

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

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Original Application No. 1447 of 1999
this the 7th day of November'2003.

HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

Dr. A.S. Gill, posted as principal Scientist & Head (CP),
Indian Grassland & Fodder Research Institute, Jhansi,
under Indian Council of Agricultural Research, Krishi
Bhawan, New Delhi.

Applicant.

By Advocate : Sri A.D.prakash.

Versus.

1. Union of India through the Secretary, Ministry of
Agricultural, Krishi Bhawan, New Delhi.
2. Director General & Secretary DARE, Govt. of India,
Krishi Bhawan, New Delhi.
3. Director, National Research Centre for Agroforestry,
Jhansi.
4. Director, Indian Grassland & Fodder Research Institute,
Jhansi.

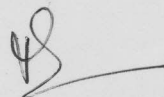
Respondents.

By Advocate : Sri B.B. Sirohi.

ORDER

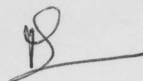
By this O.A., applicant has sought quashing of the memorandum dated 13.2.1996 whereby he was communicated the adverse remarks for three years namely 1991-92, 1992-93 and 1993-94. Being aggrieved, the applicant gave a detailed representation, which is annexed at page 22 of the O.A., but the Dy. Director General upheld the adverse remarks by memorandum dated 20.7.98 without dealing with any points raised by the applicant.

2. The grievance of the applicant is that he was senior most Scientist and was posted as principal Scientist at NRCAF, Jhansi and he was due for his next promotion as



Director, but in order to spoil his career, the earlier Director spoiled his CRs because he was prejudiced against the applicant as in one of the cases, the applicant had given adverse report against the said Director namely Dr. R. Deb Roy when the applicant was appointed as Vigilance officer. Even otherwise, it is submitted by the applicant's counsel that even though the said Director-Dr. R. Deb Roy retired on 31.3.95, he gave ~~an~~ adverse remarks after a long delay in the year 1996, which is contrary to the instructions issued by the respondents themselves, which are annexed as Annexure RA-1, wherein ^{it} is stipulated that in case the Reporting officer is retired, he shall write CR within one month, but the Director in this case has ignored ~~of~~ those instructions and has gone out of ~~away~~ way to spoil the CRs of the applicant so that he may not get his next promotion. The counsel for the applicant has also invited my attention to the letter written by the Director, NRCAF, Jhansi on 8.2.94 wherein he had categorically requested the applicant to give highlights of his research work done by him as he had done good work so that ~~it~~ ^{it} may be brought to the notice of masses and all other concerned. It is submitted by the applicant's counsel that the remarks given by the Director are contradictory to this letter as in this letter the applicant had been appreciated having done ~~for~~ good research work in his field. The counsel for the applicant further contended that since his representation has been rejected by the Dy. Director General without dealing with any points raised by the applicant, he had given a detailed representation to the Director General on 26.10.98, which is annexed at page 71, but till date the same has not been decided. Therefore, he had no other option, but to file the present O.A.

3. The respondents have, on the other hand, opposed this O.A. on the ground that this O.A. is barred by limitation as the impugned order is dated 20.7.98, while the O.A. has been filed in December '99. They have submitted that the



adverse remarks have been given by the Reporting Officer on the basis of the assessment of the applicant, which have duly been considered by the Reviewing authority and the same have been upheld after consideration. They have further submitted that the post ^{of} Director of ICAR are filled up by direct recruitment for which confidential reports are not taken into account. Therefore, it is wrong to suggest that the CRS have been spoiled with a view to stop further advancement of his career. They have also submitted that there was no further channel of promotion beyond principal Scientist, therefore, it is wrong to say that deciding his representation with some delay has caused any prejudice to the applicant. The respondents have further stated that the applicant had been called for interview for the post of Director. However, the result is still awaited. They have, thus, submitted that there is no merit in the O.A. and same may be dismissed.

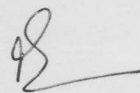
4. I have heard both the counsel and perused the pleadings as well.

5. It is seen that while representing the adverse remarks, the applicant had given a detailed representation wherein he had alleged malafides against the Director and had also taken a number of other grounds to show that the remarks ~~were~~ given to him, are not valid and have been issued with malafide intention. The memorandum by which his representation has been rejected has not dealt with any of the points raised by the applicant, but it has merely been conveyed to the applicant that there is no need for expunging the adverse remarks and the remarks are upheld. Being aggrieved, applicant had given a representation to the higher authority i.e. Director General, I.C.A.R., which has not been decided till date. Therefore, the objection of the respondents that the O.A. is barred by limitation is rejected. Since the applicant's representation addressed to the Director General ^{is} ~~has~~ already pending since long and the Dy. Director

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General has not dealt with any of the points raised by the applicant, this O.A. stands disposed off by giving a direction to the Director General, ICAR to decide the pending representation of the applicant dated 26.10.98 by passing a reasoned and speaking order thereon within a period of three months from the date of receipt of copy of this order.

6. With the above direction, this O.A. stands disposed off with no order as to costs.



MEMBER (J)

GIRISH/-