

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA No.422/90

Date: 23-3-1990

P.N. DEVADASAN

..

Applicant

VERSUS

UNION OF INDIA

..

Respondents

ADVOCATES:

Shri A.K. Behra

..

For the applicant.

Shri R.S. Aggarwal

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For the respondents.

CORAM:

Hon'ble Shri P.K. Kartha, Vice-Chairman.

Hon'ble Shri D.K. Chakravorty, Administrative Member.

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Heard the learned counsel of both parties, on the question of admission of the present application filed under Section 19 of the Administrative Tribunals Act, 1985.

2. The grievance of the applicant is that the respondents have issued Memorandum dated 6th February, 1990 whereby he has been asked not to attend the class-room sessions of the I.R.S. trainees on the ground that his dress was not in conformity with that prescribed for probationers undergoing training in the National Academy of Direct Taxes. He has also called in question, the observation of the Director General of the Academy conveyed vide letter dated 21st February, 1990 to the effect that his dress is "casual" and that he should put on the dress as prescribed in para 45 of the Hand-book pertaining to the probationers. He has further challenged the validity of the memo dated 20th February, 1990 issued to him whereby

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his explanation has been sought for non-attendance of the classes conducted by the Academy.

3. According to the applicant, he is entitled to attend the probationary course wearing Khadi dhoti and kurta as he believes in the ideal of simple living and the principles of gandhism. The learned counsel for the applicant has referred to an instance where the respondents did not object to the wearing of such simple dress, even by a Commissioner of Income Tax.

4. Para 45 of the Probationers Hand-book reads as follows:

" In class, probationers are expected to be well-groomed and neatly and modestly dressed according to the weather. Women may wear sarees or salwar/chooridar pyjamas and kameez kurta or regional dress. Casual or frivolous or unduly showy dress is prohibited. Jeans and T shirts are forbidden. For the sake of security, costly jewellery, sarees etc. should neither be worn nor kept in the hostel. "

5. The learned counsel for the respondents stated that the above provisions in the Hand-book have been made only with a view to maintain some decorum ^{the} ~~on~~ part of the trainees and that they are expected to voluntarily maintain discipline while attending the course. He also submitted, on instructions from the respondents, ~~will~~ ^{will} that they withdraw the impugned memo of 20th February, 1990 issued to the applicant and the explanation sought from him, vide the letters dated 6th February and 21st February, 1990.

6. After hearing the counsel for both parties, and going through the records carefully, we feel that this application could be disposed of at the admission stage itself with the following observations.

7. (i) The applicant who is an aspirant to the ^{or} Central services with liability for posting

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anywhere in India is expected to fail with the general code of conduct and etiquette to be observed by the other trainees. Prescription of such a code for the trainees should not be perceived or viewed to be violative of the fundamental rights of the applicant. The applicant should, therefore, try to conform to the general code of conduct and etiquette prescribed by the respondents for the trainees. Oddities of behaviour or appearance may not be conducive to upliftment in the chosen career, as they may invite comments and criticisms. Flexibility is an essential element in the path of progress, particularly in public service. At the same time, the respondents also are normally expected not to make an issue of the type of dress worn by a trainee unless it is offensive or is likely to cause disturbance or annoyance. Wearing of Khadi dhoti and kurta by itself may not produce such deleterious results.

(ii) As the learned counsel for the respondents has stated on instructions that they will not proceed to take action pursuant to the memoranda, issued to the applicant, we do not wish to go into the matter any further. We have also noted the submissions of the learned counsel of the respondents, made on instructions, that the period of absence of the applicant will also be condoned by the respondents. The respondents shall not give effect to the impugned memoranda and the applicant should be allowed to resume the course in a dress which he has been wearing. While we uphold the validity of para 45 of the Probationer's Handbook, nothing contained therein prohibits wearing of khadi dhoti and kurta. The applicant will also keep in view the application is disposed of with the above aforesaid observations. The observations. The parties will bear their own costs.

Let a copy of the order be given to the counsel of both parties.

D. K. Chakravorty
(D. K. CHAKRAVORTY)
MEMBER (A)

P. K. Kartha
(P. K. KARTHA)
VICE CHAIRMAN (J)