

**Central Administrative Tribunal  
Hyderabad Bench**

**OA No.5/2020**

Hyderabad, this the 8<sup>th</sup> day of January, 2020

**Hon'ble Mr. B. V. Sudhakar, Member (A)**

Dr. Y. Babji

S/o Late Y. Madhava Rao

Aged 52 years,

Occ: Principal Scientist

In National Research Center on MEAT

Hyderabad R/o Hyderabad.

.... Applicant(s)

(By Advocate: Shri Ch. Srinivas)

Vs.

1. The Union of India rep by its Secretary  
ICAR Krushi Bhavan, New Delhi.
  2. The Secretary, Indian Council of Agricultural and Research  
Krushi Bhavan, New Delhi.
  3. The Director General Indian Council of Agricultural and Research  
Krushi Bhavan, New Delhi.
  4. The Director National Research Center  
On MEAT, Chengicherla, Hyderabad.
- .. Respondent(s)

(By Advocate: Shri V. Vinod Kumar, Sr. CGSC)

**ORDER (Oral)**

2. The OA is filed aggrieved by the impugned action of the respondents in not regularizing the period from 03.08.2016 to 02.04.2018, payment of salary for the said period and not sanctioning annual grade increments which are due to the applicant on 01.07.2017 and 01.07.2018.

3. Brief facts of the case are that the applicant was transferred to NRCM, Hyderabad in the year 2001 and later he was promoted as Senior Scientist in the year 2003. Applicant submits that he has been rated as 'Very Good' in Annual Confidential Reports during 2010-2011, 2011-2012 and 2012-2013. He further submits that he had filed OA No.352/2014 before this Tribunal to declare the action of the respondents for proposing to conduct an inquiry on 4<sup>th</sup> and 5<sup>th</sup> April, 2014 without supplying of the copies of complaints and other relevant records, as arbitrary and illegal. However, the enquiry was conducted behind the back of the applicant and inquiry report was submitted on 10.04.2014, recommending to transfer to a far of place. Therefore, the applicant filed MA in the said OA. The Tribunal passed an interim order in the said MA, directing the respondents therein not to pass any order pursuant to the inquiry order 10.04.2014. However, without taking into

the explanation submitted by the applicant and without considering the facts and circumstances, the applicant was abruptly transferred by an incompetent authority vide proceedings dated 10.07.2014 violating the interim orders of this Tribunal dated 29.04.2014. Applicant filed OA No.789/2014 challenging the impugned proceedings dated 10.07.2014. Once again, the Hon'ble Tribunal granted stay of the cited order. Thereafter, the aforesaid OA 352/2014 was dismissed as infructuous. However, liberty has been given to the applicant to challenge the inquiry report dated 10.04.2014. The OA 789 of 2014 was dismissed for non-prosecution and the interim order already granted was vacated. The applicant filed MA No.842/2016 for restoration of OA along with MA No.841/2016 for condonation of delay in filing the MA 842/2016, and on hearing the same, MA No.841/2016 was allowed along with MA 842/2016, filed for restoration of the OA and the interim orders granted earlier were resurrected. In the meanwhile, Respondent No.5, relieved the applicant vide Order dated 02.08.2016, though the MA 842/2016 filed for restoration of OA and the interim order therein was reactivated. The applicant was not allowed to join duty by Respondent No.6. Thereafter, OA 789/2014 was heard and disposed of on 03.11.2016 by directing the respondents to dispose of the representations made by the applicant. Besides, the applicant was also directed to file a fresh representation for sanction of leave and for his pending salary. The

respondents were directed to dispose of the aforesaid representations within two weeks. Thereafter, applicant requested Respondent No.3 either to retain him in Hyderabad or to accommodate him in any of the ICAR institutions in and around Hyderabad, but the same was rejected, vide order dated 23.11.2016, and the impugned transfer Order dated 10.07.2014 was upheld. Applicant submits that the transfer order dated 10.7.2014 was issued by the respondents on the recommendations of the women's complaint committee though the MA No.326/2014 directed the respondents not to pass any final orders on the recommendations of the women's complaints committee. Consequently, the applicant filed OA No.1177/2016. In the meanwhile, OA No.643/2016 filed by the applicant challenging the impugned inquiry report dated 10.04.2014. The same was allowed on 22.06.2017. Subsequently, OA No.1177/2016 was also allowed on 06.11.2017 and quashed the transfer order dated 10.07.2014 and the consequential relieving orders. In obedience of the orders of the Tribunal, the applicant was posted in Hyderabad as Principal Scientist and he is attending to duty from 03.04.2018. Despite the Tribunal quashing the transfer order and consequential relieving order dated 02.08.2016, the respondents have not paid salary from 03.08.2016 to 02.04.2018 and not regularized the period in question. Even the increments due on 01.07.2017 and 01.07.2018 were not given despite representations made by the

applicant, through proper channel, on 11.06.2018 and 22.04.2019. Besides, applicant requested the respondents for regularization of the period from 03.08.2016 to 02.04.2018 and for payment of salary on several occasions but in vain. It is stated that the aforesaid representations are still pending with the respondents. Hence, the present OA.

4. The contentions of the applicant are that the applicant is eligible for the annual increments due on 01.07.2017 and 01.07.2018 in view of the orders of the Tribunal passed in OA No.1177/2016 being in his favour. Applicant also claims that he is entitled for regulation of the period from 03.08.2016 to 02.04.2018. The representations made by the applicant are yet to be disposed of by the respondents. The action of the respondents in not paying salary for the period in question, regularization of the said period and granting increments due, is illegal and arbitrary.

5. Heard both the counsel and perused the pleadings on record.

6. From the particulars furnished by the applicant in the OA, it is seen that the applicant has filed quite a few OAs in regard to his grievances about the transfer and other disciplinary proceedings, etc. The transfer

order of the applicant has been set aside and he has been allowed to join at Hyderabad. However, the applicant has made representations on 11.06.2018 and 22.04.2019 for release of increments, due salary and regularization of the period in question, etc. The applicant claims that the same are not yet disposed by the respondents. The learned counsel for the applicant, prayed that the applicant will be satisfied, if the respondents be directed to dispose of the representations pending before them. The learned counsel for the respondents, opposed the disposal of the representations on the ground that the applicant has filed some more OAs, which are pending, and the applicant is a chronic litigant and thereby he sought time for filing reply.

7. After hearing both the counsel, the Tribunal is of the view that it would be fair proposition to direct the respondents to dispose of the aforesaid representations, pending with them, to meet the ends of justice. Once the respondents dispose of the representations, then the Tribunal can appropriately examine, if any grievance still persists. Hence, as prayed by the learned counsel for the applicant, the respondents are directed to dispose of the representations made by the applicant, within a period of 8 weeks from the date of receipt of a copy of this order by issuing a speaking and a well reasoned order in accordance with the extant rules and instructions, governing the issues and the relief sought by the by the applicant.

With the above directions, the OA is disposed of, without expressing any opinion on the merits of the case, with no order as to costs.

**(B. V. Sudhakar)**  
**Member (A)**

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