

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI**

(23)

O.A. No. 1931/91
T.A. No.

199

DATE OF DECISION 19.8.1993

<u>Shri Karma Veer</u>	<u>Petitioner</u>
<u>In person</u>	<u>Advocate for the Petitioner(s)</u>
Versus	
<u>U.O.I, ICAR & Ors.</u>	<u>Respondent</u>
<u>Shri Sanjay Sudhir, Proxy</u>	<u>Advocate for the Respondent(s)</u>
<u>Counsel for Shri AK Sikri,</u> <u>Counsel.</u>	

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The Hon'ble Mr. N.V. Krishnan, Vice Chairman (A).

The Hon'ble Mr. B.S. Hegde, Member (Judicial)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ? ✓
4. Whether it needs to be circulated to other Benches of the Tribunal ?

JUDGEMENT

[Delivered by Hon'ble Shri B.S. Hegde, Member (Judicial)]

The applicant who is a Section Officer in the Indian Council of Agricultural Research and who was under suspension has filed this application challenging the order of suspension dated 25-4-91 (An.1) and the Memorandum dated 4-7-91 (An.2) initiating an inquiry under 14 of the Central Civil Services (Classification of Control & Appeal) Rules, 1965. This application was filed on 21-8-91. Notice of the application was given to the respondents in regard to admission. The respondents filed their reply on 13-11-91, contending that the OA is premature as the departmental inquiry has just been initiated against the applicant and it is in progress. The applicant can have a grievance only if a penalty is imposed. The applicant has also filed rejoinder. Thus, as a matter of fact, the pleadings are complete. It is observed from the proceedings dated 5-12-91 that, when the applicant started his arguments,

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the Bench felt that he needed legal assistance. Accordingly, Shri Vijay Mehta advocate was appointed by the Bench as the applicant's counsel. The O.A. has been pending since then. Thus the application can be admitted and fixed for hearing according to its turn or it can be disposed of on merits at this stage. We find, we are unable to do either for the reasons stated later in this order.

2. On 19-5-93 the matter came before us when the applicant appeared in person. We heard him at length and felt that the O.A. was premature. Therefore, we asked the applicant why this OA should not be dismissed on that ground. He was also informed that if he wanted further time to think over the matter, it could be given. However, the applicant did not seek additional time. He preferred an order to be passed by us. We, therefore, heard him and reserved the case for orders.

3. The brief facts of the case are as follows:-

3.1 The applicant is employed as a Section Officer in the office of the second respondent i.e. Indian Council of Agricultural Research. It is stated that the applicant had earlier filed OA 1026/89, OA 173/90 and OA 2300/90 which are all pending before this Tribunal.

3.2 In OA 173/90, an order was passed on 16-3-90 (Evidence II) maintaining the status quo of the applicant in regard to his posting on that date till next date, by the order dated 12-2-91 of the Tribunal (Evidence 1 at page 53 of the paper book) the interim order already issued was continued till further orders.

3.3 Notwithstanding this, the applicant was transferred on 21-3-91 from Edn.III Section to Pub.IV Section (page 40 of the paper book). Therefore, the applicant filed CCP 114/91 in OA 173/90.

Advised



of Rule 3(1)(ii) of CCS (Conduct) Rules, 1964, as extended to Indian Council of Agricultural Research employees.

Article of Charge II

The said Shri Karma Veer did not maintain cordial relations with his fellow colleagues and senior officers. He even tried to manhandle a lady member of the Section and threatened to throw her physically out of the room, which is unbecoming of an ICAR employee.

Shri Karma Veer thus violated the provisions of Rule 3(1)(iii) of CCS (Conduct) Rules, 1964 as extended to ICAR employees.

Article of Charge III

The said Shri Karma Veer indulged himself in a number of disruptive activities and assumed power to himself and issued orders at his own level thereby exceeding his jurisdiction.

He thus violated the provisions of rule 3(1)(iii) of CCS (Conduct) Rules 1964 as extended to ICAR employees.

The statement of imputations in respect of these charges reads as follows:-

Article of Charge-I

Shri Karma Veer, Section Officer, (Under suspension) in Education-III Section of Indian Council of Agricultural Research was given the work relating to compilation of State-wise and Scheme-wise expenditure figures in respect of 7th Plan Scheme pertaining to Education-III Section for furnishing this information to the Planning Commission. This work was assigned to him by his senior officers. In spite of repeated oral and written instructions Shri Karma Veer neither completed the job nor got the same done from members of the staff of the section. For preparing the said information, he was advised to contact Accounts-II section of the Finance Division of the Council, but he continued saying that he/the section shall require six months time to complete the job. When he was transferred from Education-III section to Publication-IV section vide Office Order No.8-1/89-Estt.I dated 21-3-91, he did not comply with the transfer orders and continued working in Education-III Section though he was relieved of his duties from the section by the senior officers of the Education Division vide Office Order No.1-2/89-Ser. Sec/KAB dated 26-3-91. As such he did not comply with the orders of his officers and showed insubordination.

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Article of Charge-II

The said Shri Karma Veer, Section Officer, did not maintain cordial relations with his fellow colleagues. He failed to behave in a responsible manner with his superior officers. The staff members viz., Veena Dhall, UDC, Pushpa Saluja, LDC and Urmilla Sharma, LDC refused to work under him because of his misbehaviour and arrogance with which he treated them. They gave in writing that they wanted to be transferred

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from that section. He even tried to manhandle one of the lady employees viz., Veena Dhall, UDC, in the section by threatening her to throw her physically out of the room.

Article of Charge III

Shri Karma Veer, Section Officer, indulged himself in a number of disruptive activities and assumed all powers to himself and issued orders/instructions at his own level thereby causing great hinderance in the day to day functioning of the section thereby exceeded his jurisdiction. In this connection his note dated 27-3-91 and O.O.No.23-4/91-Edn.III dated 3-4-91 issued under his signature refer.

6. Prima facie, there is nothing strange about these charges. The charges are not vague or frivolous. There is nothing in them to justify the unusual and bizare prayer made in para 8(iv) of the OA. We see no justification to quash the An.A-II Memo of charges at the threshold without allowing the inquiry to proceed, particularly when the applicant has filed a marathon reply.

7. No doubt, this application has been pending in the Tribunal for some time, but even so, we do not find it proper to interfere at this stage with the proceedings. It is only fair to allow the respondents to complete the proceedings according to law. That was held up when the applicant filed this O.A.

8. Further, in so far as the second prayer is concerned relating to quashing the order of suspension- the Tribunal had already directed the applicant to file a representation which was to be disposed of by the respondents. The respondents have stated in their reply that the representation filed by the applicant dated 31-5-91 has been considered by the Director(A) and has been rejected vide An.R-1 of the respondent's reply. In the circumstances the applicant should seek such relief against the An.R-1 order (page 385 of paper book) as may be advised.

9. In the circumstances, we find that this application is totally premature and we have to dismiss it on that ground. We do so accordingly. We make it clear that

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it is open to the applicant to approach the Tribunal, if advised if his grievance is that the disciplinary proceedings which will be now resumed are being unduly delayed.

B.S. Hegde 19/8/92
(B.S. HEGDE)
Member (Judicial)

N.V. Krishnan
(N.V. KRISHNAN)
Vice Chairman (A)