

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD.

....

original Application No. 647 of 2002.

this the 31st day of May 2002.

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, V.C.
HON'BLE MR. S. DAYAL, MEMBER (A)

Bharat Bhushan Sharma, R/o Sri Ram Het Lal Sharma,
Senior Research Fellow, Indian Institute of Pulses Research,
Kalyanpur, Kanpur.

Applicant.

By Advocate : Sri R.P. Tewari.

Versus.

1. union of India through Secretary, Ministry of Agriculture, Krishi Bhawan, New Delhi.
2. Indian Institute of Pulses Research, Kalyanpur, Kanpur through its Director.
3. Administrative Officer, Indian Institute of Pulses Research, Kalyanpur, Kanpur.
4. Dr. Masood Ali, Principal Scientist/Director, Indian Institute of Pulses Research, Kalyanpur, Kanpur.
5. Dr. R. Ahmed, Principal Investigator, Indian Institute of Pulses Research, Kalyanpur, Kanpur.
6. Secretary, Indian Council of Agricultural Research (ICAR), Krishi Bhawan, New Delhi.

Respondents.

By Advocate : Sri B.B. Sirohi.

O R D E R (ORAL)

JUSTICE R.R.K. TRIVEDI, V.C.

This application under Section 19 of the A.T. Act 1985, has been filed challenging the order dated 13.5.2002 by which the fellowship of the applicant as Senior Research Fellow in the Indian Institute of



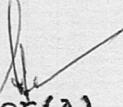
Pulses Research, Kalyanpur, Kanpur has been terminated w.e.f. 31.5.2002. The reason for terminating the services of the applicant is that/un-becoming conduct of the applicant. Thus, this order is stigmatic. The learned counsel for the applicant has submitted that the impugned order is not a simplicitor, but it has been passed on the basis of the misconduct of the applicant, which could only be passed after a full fledged enquiry and giving an opportunity of hearing and explanation to the applicant.

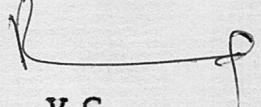
2. The learned counsel for the respondents, however, submitted that the order has been passed strictly in terms of the conditions, which had been quoted in the order itself and in case Research Fellow is found to be negligent in his work or guilty of unbecoming conduct, the fellowship could be terminated without any notice. We have considered the submissions of the learned counsel for the respondents. However, we are not prepared to accept that even in the case of unbecoming conduct, in other words mis-conduct, the authorities could not terminate the fellowship of the applicant without giving any opportunity of hearing. Such a condition would be contrary and violative of the article 14 of the Constitution of India as law cannot permit to pass an order of punishment without giving any opportunity and violation of the principles of natural justice and, in our view, the impugned order cannot be sustained.

3. For the reasons stated above, the O.A. is allowed and the impugned order dated 13.5.2002 (Annexure A-1 to the O.A.) is quashed. The applicant shall be entitled to continue as Senior Research Fellow. However,



it will be open for the respondents to pass fresh order
after giving a reasonable opportunity ^{at or before} to the applicant.
There shall be no order as to costs.


Member (A)


V.C.

Girish/-