

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 754/91
T.A. No.

199

DATE OF DECISION 5.4.1991.

Shri Alok Verma & Others	Petitioners
Shri R.K. Virmani, Counsel	Advocate for the Petitioner(s)
Versus	
Union of India & Ors.	Respondent s
None	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. I.K. Rasgotra, Member (A)

The Hon'ble Mr. J.P. Sharma, Member (J)

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

I.K. Rasgotra
(I.K. RASGOTRA)
MEMBER (A)
5.4.91.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

OA NO.754/91

DATE OF DECISION: 5.4.1991.

SHRI ALOK VERMA & ORS.

...APPLICANTS

VERSUS

UNION OF INDIA & OTHERS

...RESPONDENTS

CORAM:

THE HON'BLE MR. I.K. RASGOTRA, MEMBER (A)

THE HON'BLE MR. J.P. SHARMA, MEMBER (J)

FOR THE APPLICANTS SHRI R.K. VIRMANI, COUNSEL

(JUDGEMENT OF THE BENCH DELIVERED BY HON'BLE

MR. I.K. RASGOTRA, MEMBER (A))

Shri Alok Verma and 17 other probationers of the Indian Forest Service have filed this application under Section 19 of the Administrative Tribunals Act, 1985 aggrieved by the orders of the respondents No. 1 & 2 to wear "the prescribed field dress" or the uniform while on tours, and by the imposition of penalties for not complying with the said direction. They have challenged the "authority or jurisdiction" of respondents No. 1 & 2 to impose the requirement of wearing a uniform or a field dress, as according to them there is no such requirement forming part of the conditions of service of the applicants, nor any field dress been prescribed in any of the statutory rules or regulations. Shri R.K. Virmani, the learned counsel appearing for the applicants further submitted that there is no rule or regulation either in the Indian Forest Service

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Probation Rules or in the Probationers' Hand-Book which makes it mandatory for the probationers to wear the "prescribed field dress". In this connection he drew our attention to paragraph 4.7.3 of the Probationers' Hand-Book which is reproduced below:-

"For all field work, the probationers/foreign trainees should be in the prescribed field dress and carry a haversack to hold forest flora, Khukri, tape, hand-lens, water bottle etc."

The learned counsel submitted that the said "prescribed field dress" has nowhere been defined in the statutory rules or regulations governing the applicants nor there is any such provision in the All India Services Act, 1951 or the rules framed thereunder. No provision for wearing "prescribed field dress" also has been made in the appointment letter of the applicants. This argument was further sought to be fortified by pointing out that no out-fit/maintenance allowance for uniform is given to the probationers of Indian Forest Service unlike the Indian Police Service. The applicants cannot under these circumstances be compelled to wear the uniform unlike the Indian Police Service. The thrust of the argument is that:-

- i) no uniform/maintenance allowance is granted;
- ii) nor has the "prescribed field dress" been defined anywhere in the statutory rules.

The respondents cannot therefore compel the applicants to wear uniform. They cannot therefore take any punitive action against the applicants for non-conformity with the "prescribed field dress".

It was, therefore, prayed that the respondents No. 1 & 2 should be restrained from initiating any

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disciplinary action against the applicants for not wearing any field dress or uniform for field work and further the punitive action already taken should be set aside as illegal and without jurisdiction.

After having heard the learned counsel for the applicants at length and after perusing the record produced before us we feel that the matter can be decided at this stage itself. Instructions in the Probationers' Hand-Book make fairly detailed provisions in regard to the dress to be worn during academic and physical training, tours and qualifying tests befitting the status and the tradition of the service. Annexure I attached to the letter of appointment given to the probationers also lists article of clothing and equipment, they should be equipped with when joining the service.

"GENERAL AND MESS WEARS

7. White full sleeved shirts with tie collars	Four
8. White trousers	Two
9. Woolen lounge suit	one pair
10. Black shoes with laces	one pair
11. Brown shoes	two pair
12. Black socks	two pair
13. Socks matching with the wollen suit	two pair
14. Ties matching with the suit	two
15. Dressing gown (preferably woolen)	one
16. Rain coat (Khaki water proof)	one
17. Plain black, closed collared Jodhpuri coat woolen/terricot	one
18. Plain cream gaberdine trousers (woolen)	one
19. woolen pullover or sweater.	one
20. White socks	two pairs
21. White canvas P.T. shoes	one pair

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|---------------------------------|----------|
| 22. White shirts (half sleeves) | two |
| 23. Jungel boots / hunter shoes | one pair |

TO BE PURCHASED LOCALLY

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|--|------|
| 1. Khaki (terycot) trousers | two |
| 2. Khaki (terycot) full sleeved shirts with
two Flap / pocket | two |
| 3. Khaki hat/jungle cap | one |
| 4. Academy tie | one |
| 5. Woolen pullover skyblue (for PT & Games) | One |
| 6. Navy blue woolen blazer with Academy crest | one |
| 7. Academy sports shirts | two |
| 8. VIP Suitcase (72-75 cm) | one |
| 9. Sleeping bag (single) | one |
| 10. Rule sack | one |
| 11. Cycle | one" |

A perusal of the Annexure I as above shows that from srl. No.7-23 prescribe the general and mess wears. This is followed by srl. No.1-11 listing the items of wear and other usage to be purchased locally. Further the Annexure G (page 76 of the OA) details instructions issued by the Director of the Indira Gandhi National Academy, Dehradun on 16.1.91 for South India tour. Paragraph 2 of the said letter makes the following provisions:-

"Instructions issued for West India Tour prescribe for carrying two sets of Khaki dress and a pair hunter shoes, in addition to other clothings and items, and that is the field dress. The Director, Indira Gandhi National Academy, Dehradun, has got the powers, to make rules for the training to be imparted by the Academy. This should suffice for the tour."

This circular was issued to clarify the position to the

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applicants as to what would be the field dress. We have also taken note of the instructions contained in Probationers' Hand-Book. Paragraph 2.3.1 extracted below is of special relevance:-

"To derive full advantage from academic and physical training, tours and qualifying tests and to be properly attired as befitting their status and the tradition, the probationers have to equip themselves on joining the Academy with the prescribed articles of clothing and equipment as per list supplied with appointment letter."

The subsequent paragraphs further detail the instructions regarding dress etc. for formal occasions, during P.T., Riding, Swimming, Weapon Training etc. When all these provisions are read together a pattern for the "prescribed dress" emerges keeping in view the list of equipment articles to be compulsorily possessed by each officer in accordance with the requirements of the situation i.e. class room, P.T., Riding, Swimming/field tours. Taking the total view of the picture we are of the view that the dress to be worn on different occasions is to be regulated by the Director of the Academy under whose charge the probationers are placed in accordance with the instructions contained in the Probationers' Hand Book and equipment articles. When the applicants are required to carry two sets of khaki dress and a pair of hunter shoes along with them on tour they have to wear them. We, therefore, do not find any justification to interfere with the regulations prescribed for wearing a dress on the various occasions by the Director of the Academy out of the items of equipment as listed in the appointment letter and supplemented by the dress

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regulation prescribed in the Probationers' Hand Book.

The next plea taken by the learned counsel for the applicants was that the respondents cannot impose penalty on the applicants for not wearing the prescribed dress. We have gone through the various memoranda annexed to the application from page 25 to 34 of the paper book. None of the memoranda impose any of the penalties as provided in the statutory rules - the memoranda merely bring to the notice of the applicants the lapse on their part in not wearing the prescribed dress and that such a lapse will be reflected in their annual academic assessment. The learned counsel of the applicants had pleaded that keeping such a memorandum on the personal file of the applicants would be tantamount to "censure". Censure is a recognised penalty and such a penalty is imposed only after following the due process of law. As observed earlier, instructions 2.3.1 clearly states that:-

"To derive full advantage from academic and physical training, tours and qualifying tests and to be properly attired as befitting their status and the tradition, the probationers have to equip themselves on joining the Academy with the prescribed articles of clothing and equipment as per list supplied with appointment letter."

The memorandum served on the probationers referred to above is in conformity with the said instructions. If the applicants do not wear the prescribed dress it would reflect in their annual assessment as the very purpose of wearing such prescribed dress is stated

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to be to derive full advantage from academic and physical training etc. Any default can only be reflected in the annual assessment. This however is not tantamount to imposition of penalty under the Discipline and Appeal Rules.

In view of the above discussions we do not see any merit in the application which is accordingly dismissed at the admission stage itself with no order as to costs.

(J.P. SHARMA)
MEMBER(J)

574/91

(I.K. RASGOTRA)
MEMBER(A)

574/91

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