

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.233/1999

New Delhi, this 29th day of June, 1999

Hon'ble Shri S.P. Biswas, Member(A)

1. Dr. D.K. Garg
2. Dr. Mrs. Saroj Singh
3. Dr. Praduman Kumar
4. Mrs. Sumitra Arora
5. Priya Vrata Verma

All officials of NCIPM, ICAR
IARI, Pusa Complex, New Delhi .. Applicants

(By Shri Vishwanath Singh with Shri R.K. Singh,
Advocates)

versus

1. Dr. R.B. Singh
Director, IAR, Pusa Campus, New Delhi
2. Director General
Indian Council of Agricultural Research
Krishi Bhavan, New Delhi
3. Dy. Director General
ICAR, New Delhi .. Respondents

(By Shri V.K. Rao, Advocate)

ORDER

The only issue that falls for determination is whether Respondent No.2 having agreed to offer some benefits to its employees can go backward in fulfilling the commitments so made.

2. Director General, Indian Council of Agricultural Research (ICAR for short) approved an office order on 12.3.98 which stipulates, interalia, that "staff of National Centre for Integrated Pest Management (NCIPM for short) including the Project Director shall be treated at par with the staff of Indian Agricultural Research Institute (IARI for short) for purposes of

allotment of staff quarters/residences etc. in Pusa Campus". The aforesaid order was in pursuance of the earlier orders issued in this respect and came into force with immediate effect. Following the aforementioned order dated 12.3.98, an office circular dated 29.4.98 was issued by Director, NCIPM which mentions that staff of NCIPM will be considered at par with the staff of IARI for allotment of accommodation at IARI Campus and the staff members of the said centre, i.e. NCIPM were asked to apply for suitable residential accommodation in the prescribed form keeping in view the entitlement. Following this, Director, NCIPM sent application forms of about 40 officers/officials for general pool and two officers for hostel pool accommodation for allotment out of IARI residences in the entitled category. Soon thereafter, a circular dated 26.6.98 was issued by IARI whereby it was mentioned that 80 Scientists Apartments were going to be constructed and officials/scientists who are drawing basic pay of Rs.4500 or above (in the pre-revised scale as on 1.1.98) and are desirous of getting allotment in the scientists apartments could apply. However, this circular completely ignored the NCIPM staff despite the order of DG, ICAR dated 12.3.98. The present OA is the offshoot of action of Director, IARI (Dr. R.B. Singh) in not including the names of scientists from NCIPM in the waiting list for the purpose of allotment of accommodation to the NCIPM Officials out of IARI pool of accommodation inclusive of hostel.

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3. In the counter, respondents have submitted that the IARI staff who are eligible for accommodation could apply for allotment from the institute pool of residences. Only thereafter applications are invited for the same by the competent authority for allotment to other categories like NCIPM. The staff of NCIPM are not eligible to be considered for any allotment from IARI pool of residences within the institute. It has further been submitted that staff of NCIPM is not under the control of IARI and as such there is no reason why residential quarters meant for IARI staff should be allotted to NCIPM officials. The IARI authority has also mentioned that action of the Director, NCIPM to invite applications from the staff and officials of NCIPM for accommodation from IARI pool of residences was illegal as no approval of Director, IARI was obtained for such action and also that IARI had not communicated to NCIPM about the availability of any accommodation from its pool of residences for NCIPM staff.

4. It is not in doubt that DG, ICAR is the controlling authority both for IARI and NCIPM. Both the authorities also agree that the order dated 12.3.98 was issued with the prior approval of DG, ICAR who is competent to issue such orders in terms of rules and regulations of the Council. The question is whether one of the Directors of the constituent body of ICAR could openly violate the instructions of the superior authority, i.e. DG,

ICAR. Since the original order dated 12.3.98 was issued by the competent authority, its copies have been marked to Director, IARI and others. It does not, therefore, lie in the mouth of R-1 to flout the orders without any authority whatsoever.

5. In the context of the issues raised herein above, we are tempted to extract a passage from the judgement of the Supreme Court in the case of **Ramana Dayaram Shett V. International Airport Authority (1979) 3 SCC 489** which is as follows:

"It is well settled rule of administrative law that an executive authority must rigorously hold to the standards by which it professes its action to be judged and it must scrupulously observe those standards on point of invalidation of an act in violation of them"

6. The principle enunciated in Ramana's case has been extended to service jurisprudence by the apex court in **B.S.Minhas V. Indian Statistical Institute (1983) 4 SCC 582**. In the interest of fairplay and justice, responsible respondent like DG, ICAR (R-2) are expected to act by the standards by which they profess their action.

7. In the result, the OA is allowed with the following directions:

(i) R-2 shall consider staying allotment of Scientists apartments/hostel accommodation/Type III flats to IARI officials only; and

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(ii) R-2 shall also consider reiterating the instructions to R-1 to extend the benefits of allotment to the officials of NCIPM in terms of the office order dated 12.3.98 making the same binding for all.

8. Our orders, however, will not stand in the way of R-2 in taking a different stand in the matter of allotment if they have sufficient valid reasons to do so but that shall be only after taking Director/NCIPM and R-1 into confidence.

9. There shall be no order as to costs.


(S.P. Biswas)
Member (A)

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