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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.1060/95

NEW DELHI THIS THE 9TH DAY OF JUNE, 1995.

HON'BLE MR.JUSTICE S.C.MATHUR, CHAIRMAN
HON'BLE MR.P.T.THIRUVENGADAM, MEMBER(A)

Dr.Mahabal Ram
S/o Shri Dukhloo Ram,
R/o 31-B,D.D.A Flats(M.I.G.)
Rajouri Garden
New Delhi.

Applicant

(BY ADVOCATE SHRI B.B.RAVAL)

vs.

1. Union of India
Through the Secretary,
Department of Agricultural
Research and Education
and
Director -General(Shri R.S.Paroda)
Indian Council of Agricultural
Research,
Krishi Bhavan,
New Delhi-110001.
2. The President
Indian Council of Agricultural
Research(I.C.A.R.)
Government of India
Krishi Bhavan,
New Delhi.
3. The Director
Indian Agricultural Research
Institute(I.A.R.I)
Pusa, New Delhi-110012.
4. Dr.S.K.Sinha(ex.Director)
Prof.Eminence, W.T.C.
I.A.R.I, New Delhi-110012.

ORDER

JUSTICE S.C.MATHUR:

The applicant, Dr.Mahabal Ram, seeks quashing of the Memorandum dated January 24th/27th, 1995, Annexure 'A'. In the memorandum, the applicant has been charged with submitting a false document as seniority list of Scientists working in the division of genetics, in the Central Administrative Tribunal in his OA No.2307/93.

2. The learned counsel for the applicant has submitted that the applicant is an eminent Scientist

and is victim of caste prejudice and jealousy. These are the defences which are open to the applicant to be pressed before the inquiry officer and the disciplinary authority. It is not necessary for the Tribunal, at this stage, to go into these defences.

3. The learned counsel also submitted that the chargesheet cannot be issued in view of Section 19(4) of the Administrative Tribunals Act, 1985(for short,Act). This provision lays down that where an application is admitted by a Tribunal under sub-section(3), every proceeding under the relevant service rules as to redressal of grievances in relation to the subject-matter of such application pending immediately before such admission shall abate. The learned counsel has invited our attention to the two Original Applications filed by the applicant earlier. One of the OA is 2307/93. This OA has already been decided by order dated 7.2.1994. The OA has been dismissed. The other OA is numbered 386/94. It is pending and is fixed for final hearing on 18.7.1995.

4. In OA No.386/94, the applicant had sought the following reliefs:

- " (i) To direct the Respondents to produce a finalised seniority list of the Scientists in the Genetics Division, particularly showing the position of the applicant and Dr.V.Arunachalam and case is decided on merit.
- (ii) To direct the Respondents to appoint only the senior-most Scientist as Head of the Division of the Genetics, which is only an arrangement as per guidelines, which is neither a promotion nor a selection.
- (iii) Award exemplary cost for this application."

5. The dispute raised in this OA is different from the one raised in the charge Memorandum. In respect of the allegation made in the charge Memo, some significant observations had been made by a Division Bench of the Tribunal in its judgement dated 7.2.1994 whereby the applicant's OA 2307/93 was dismissed. In that OA, the applicant had prayed for quashing of the orders contained in Annexures 'A' and 'B'. Annexure 'A' is an order whereby the system of rotational Headship of the division/regional stations was dispensed with. By this very order, the seniormost Principal Scientist was appointed as Director. Annexure 'B' is the order by which Dr.V.Arunachalam was appointed as Head of the Division of genetics. Another relief claimed was to direct the respondents to appoint the applicant as Head of the Division of genetics. From a perusal of the OA, it appears that the applicant's claim was that he was senior to Dr.V.Arunachalam. The applicant had produced a seniority list in this OA. The applicant had prayed for an interim relief. Taking note of the seniority list filed by the applicant, the Division Bench passed an interim order on 29.10.1993 whereby the administration was restrained from giving effect to the order contained in Annexure 'B' for a period of 14 days. On putting in appearance in the case, the administration pointed out that the document filed by the applicant and relied upon by him as seniority list was not genuine. It accordingly prayed for vacation of the interim order. The Division Bench had dealt with this controversy and recorded the finding

in these terms:

" In these circumstances, we are satisfied that, while there is no direct proof that the applicant himself has tampered with the document and has written in manuscript the words found written in Annexure A-3, we have no doubt, in view of the surrounding circumstances, that the applicant very well knew that this was not issued to him by the respondents in this form. The onus, therefore, lies on him to establish how the tendentious words in hand have been got written on the Annexure A-3 document. Obviously, they are meant to prop up his claim that he was senior to Dr. Arunachalam. For, but for this insertion, we certainly would not have considered the Annexure-A-3 as a seniority list. At any rate, the interim order as issued on 29.10.93 would not have been issued."

It has also been observed:

" We are, therefore, satisfied that the applicant very well knew that the Annexure A-3 was not a list of Scientists according to the seniority as issued by the respondents and yet, knowingly, he has produced this document to obtain relief in the OA as well as to obtain an interim order."

From these observations, it would appear that the Tribunal had recorded finding to the effect that the seniority list in respect of which charge Memorandum has been issued to the applicant was a false document. It cannot, therefore, be said that controversy relating thereto is pending before the Tribunal. In our opinion, therefore, Section 19(4) is not attracted.

6. In our opinion, there is no occasion for the Tribunal to interfere at this stage. The applicant should face the charge and take appropriate defences.

7. In view of the above, the OA is dismissed in limine.

P.T.Thiru

(P.T.THIRUVENGADAM)
MEMBER(A)

S.C.Mathur
(S.C.MATHUR)
CHAIRMAN