are no communal feelings in the Chemistry Laboratory of Southern Region, AMD, Bengaluru.
- (d) Ms. Dhilshathu keeps herself aloof and she prefers to get advice/instructions directly from the Incharge and not through anybody else.
- (e) Ms. Dhilshathu is a hardworking person, but she cannot work in team which will ultimately affects her work output.
- (f) Her tolerance level is low due to which there are certain conflicts.

4.6 DEPOSITION OF MRS. NISHMA OJHA, SO/D

Ms. Nishma Ojha, SO/D has also deposed before the fact finding Committee as recorded in Annex F, the salient issues of which are indicated below:

- (a) Because of unpleasant incidents in the laboratory, there is lack of peach which is affecting work output.

- (b) She also faced rough weather initially but she never paid cognizance towards such trivial matters.
- (c) Ms. Dhilshathu commented that “Ms. Nishma uses unfair means to please the Incharges”. She dislikes Ms. Nishma as she got more increments as part of PRIS (I).
- (d) Ms. Dhilshathu is an unpredictable person. She misbehaved at Ms. Nishma during a training programme at Jaipur.
- (e) Both Ms. Roopa and Ms. Dhilshathu had lot of conflicts from the beginning and they quarrelled in the corridor in the presence of a service engineer and others.
- (f) They do not have any ill-feelings towards Ms. Dhilshathu. She is not willing to understand and hear us. Somebody has to make her understand that whatever she is doing is wrong.
- (g) She never uttered that Ms. Dhilshathu is a rudest lady whom I have ever come across.
- (h) There is no feeling of fear or insecurity in the laboratory.

4.7 DEPOSITION OF MRS. ROOPA BOSE:

Though Ms. Dhilshathu has not made any complaint against another colleague in the laboratory by name Dr. Roopa Bose, based on the deposition of the complainant as well as other senior colleagues in the laboratory, the Committee felt it appropriate to enquire Dr. Roopa Bose also and accordingly her version was ascertained on 16.9.2011 as per Annex G, the important aspects of which are:

- (a) My relations with Ms. Dhilshathu were good, in between she moved away from me and now we talk to each other.
- (b) The Incharge of Chemistry Lab suggested me to take Ms. Dhilshathu for psychiatric treatment during office hours in an office vehicle. Though he suggested to convey the same to Ms. Dhilshathu, subsequently he opined that I should not have conveyed the said message.
- (c) The working atmosphere in Chemistry Lab is not quite congenial and it is affecting the work output.
- (d) Incharge of the laboratory shouted at Ms. Dhilshathu addressing her as stupid idiot lady and she was in tears.
- (e) Incharge should have taken effective measures to resolve the present issue. In some cases he directs people to approach Regional Director directly and in some cases he sorts out the problem. There is an element of prejudice/discrimination on the part of Incharge.
- (f) Groupism exists in the Chemistry Laboratory from the beginning.
- (g) There are no significant technical discussions in the laboratory.
- (h) The dispute between herself and Ms. Dhilshathu is not that significant to be commented upon.
- (i) Other colleagues in the laboratory have now developed the feeling that Roopa is close to Ms. Dhilshathu.

- (j) Excess and unwarranted laughter by other colleagues of the laboratory may be irritating Ms. Dhilshathu.
- (k) Ms. Dhilshathu is quite sincere in work.
- (l) I have not seen with my eyes that her reagents are being contaminated but a particular sample was shown to me as well as Incharge also.
- (m) There is no conspiracy against Ms. Dhilshathu, but there is groupism.
- (n) There is discriminatory element of work relating to research in the laboratory.
- (o) There were occasions where Ms. Dhilshathu was favoured by Incharge.
- (p) Ms. Dhilshathu is quite strong about her view points and she does not entertain anybody to interfere in her matters.

4.8 DEPOSITION OF SHRI RAMA KRISHNA:

In order to elicit truth, (from bottom level) the Committee desired to ascertain certain information from some of the Technicians/Attendants such as Shri Basava Raju, Shri Srinivas and Shri Rama Krishna. While, Shri Basava Raju and Shri Srinivas did not cooperate, Shri Rama Krishna has stated that there are certain incidents of infighting in the laboratory and now a days Dhilshathu is not going to the room of Incharge also.

5.0 COMMON ASPECTS OUT OF DEPOSITION OF COMPLAINANT AND OTHERS

- (a) There is no congenial atmosphere in the Chemistry Laboratory resulting in reduced work output.
- (b) There is groupism in the Chemistry Laboratory.
- (c) Incharge, Chemistry Laboratory has not been taking effective measures to curb the unpleasant situation and on the contrary he is entertaining only a set group of people resulting in widening gap among fellow colleagues.
- (d) There are no technical discussions in the laboratory and R & D work is also not being entertained by few officers.
- (e) Ms. Dhilshathu is feeling unsafe to work in the laboratory.
- (f) Similarly other colleagues of her are also unhappy one way or the other as Ms. Dhilshathu is in the habit of writing letters to higher officials besides causing issue of legal notices. She is also in the habit of altercation with everybody.
- (g) While all other senior colleagues move together, Ms. Dhilshathu is alone except Dr. Roopa Bose at times.
- (h) These unpleasant incidents are causing lot of problem to the Management.
- (i) There are heated arguments between the Incharge and Ms. Dhilshathu on several occasions and Incharge used rough language towards her.
- (j) In order to ascertain the technical competence of Ms. Dhilshathu, Incharge subjected her to too many questions for a period of more than an hour on the plea that it has to be assessed for the sake of APAR.
- (k) Ms. Dhilshathu is a very sincere worker even in the disturbed circumstances.

- (l) Incharge, Chemistry Lab is also encountering difficulties because of groupism, prevailing in the laboratory.
- (m) Ms. Dhillshathu is facing certain medical problems such as hypothyroidism, lymph nodule infection, sever spondylitis.
- (n) Incharge, Chemistry Laboratory rendered support to Ms. Dhillshathu in the past.
- (o) There is involvement of family members of Ms. Dhillshathu in resolving the issues and Incharge also involving his wife in such matters.
- (p) The uncontrolled situation in the lab has started only after Dr. Premadas has taken over the charge and it was under total control when Dr. Chakrapani and Dr. Satyanarayana were Incharges.
- (q) Ms. Dhillshathu does not like to share the resources in the area of work and she expects courtesy from others before they take certain things like IR Lamp, hotplate, etc., while they are in use by her.
- (r) Of late newly joined male employees are also turning against Ms. Dhillshathu.
- (s) While Ms. Dhillshathu and Dr. Bincy were in M.C. Palle camp, Dr. Bincy left the camp on the morning hours of 10.12.2010 and returned on the afternoon of 13.12.2010, and there are contradictory statements about her leaving camp.
- (t) It is unsafe for any lady employee to stay alone in the M.C. Palle camp.
- (u) Ms. Dhillshathu is very rigid about her views and she does not want to take any advice from other colleagues of the laboratory.
- (v) There are certain instances where the analysis went wrong and Ms. Dhillshathu suspects contamination of influx/reagents.

6.0 EVALUATION OF EVIDENCE

After interacting with the complainant as well as other senior colleagues in the laboratory including the Incharge and also after obtaining their written depositions along with other material, questions for consideration before the Fact Finding Committee are as follows:

- 6.1 Is there any truth in the complaint of Ms.Dhillshathu Beegam that she is being figured as a mentally imbalanced person?
- 6.2 Are there any attempts in the laboratory to isolate her by not allotting important work? Similarly, not associating her in any of the activities.
- 6.3 Is there any groupism in the Chemistry Lab of Southern Region, AMD, Bengaluru?
- 6.4 Is Incharge effective in controlling the situation and extracting work from the personnel?
- 6.5 Is Ms.Dhillshathu good at work and contributing for the laboratory?
- 6.6 Is Ms.Dhillshathu also responsible for the groupism in the section in one way or the other?

6.1 Is there any truth in the complaint of Ms.Dhilshathu Beegam that she is being figured as a mentally imbalanced person?

According to Ms.Dhilshathu, all the five colleagues including the Incharge have passed some remark or the other describing her having psychic behaviour.

Though the Incharge denied his utterance towards Ms.Dhilshathu as the “stupid idiot lady”, Dr.Anitha confirmed in her deposition that there were heated arguments between Incharge suggested psychiatric treatment to Ms.Dhilshathu and also abused her as the “stupid idiot lady”. According to Ms.Dhilshathu, other colleagues have also used the terminology that “she is a totally psychic lady”, the most rudest lady whom one has never come across in her life, and that “she has behavioral problems and suffers from inferiority complex”. From the scenario prevailing in the laboratory now, the Committee could infer that the Incharge of Chemistry Laboratory has totally isolated Ms.Dhilshathu for various reasons and same path has also been followed by other senior colleagues either to please the Incharge or because they were also prey to Ms.Dhilshathu Beegam’s behavior on one occasion or the other. It can also be inferred that Ms.Dhilshathu Beegam though a sincere worker expects courtesy from others also, in so far as their official life is concerned. Obviously, the question of seniority comes into play and because the seniors are affected by the curt language and impolite behavior of Ms.Dhilshathu, there is every possibility of passing certain remarks against her. While this is a preponderance of probability, there is an eyewitness to the abuses of Dr.Premadas towards Ms.Dhilshathu. Hence, it can be reasonably concluded that Ms.Dhilshathu has been adjudged as a psychic personality by all the senior colleagues in the section.

6.2 Are there any attempts in the laboratory to isolate her by not allotting important work? Similarly, not associating her in any of the activities?

Including the Incharge almost every Officer admitted that groupism exist in the Chemistry Laboratory of Southern Region, AMD, Bengaluru. Another reason could be that major part of the section is female employees, who are susceptible to emotions, ill feelings etc. Ms.Dhilshathu joined Chemistry Laboratory in 2003 while other colleagues have rendered the service of almost two decades there. Ms.Dhilshathu is in the grade of SO/D while most of the others are in the grade of SO/F and G. In such a scenario, it is quite natural in any Government setup that there should be recognition to seniority and designation. On the contrary the feelings of seniors are being affected by the impolite and curt behavior of Ms.Dhilshathu because she believes in sincerity, courtesy etc. instead of maintaining good relations with others, not working in teams etc. It would have been appropriate on the part

of Ms.Dhilshathu to adjust to the situation and to maintain diplomacy instead of pointing out each and every aspect. Her action of complaining to Incharge, Deputy Regional Director and Regional Director on various matters, causing legal notice etc., must have caused heartburn to the senior colleagues which made them to get united against Ms.Dhilshathu and to isolate her besides passing remarks and teasing her with excessive and unwarranted laughter. Even Ms.Nishma who joined Department of Atomic Energy along with Ms.Dhilshathu had certain conflicts with Ms.Dhilshathu due to which she had naturally joined the other group owing to which Ms.Dhilshathu developed a feeling that she has been isolated. On the contrary, the view of the other side is Ms.Dhilshathu is in the habit of getting aloof and she does not want to mix with others also. She does not want anybody to interfere in her matters. Hence isolation may not be totally attributable to the senior colleagues of the section but also to Ms.Dhilshathu, and she is equally responsible in not getting mingled with others and not having polite behaviour in dealing with others.

6.3 Is there any groupism in the Chemistry Lab of Southern Region, AMD, Bengaluru?

After interacting with most of the employees of Chemistry Laboratory and also after ascertaining the views of others, the Committee believes that root causes for the unpleasant happenings could be groupism in the laboratory. This aspect has been agreed to by the Incharge himself in his letter and deposition dated 15.9.2011.

6.4 Is Incharge effective in controlling the situations and extracting work from the personnel?

In so far as work output is concerned, it has drastically come down as deposed by most of the Officers from the laboratory. Also it is obvious that people cannot concentrate on the work when unpleasant incidents take place. Statements containing the work output of the section during the period 2008 to 2011 and marked as Annex H-1 to H-2 speak the truth. While there is no much decrease in the total sampling, there is drastic decrease in the estimations. Surprisingly, the performance of Ms.Dhilshathu is quite good in all the 3 years and above par as compared to most of her colleagues.

When there are groups in the laboratory which is affecting the work output totally, it is incumbent on the part of Incharge to curb such practices by adopting strict measures. However, the Committee notices that such measures have not been adopted by Incharge. Moreover, there are certain loose ends on the part of Incharge by abusing Ms.Dhilshathu, passing loose remarks against her in front of others, allowing other colleagues to pass abusive remarks against her, not reacting to the complaints of

Ms.Dhilshathu, allowing family members to intervene in official matters, etc. Further, there are no technical discussions which are very much required for progress of any laboratory. He has not given any priority to R & D work, reported to be based on the directions of Director, AMD. If he behaves in an impartial way and maintains the same principle/policy in respect of all the officers strictly, there would not have been any room for criticism, rumor mangling, in-fight, uncivilized behavior etc. His idea of ascertaining the technical competence of Ms.Dhilshathu in order to report in APAR by calling her and discussing with her is a bit ridiculous. When she is working in the same laboratory for the past 8 years, technical competence need not be ascertained by calling her for a discussion over an hour or so. When junior colleagues like Ms.Dhilshathu ventured to question him as regards PRIS(I) it can be imagined as to how he has allowed everybody to ride upon by not regarding his Incharge-ship. In all probability, Incharge has not handled the situation in a proper way and tried to keep certain people aloof with some fear or the other which are purely his own imaginations.

6.5 Is Ms.Dhilshathu good at work and contributing for the laboratory?

Including the Incharge, every officer in the laboratory who deposed before the Committee admitted that Ms.Dhilshathu is a very sincere worker. Despite the rough weather in the laboratory, she is still contributing the best as is evident from the Annex H-1 and H-2 enclosed to the report. She has also proved her ability in presenting two technical papers and also participating in one of the seminars. The Committee is of the opinion that further improvement from Ms.Dhilshathu can be anticipated if she is guided properly and the unhealthy situation prevailing in the laboratory is driven out.

6.6 Is Ms.Dhilshathu also responsible for the groupism in the section in one way or the other?

Though Ms.Dhilshathu is not in the habit of maintaining groups, the fact remains that she allowed the groups to be formed or to be developed, due to her behavior. In normal course, the junior employees display politeness and respect towards seniors and they try to get educated through them. However, for various reasons, Ms.Dhilshathu appears to have displayed superiority complex in matters of work which has annoyed seniors. Her attitude in sharing resources, usage of platinum ware, uranium influx, IR lamp, hot plate, etc., have caused pain to others. While others feel that the resources can be shared, Ms.Dhilshathu is bit rigid in such areas and she is of the feeling that there should be courtesy on the part of others while taking/using such resources which are under her control/use. It is quite natural that an Officer who joined the organization in 1991 would not like to take permission from another Junior Officer who joined the organization in

the year 2003. Though Ms.Dhilshathu feels that she is upright, straight in her dealings etc., the fact remains that seniority has to be rewarded/recognized in all areas and particularly in official matters there should be a sort of cooperation and adjustment which are lacking on the part of Ms.Dhilshathu. Her act of involving her brother in official matter and intimidating colleagues with legal action has caused further difficulty.

As admitted by Incharge himself, groupism is prevailing in the laboratory for years together. Because Ms.Dhilshathu could not get accommodated with other colleagues by virtue of her reservations, behavior etc., the groupism has been strengthened further and it caused unity among others to work against Ms.Dhilshathu.

7.0 CONCLUSION:

- (1) Ms.Dhilshathu is a sincere and devoted officer. But, she lacks adjustment due to which she has become bad to most of the senior colleagues in the laboratory. She is very rigid about her views and opinions which is evident from her umpteen complaints and causing of legal notices to her colleagues. She has no concern about the feeling of others in the office.
- (2) There is groupism in the Chemistry Laboratory of Southern Region, AMD, Bengaluru which need to be weakened/curbed on priority.
- (3) Because Ms.Dhilshathu ventured to fight against senior colleagues as well as Incharge through her letters, there is unity among the affected who may be still causing mental agony to Ms.Dhilshathu by isolating her and passing unhealthy remarks, by excessively laughing, etc.
- (4) There is no congenial atmosphere in the laboratory which has been badly affecting the work output and mental peace of all the officers working in the laboratory including the complainant.
- (5) The Incharge has not seriously thought of resolving the situation when it was bud itself. Perhaps, now it is beyond his control for the reasons attributable to him to some extent. Had he tackled the issue in an impartial and non prejudicial manner in the beginning itself, it would not have reached to the level of constituting a Fact Finding Committee to unearth the facts.

8.0 RECOMMENDATIONS:

- 8.1 Swift and strict action need to be taken to eradicate groupism prevailing in the Chemistry Laboratory; even transfer of officers may be restored to in order to bring healthy and good atmosphere in the Lab.

8.2 Immediate action is necessitated to maintain congenial atmosphere in the lab.

8.3 Including Incharge, all the five senior personnel working in the lab besides the complainant should understand consequences/repercussions of their unruly/indifferent behavior. All the Officers should be advised strongly in writing in this regard.

8.4 Steps to be taken to enhance the work output in the Chemistry Laboratory.

8.5 Groupism is a result of incapacity of Incharge. Suitable administrative action may be taken against him also to improve the situation.

8.6 The complainant may also be advised to restrain from frequent writing letters and legal notices accusing the fellow officers. She is further advised to learn to share the lab resources during sample analysis. She should also learn to respect the seniors and fellow colleagues and maintain congenial atmosphere and office decorum in the Laboratory in particular.

8.7 The complainant should also be advised to resolve and sort out the problems if any at appropriate level.

(G.B. Rout)
Scientific Officer/G
Member

(Sujata R. Mudaliar)
Scientific Officer/F
Member

(N. Anjani Kumar)
Administrative Officer-III
Member

(K.Umamaheswar)
Addl. Director (OP-II)
Chairman

5. But even though the Hon'ble High Court had remitted the matter back to the respondents, it is unfortunate that the respondents had passed Annexure A-22 order, which we quote:

“Government of India
Department of Atomic Energy
Atomic Minerals Directorate for Exploration & Research

1-10-153-156, Begumpet,

Hyderabad-500 016
February 24, 2017

No.AMD-71/06/2013-Adm.V/392

O R D E R

Whereas Ms T. Dhillshathu Beegam had filed an Original Application No.896 of 2013 before the Hon'ble Central Administrative Tribunal, Bangalore Bench seeking following relief(s)

- (a) To quash the order No.AMD-5/1/2013-Dir/369 dated 20.05.2013 rejecting the representation dated 30.01.2013 to review the APAR grading for the years 01.07.2010 to 30.06.2011 and 1.07.2011 to 30.06.2012.
- (b) To direct the respondents to review the APAR grading and grant an overall grading of A-2 for the above periods.

2. And whereas, the Hon'ble Tribunal vide order dated 2.3.2016 allowed the Original Application No.896 of 2013 filed by Ms. Dhillshathu Beegum.

3. And whereas, the Respondents i.e. AMD (UOI) filed a Writ Ppetition before the Hon'ble High Court of Karnataka bearing No.39754-39756/2016 and WP.No.39757/2016 (D-CAT) challenging the Hon'ble C.A.T's order dated 2.3.2016. Further, Hon'ble High Court of Karnatak vide its order dated 6.12.2016 directed as follows:

QUOTE:

10.....But considering the facts and circumstances, we find that as at one point of time, even as per the petitioners, the representation of the respondent was rejected by petitioner No.2, it would be just and appropriate to direct the consideration of matter by petitioner No.1-the Director, AMD.

11. We also find it appropriate to observe that petitioner No.1 shall consider the marking given by the reporting authority, reviewing authority as well as the decision of the accepting authority in the light of observations made and conclusions recorded by the fact finding Committee. After considering all the aspects, the petitioner No.1 may take appropriate decision as to whether the marking given needs to be enhanced and/or as to whether the gradation needs to be upgraded or not. We hope and trust that petitioner No.1 shall apply his mind keeping in view the objectivity of statutory body and shall take appropriate decision and will also ensure that

no injustice is caused unnecessarily to any of its employees including the respondent. We leave it at that without making any further observations and suffice it to state that petitioner No.1 shall take appropriate decision for marking and consequently for gradation in accordance with law.

12. *In view of the aforesaid observations and discussion, the impugned order passed by the Tribunal so far as it relates to making observations exceeding the right of any employee and to send legal notice mentioned in para-4 onwards and ultimate conclusion of giving gradation of A-2 to the respondent are set aside and the gradations given by reviewing and accepting authority are also set aside. It is further directed that the petitioner No.1 shall examine the matter for the purpose of marking and gradation of the respondent in the light of the observations made by this Court, preferably within a period of four weeks from the date of receipt of a certified copy of this order. It is also observed that in the event the respondent has any grievance with the decision taken by petitioner No.1, she may resort to appropriate proceedings as available in law.*

13. *The writ petitions are partly allowed to the aforesaid extent. Rule is made absolute accordingly. Considering the facts and circumstances, no order as to costs."*

4.And whereas, the certified copy of the Order dated 6.12.2016 was received in Southern Region, AMD on 22.12.2016. Hence, the stipulated time of four weeks would be upto 19.01.2017. A Miscellaneous Petition was filed by UOI seeking extension of time by 2 months for complying with the above order before the Hon'ble High Court of Karnataka on 18.01.2017 through our Counsel.

5.And whereas, the Hon'ble High Court was pleased to grant extension of time for implementing the order dated 06.12,2016 upto 03.03.2017.

6.And whereas, Director, AMD considered the APAR gradings awarded to Ms.Dilshathu Beegam, Scientific Officer/D, Northern Region, AMD, New Delhi by the Reporting Authority, Reviewing Authority as well as the decision of the Accepting Authority during the period 01.07.2010 to 30.06.2011 and from 01.07.2011 to 30.06.2012.

7.And whereas, the gradings were reviewed afresh taking into account the Professional ability, work content accomplished along with Personal qualities and administrative abilities in respect of Ms. Dhillshathu Beegum and accordingly awarded the marks for different attributes in the assessment for the year 2010-11 and 2011-12. The observations made by the Fact Finding Committee vide its Report dated 21.10.2011 were also taken into account

for re-assessing the APARs for the years 01.07.2010 to 30.06.2011 and from 01.07.2011 to 30.06.2012.

8.And whereas, after the critical review it is found that the numerical value of APAR of Ms. Dhilshathu Beegum at 7.7 and grading of A3 (Very Good) would be appropriate for the year 2010-11 and the numerical value of APAR of Ms. Dhilshathu Beegum at 7.27 and grading of A3 (Very Good) would be appropriate for the year 2011-2012.

9.Now, therefore, the representation dated 09.01.2017 of Ms. Dhilshathu Beegum has been examined by the Petitioner No.1 i.e, Director, AMD is, thus, disposed of in compliance to the order dated 06.12.2016 passed by the Hon'ble High Court of Karnataka at Bengaluru.

10. If not satisfied with the gradings awarded afresh by Director, AMD being the Petitioner No.1, the respondent is at liberty to prefer an appeal before Secretary, DAE being the Appellate Authority.

11.The receipt of this communication may please be acknowledged.

-sd-
(L.K. Nanda)
Director"

6. We have examined them and heard all in detail and also thereafter decided that we will wait a little while for the matters to cool down.

7. We had in an earlier proceedings, summoned the reporting Officer and all other 4 ladies who are connected with the matter and had one or two detailed discussions with them.

8. We got the following, that the applicant was a brilliance Scientist who is also conscious of this fact herself. The other 4 ladies are senior to her and may be the applicant's attitude might not have endeared herself to them. But since they were 4 ladies on one side and one lady on the other side, the Reporting Officer had to buckle down to the pressure of these 4 ladies who were senior than the

applicant. The infirmities pointed to her are absolutely worthless as had medical lacune. No employee's future can be tampered with. But at the same time, we are conscious of the fact that all the ladies were fighting with each other in all possible ways, including Civil Suit and Criminal case and the Reporting Officer had to bear the brunt of it.

9. We feel that the respondents have adopted the tactics of sitting with the majority, that of course is not the right thing to do. They should sift the grain from the shaft and then only apply their mind. There is no necessity to take the side of seniority. Annexure A-22 is the result of non-application of mind to the factors actually involved in it, as stated above, as we have heard this matter in great detail at the earliest time itself. Annexure A-22 is quashed and it is directed that the applicant will also be given equal grading with 4 other ladies so far as stated in the earlier order and we reiterate our order in all its standing. OA allowed as above. No costs.

(C.V. SANKAR)
MEMBER(A)

(DR.K.B.SURESH)
MEMBER(J)

vmr

Annexures referred to by the Applicant in OA No.170/00428/2017

- Annexure A1 : Copy of complaint dated 06.01.2011.
 Annexure A2 : Copy of complaint dated 14.06.2011.
 Annexure A3 : Copy of complaint dated 15.09.2011.
 Annexure A4 : Copy of the report of fact finding committee dated 10.05.2012.
 Annexure A5 : Copy of APAR submissions forms for the year 01.07.2010 to 30.06.2011.
 Annexure A6 : Copy of detailed Grade Sheets for the year 01.07.2010 to 30.06.2011.
 Annexure A7 : Copy of APAR submissions forms for the year 01.07.2011 to 30.06.2012.
 Annexure A8 : Copy of detailed Grade Sheets for the year 01.07.2011 to 30.06.2012.
 Annexure A9 : Copy of communication and acceptance of APAR grading in format 1 for the period 01.07.2010 to 30.06.2011.
 Annexure A10 : Copy of communication and acceptance of APAR grading in format 1 for the period 01.07.2011 to 30.06.2012.
 Annexure A11 : Copy of final assessment sheet for the period 01.07.2011 to 30.06.2012.
 Annexure A12 : Copy of instruction given by the office-in-charge to the applicant shouldering additional responsibility vide order dated 27.09.2010.
 Annexure A13 : Copy of instruction given by the office-in-charge to the applicant shouldering additional responsibility vide order dated 15.02.09.2012.
 Annexure A14 : Copy of the representation dated 30.01.2013.
 Annexure A15 : Copy of order dated 20.05.2013.
 Annexure A16 : Copy of duly completed Confidential Report for the year 01.07.2009 to 30.06.2010.
 Annexure A17 : Copy of detailed Grade Sheets for the year 01.07.2009 to 30.06.2010.
 Annexure A18 : Copy of details of the applicant's CR gradings, names of Reporting officer, Reviewing etc. from 18-09-2003 to 30.06.2011.
 Annexure A19 : Copy of details of information sought under RTI Act dated 01.07.2013.
 Annexure A20 : Copy of order dated 02.03.2016 in OA.No.896/2013.
 Annexure A21 : Copy of order dated 06.12.2016 in WP.No.39754-39757/2016.
 Annexure A22 : Copy of impugned order dated 24.02.2017 passed by the respondent.

Annexures referred to by the Respondents in the Reply

- Annexure R-1: Copy of letter dated 05.4.2011.

- Annexure R-2: Copy of letter issued to Dr. Premadas dated 16.2.2012.
Annexure R-3: Copy of letter issued to Dr. Usha Nathan dated 16.2.2012.
Annexure R-4: Copy of letter issued to Dr. Anitha Mary Thomas dated 16.2.2012.
Annexure R-5: Copy of letter issued to Ms. Nishma Ojha dated 16.2.2012.
Annexure R-6: Copy of letter issued to Mrs. Bincy Cyriac dated 16.2.2012.
Annexure R-7: Copy of letter issued to Ms. Dhilshathu Beegam dated 16.2.2012.
Annexure R-8: Copy of Merit Promotion Scheme.

Annexures referred to by the Respondents in the Addl. Reply

- Annexure R-9: Copy of circular dated 16.9.2011 reg. calculation of gradings.
Annexure R-10: Copy of Statement indicating numerical gradings.
Annexure R-11: Copy of Committee constitution order dated 28.12.2016 & 01.02.2017.
Annexure R-12: Copy of letter dated 20.5.2013 regarding disposal of representation.
Annexure R-13: Copy of letter dated 21.9.2016 regarding disclosure of APAR gradings.
Annexure R-14: Copy of letter dated 20.6.2017 furnishing detailed grade sheets.

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Annexures referred to by the Respondents in the Reply

- Annexure R 1 : Copy of request letter
Annexure R 2 : Copy of request letter
Annexure R 3 : Copy of request letter
Annexure R 4 : Copy of request letter
Annexure R 5 : Copy of stop gap arrangement order
Annexure R 6 : Copy of stop gap arrangement order
Annexure R 7 : Copy of stop gap arrangement order
Annexure R 8 : Copy of stop gap arrangement order
Annexure R 9 : Copy of stop gap arrangement order
Annexure R 10 : Copy of stop gap arrangement order
Annexure R 11 : Copy of stop gap arrangement order
Annexure R 12 : Copy of stop gap arrangement order
Annexure R 13 : Copy of stop gap arrangement order
Annexure R 14 : Copy of stop gap arrangement order
Annexure R 15 : Copy of the order dated 19.02.2014 in
OA.No.1431/2014.
Annexure R 16 : Copy of the order dated 18.11.2013 in
WP.No.24357/2013 (S-CAT).
