



Central Administrative Tribunal Lucknow Bench, Lucknow

O.A. No. 146/2021
M.A. No.1080/2020

Wednesday, this the 14th day of July, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Vijay Bhatnagar, aged about 62 years, S/o Satish Chandra Bhatnagar, R/o M-5-62 Pragati Puram Rae Bareli UP.

..Applicant
(Mr. Anupam Verma, Advocate)

Versus

1. Union of India through Secretary, Ministry of Civil Aviation, Chairman, IGRUA Governing Council, Rajiv Gandhi Bhawan, Safdarjung Airport, New Delhi-110 003.
2. Chairman, Indira Gandhi Rashtriya Uran Akademi, Fursatganj Airfield, Amethi 229 302.
3. Chief Vigilance Officer, Indira Gandhi Rashtriya Uran Akademi, Fursatganj Airfield, Amethi 229 302.
4. Shri Krishnendu Gupta, Chief Engineer/ Additional charge Director, Indira Gandhi Rashtriya Uran Akademi, Fursatganj Airfield, Amethi 229 302.

5. Shri S C Saxena, Consultant (Jr. Aircraft Technician) Indira Gandhi Rashtriya Uran Akademi, Fursatganj Airfield, Amethi 229 302.
6. Shri Narender Kumar, Consultant (Jr. Aircraft Technician) Indira Gandhi Rashtriya Uran Akademi, Fursatganj Airfield, Amethi 229 302.
7. Shri Niranjan Jena, Consultant (AME-II), Indira Gandhi Rashtriya Uran Akademi, Fursatganj Airfield, Amethi 229 302.

.....Respondents
(Mr. Yogesh Chandra Bhatt, Advocate for respondent Nos. 1 to 4 – *Nemo* for respondent Nos. 5 to 7)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

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This Application is filed with a prayer to condone the delay, if any, in filing the O.A. The respondents filed a detailed counter affidavit.

2. Having regard to the reasons mentioned in the M.A., we condone the delay in filing the O.A.

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3. The applicant retired from the service of Indira Gandhi Rashtriya Uran Akademi (IGRUA), Fursatganj Airfield, the 2nd respondent herein, as Junior Aircraft Technician in the year 2018. Respondent Nos. 5 to 7 have also retired in the same positions, at different points of time. The 4th respondent is the Director of IGRUA. The respondent Nos. 5 & 6 were appointed as Consultants vide order dated 05.03.2020, whereas the respondent No.7 was appointed as Consultant on 12.05.2020; all the three for a period of one year.

4. The applicant filed this O.A. with a prayer to direct the Chief Vigilance Officer to decide his representation dated 25.07.2020 after recording his statement, within a period of two weeks and to take informed decision in the matter by giving a reasoned and speaking order. The second relief is to quash the appointment of respondent No.4 to the post of Chief Engineer alleging that he does not hold the basic qualifications. The third prayer is to set aside the order dated

11.05.2020 issued by the Ministry of Civil Aviation, through which the respondent No.4 was kept in additional charge of the Director of IGRUA. Fourthly, the applicant prayed for setting aside the appointment of respondent Nos. 5 to 7. Another prayer is for a direction to the respondents to fill the post strictly as per the constitutional scheme following the due procedure. He has further prayed for compensation. By way of interim relief, he prayed for a direction to the Chief Vigilance Officer to decide the representation and to restrain the Chairman, IGRUA from paying the salaries to respondent Nos. 4 to 7.

5. Notice was ordered in the O.A. On account of the fact that the Division Bench was not available at Lucknow for want of Judicial Member, it was being adjourned. The applicant filed Writ Petition No.3102/2021 before the Lucknow Bench of the Hon'ble Allahabad High Court. On 10.02.2021, the learned Single Judge of the Hon'ble High Court disposed of the matter, directing that the interim prayer in the O.A. shall be decided within two weeks and

thereafter, the O.A. shall be decided within six months. The applicant filed contempt case complaining that the Tribunal did not implement the directions issued in the Writ Petition. What is important to note is that the Administrative Member, and not the Tribunal, was shown as the respondent therein. The contempt case was disposed of on 06.07.2021, observing that the O.A. before the Tribunal shall be dealt with in the light of the order dated 10.02.2021 expeditiously.

6. In view of orders of the Hon'ble High Court, the O.A., together with all the Applications was listed on 09.07.2021. After hearing the learned counsel for applicant and learned standing counsel for respondents No.1 to 4, at some length, this Tribunal found that the applicant did not claim any relief for himself and *prima facie*, the O.A. itself was outside the scope of the provisions of the Administrative Tribunals Act, 1985. It was also noticed that certain allegations and averments were made in the O.A., which are a bit shocking and surprising. The applicant went to the extent of finding fault with the entire administration for appointing

respondent No.4, though he is not a contender for that post. We wanted to ascertain from the applicant whether he sticks to the allegations and directed that he shall appear today before us, through video conferencing. However, he did not appear and the learned counsel states that his client is not well. An Application is also moved for that purpose. We find that when we extended the facility of appearance through video conferencing, the non-appearance of the applicant speaks for itself.

7. We have already indicated the gist of the prayer made in the O.A. The applicant contends that the respondent No.4 did not hold the qualifications to be appointed as Chief Engineer and that the very entrustment of charge of Directorship was illegal. He found fault with the appointment of respondents No.5 to 7 mainly on the ground that they were appointed by respondent No.4, who was not competent, and that it was contrary to prescribed policy. Nowhere in the O.A., it is pleaded that he be appointed as the Consultant or that his request was not considered.

8. The respondent Nos. 1 to 4 filed detailed counter affidavit. They raised an objection as to the maintainability of the O.A. and explained the circumstances under which the respondent No.4 on the one hand and respondent Nos.5 to 7 on the other, were appointed against the respective posts. According to them, the policy formulated by the Government for Public Sector Undertakings (PSUs) clearly indicates that where Technicians are to be engaged, it can be through the process of selection or by nominations and having regard to the fact that there are vacant posts in the technical side, the respondents Nos.5 to 7, who retired recently, were taken into service. It is also stated that the applicant retired from that very organization but his service is full of acts of indiscipline and they mentioned the details thereof. It is also stated that the applicant never applied for such engagement.

9. Today, we heard Mr. Anupam Verma, learned counsel for applicant and Mr. Yogesh Chandra Bhatt, learned counsel

for respondent Nos. 1 to 4. There is no representation for respondent Nos. 5 to 7.

10. It is rather sad, if not unfortunate, that Mr. Anupam Verma, learned counsel for applicant, who had some issues with the respondent No.2 in his personal capacity, has taken upon himself, to harass the organization, in one form or the other. This is only one of such efforts by him. One just cannot understand as to how an employee, who retired from a lower post, can go to the extent of challenging the appointment of Director, IGRUA, that too, under the Administrative Tribunals Act. 1985. It hardly needs any emphasis that the very structure of the Administrative Tribunals Act is that the relief can only be granted in respect of the service matters of employees. Basically, it is the persons in the public services, under the jurisdiction of the Tribunal or those, who seek appointment for such posts, that can approach the Tribunal. When the applicant is not a contender of the post of Director or Chief Engineer, he just cannot file O.A. challenging the appointment of respondent

No.4. If one takes into account, the fact that the applicant is not appearing before us despite directions, there is justification to infer that this is the handiwork of his learned counsel.

11. So far as the appointment of respondents No.5 to 07 is concerned, admittedly, they retired as Aircraft Technicians in the 2nd respondent itself and the policy evolved by the Government permits appointment not only through the process of tender system, but also by nominations in certain cases. Normally, the tender is resorted to only when the value of work exceeds Rs.25,00,000/-. In the instant case, the remuneration for the retired employee is fairly less.

12. The applicant could have certainly some grievance, if he too wanted to be engaged as a Consultant and that did not fructify. The respondents categorically stated that the applicant did not make any application at all, whereas respondent Nos.5 to 7 made such applications. Added to that, the verification of past record becomes relevant and it is the

discretion of the organization whether or not to take its retired employees as Consultant.

13. The shocking feature of this case is that the applicant wanted an interim direction to stop the payment of salaries of respondent Nos. 5 to 8. One rarely comes across an adventure of this type. We find that the manner in which the O.A. is presented and contents thereof, clearly indicate that the whole exercise was a gross misuse of process of law. The applicant made this attempt to harass or blackmail the entire Administration of the 2nd respondent. What is shocking is that this is one of the many cases of this type, filed by the learned counsel Mr. Anupam Verma. We deprecate his attempts and seriously warn him to desist from doing such things.

14. We, therefore, dismiss the O.A. by imposing a cost of Rs.25,000/- to be paid to the Uttar Pradesh Legal Services Authority, within four weeks. We also mark a copy of this order to the Bar Council of Uttar Pradesh and Bar Council of India, together with the copies of O.A. and other documents,

so that they can have an idea as to the method of functioning
of Mr. Anupam Verma, learned counsel for applicant.

(~~Mohd. Jamshed~~) (**Justice L. Narasimha Reddy**)
Member (A) Chairman

July 14, 2021
/sunil/rk/