

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
BENCH ALLAHABAD**

(THIS THE 10th DAY OF MARCH 2010)

Hon'ble Mr. A.K. Gaur, Member (J)
Hon'ble Mr. S.N Shukla, Member (A)

Original Application No. 420 of 2003

(U/S 19, Administrative Tribunal Act, 1985)

1. Dr. S.N Tripathi, (C.I), Principal Scientists Grade Rs. 16400-22400, Indian Gross Land Fodder and Agro Forestry Research Institute, Jhansi.
2. Dr. S.N Tripathi (C.P) Principal Scientists Grade Rs. 16400-22400, Indian Gross Land Fodder and Agro Forestry Research Institute, Jhansi.
3. Dr. S.N Singh, Principal Scientists Grade Rs. 16400-22400, Indian Gross Land Fodder and Agro Forestry Research Institute, Jhansi.
4. Dr. G.P Shukla, Principal Scientists Grade Rs. 16400-22400, Indian Gross Land Fodder and Agro Forestry Research Institute, Jhansi.
5. Dr. M.R. Pahwa, Principal Scientists Grade Rs. 16400-22400, Indian Gross Land Fodder and Agro Forestry Research Institute, Jhansi.
6. Dr. N.P. Shukla, Principal Scientists Grade Rs. 16400-22400, Indian Gross Land Fodder and Agro Forestry Research Institute, Jhansi.
7. Dr. S. A. Farugui, Principal Scientists Grade Rs. 16400-22400, Indian Gross Land Fodder and Agro Forestry Research Institute, Jhansi.
8. Dr. N. Hassan, Principal Scientists Grade Rs. 16400-22400, Indian Gross Land Fodder and Agro Forestry Research Institute, Jhansi.
9. Dr. R.N Chaubey, Principal Scientists Grade Rs. 16400-22400, Indian Gross Land Fodder and Agro Forestry Research Institute, Jhansi.
10. Dr. M.I Azmi, Principal Scientists Grade Rs. 16400-22400, Indian Gross Land Fodder and Agro Forestry Research Institute, Jhansi.
11. Dr. M.G. Gupta, Principal Scientists Grade Rs. 16400-22400, Indian Gross Land Fodder and Agro Forestry Research Institute, Jhansi.
12. Dr. N.C. Verma, Principal Scientists Grade Rs. 16400-22400, Indian Gross Land Fodder and Agro Forestry Research Institute, Jhansi.
13. Dr. A.B Mazumdar, Principal Scientists Grade Rs. 16400-22400, Indian Gross Land Fodder and Agro Forestry Research Institute, Jhansi.
14. Dr. J.N Gupta, Principal Scientists Grade Rs. 16400-22400, Indian Gross Land Fodder and Agro Forestry Research Institute, Jhansi.

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15. Dr. U.P Singh, Principal Scientists Grade Rs. 16400-22400, Indian Gross Land Fodder and Agro Forestry Research Institute, Jhansi.
16. Dr. B.K. Bhadoria, Principal Scientists Grade Rs. 16400-22400, Indian Gross Land Fodder and Agro Forestry Research Institute, Jhansi.
17. Dr. S.B Tripathi, Principal Scientists Grade Rs. 16400-22400, Indian Gross Land Fodder and Agro Forestry Research Institute, Jhansi.
18. Dr. S.M Mishra, Principal Scientists Grade Rs. 16400-22400, Indian Gross Land Fodder and Agro Forestry Research Institute, Jhansi.
19. Dr. B.K. Trivedi, Principal Scientists Grade Rs. 16400-22400, Indian Gross Land Fodder and Agro Forestry Research Institute, Jhansi.
20. Shri Devendra Singh, Principal Scientists Grade Rs. 16400-22400, Indian Gross Land Fodder and Agro Forestry Research Institute, Jhansi.
21. Shri K.C. Pandey, Principal Scientists Grade Rs. 16400-22400, Indian Gross Land Fodder and Agro Forestry Research Institute, Jhansi.
22. Shri O.P., S.P. Panwar, Principal Scientists Grade Rs. 16400-22400, Indian Gross Land Fodder and Agro Forestry Research Institute, Jhansi.
23. Shri O.P.S Verma, Principal Scientists Grade Rs. 16400-22400, Indian Gross Land Fodder and Agro Forestry Research Institute, Jhansi.
24. Shri O.P. Dixit, Principal Scientists Grade Rs. 16400-22400, Indian Gross Land Fodder and Agro Forestry Research Institute, Jhansi.
25. Shri R.N Dwivedi, Principal Scientists Grade Rs. 16400-22400, Indian Gross Land Fodder and Agro Forestry Research Institute, Jhansi.

..... *Applicants*

Versus

1. Union of India through Secretary, Department of Agriculture Research and Education (DARE), Ministry of Agriculture, Govt. of India, Krishi Bhawan, New Delhi.
2. Indian Council of Agricultural Research through its Secretary, Krishi Bhawan, New Delhi.
3. Director, Indian Grass Land Fodder and Agro Forestry, Research Institute, Gwalior Road, Jhansi.

..... *Respondents*

Present for Applicant : Shri A.D Prakash
Shri H.P Pandey
Shri A.K.Dave

Present for Respondents : Shri B.B Sirohi

O R D E R
(Delivered by Hon'ble Mr. A.K. Gaur, J.M.)

During the course of arguments, Shri A.K. Dave, learned counsel for the applicant invited our attention to the letter dated 12.7.2002 (Annexure A-3) addressed to the Director, Indian Grassland and Fodder Research Institute, Jhansi- 284 003. He submitted that by cryptic and non-speaking order dated 22.2.2003 (Annexure A-3A), the Competent Authority has decided the representation. Learned counsel for the applicant would contend that the applicant has never misrepresented his case and his pay is fixed solely at the behest of respondents, in no manner applicant is responsible for the same and for the same, no recovery should be made from him.

2. We have carefully seen the order dated 22.2.2003, we are firmly of the view that the order dated 22.2.2003 has been passed in a most casual and perfunctory manner, without application of mind. Learned counsel for the applicant would contend that while deciding the appeal of the applicant, the following decision rendered by Hon'ble Supreme Court has not at all been taken into consideration:-

- (i) *AIR 1986 SC 1173: Ram Chand Vs. U.O.I. and Other.*
- (ii) *2006 (11) SCC 147: Director IOC Vs. Santosh Kumar.*
- (iii) *2005 (7) SCC 597: National Fertilizer Vs. P.K. Khanna.*
- (iv) *2006 SCC(L&S) 840 : N.M. Arya Vs. United Insurance Co.*
- (v) *2008(1) Supreme today, 617:DFO Vs. Madhusudan Rao.*
- (vi) *2008(8) SCC 236 State of Uttranchal Vs. Kharak Singh.*
- (vii) *JT 2009 (4) SC-519 Chairman Disciplinary Authority Rani Laxmi Bai Gramin Bank Vs. Jagdish Vashney & Ors.*

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3. Having heard learned counsel for the applicant, we are satisfied that the order dated 22.2.2003 (Annexure A 3A) deserves to be quashed and set aside.

4. We accordingly allow the O.A. partly and quash and set aside the order dated 22.2.2003 (Annexure A 3A). The matter is remitted back to the Competent Authority to reconsider the

representation of the applicant dated 12.7.2002 (Annexure A-10) ✓ 01-2-2003 ✓

✓ 3/10 afresh in accordance with law within a period of three months from the date of receipt of copy of this order. While

deciding the representation of the applicant dated 12.7.2002 ✓ 01-2-2003 ✓

(Annexure A-8) the averment contained in the O.A. shall also be treated as part of the representation. Applicant is also directed to file representation with regard to the recovery. No costs.



Member-A



Member-J

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