

CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH

O.A. NO. 172 OF 1991.

~~T.A. No.~~

DATE OF DECISION 1-12-1995

Jagdish Mohanlal Ramani, Petitioner

Applicant-in-person.

~~Advocate for the Petitioner(s)~~

Versus

The Union of India & Ors.

Respondent s

Mr. R.A. Mishra,

Advocate for the Respondent (s)

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The Hon'ble Mr. V. Radhakrishnan, Admn. Member.

The Hon'ble Mr.

JUDGMENT

1. Whether Reporters of Local papers may be allowed to see the Judgment ?
  2. To be referred to the Reporter or not ?
  3. Whether their Lordships wish to see the fair copy of the Judgment ?
- Whether it needs to be circulated to other Benches of the Tribunal ?

Jagdish Mohanlal Ramani,  
Assistant,  
National Research Centre for  
Groundnut, P.C. Unit,  
Timbawadi, Junagadh,  
Residing at  
38, Ankur Society,  
Timbawadi, Junagadh.

.... Applicant.

(Applicant-in-person)

Versus.

1) The Union of India  
Notice to be served to  
The Secretary  
Indian Council of Agricultural  
Research, Krishi Bhavan,  
New Delhi.

2) The Director,  
National Research Centre for  
Groundnut, Timbawadi,  
Junagadh.

..... Respondents

(Advocate: Mr. R.A.Mishra)

J U D G M E N T

O.A.No. 172 OF 1991

Date: 1-12-1995.

Per; Hon'ble Mr. V. Radhakrishnan, Admn. Member.

Applicant-in-person not present. However, he has submitted written arguments. In spite of opportunities given to him, he did not turn up for final hearing. As the matter is old and pending long time, is taken up for final hearing as it is presumed that as the applicant has submitted arguments, he has nothing more to add. The counsel for the respondents was not present.

2. The applicant, who was working as in National Research Centre for Groundnut, Junagadh, has filed this application against



- 3 -

remarks communicated to him for the period 1.1.1988 to 31.3.1989. His contention is that the adverse remarks were communicated five months after the last date of the report. During the period under report the applicant was working under the Information and Documentation Officer in the Library, but no remarks were obtained from her by the reporting authority, that no fair and reasonable opportunity was given to him as the authority refused to refer him for medical examination. He has also alleged bias and malafides on the part of the Director, NRCG against him with reference to his remarks regarding his state of mind in the C.R. Accordingly he has prayed for the following reliefs:

- "(A) This Hon'ble Tribunal may be pleased to quash and set aside the impugned orders dated 21.8.89 with order dated 29.1.90 respectively by holding it illegal, unfair unjust, vindictively, arbitrary, violative of principles of natural justice, and against the principles of law. This Hon'ble Tribunal may further be pleased to direct the respondents to expunge the adverse remarks made by the respondents.
- (B) This Hon'ble Tribunal may be pleased to allow this application with costs.
- (C) Any other order or direction may be deemed fit in the interest of justice may be passed."

3. The respondents have contested the application. According to them, the C.R of the applicant for the year 1988-89 was completed on 12.8.1989. The C.R. was written by Dr.M.S.Basu, Project Coordinator(Groundnut)

*Handwritten signature*

- 4 -

under whom the applicant had been working and not by Dr. P.S.Reddy, Director, National Research Centre for Groundnut, Junagadh, as alleged by the applicant. The later was the Reviewing authority. The adverse remarks reported by Dr.M.S. Basu was communicated to the applicant on 21.8.1989 and hence there was no delay. The representation of the applicant dated 29.9.89 was considered by the Council Headquarters at New Delhi and was rejected by them by letter dated 29.1.90 (Annexure 2) and this was communicated to the applicant on 3.2.1990. The respondents have denied allegations of bias and malice by the Reporting/ Reviewing Officers. They also state that the applicant was given adverse remarks earlier also for the year 1981. The respondents have also denied that the applicant had submitted any representation dated 16.9.1988. The representation dated 12.10.88 submitted by the applicant was replied by them on 7.11.1988 (Annexure-4). They have also attached copies of notes and correspondence exchanged with the applicant and the authorities. The applicant was given every opportunity to improve his work and conduct but he failed to do so. They have also denied that there was delay of five months in communicating the adverse remarks. They have stated that the C.R was completed on 12.8.1989 and the adverse remarks were communicated to the applicant on 21.8.1989. According to them, the applicant had worked for seven months under the Reporting Officer and for the earlier period the Reporting Officer had in fact

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- 5 -

consulted the concerned officer viz; Information and Documentation Officer, before writing the C.R. In so far as question of medical examination of the applicant was concerned, there was no rule under which the applicant was to be sent for medical examination and he was intimated accordingly vide letter dated 18.9.1989 (Annexure A-16). The respondents have stated that the adverse entries were made by Dr. M.S. Basu, Project Coordinator and not by Director, NRCG as such the allegation of malafide made by the applicant on the Director is not valid. Accordingly, they have prayed for the rejection of the application.

4. The applicant has repeated the contentions <sup>submission</sup> taken in his written / namely that the adverse remarks were given in C.R for the year 1988-89 in order to take revenge and on account of vindictivness. He is also alleged malafide motive against the respondents. He has alleged no work was given to him inspite of repeated requests and only typing work was given. He was given excellent remarks in the dairy maintained by him and there was no reason for giving him adverse remarks. He had represented against the adverse remarks but no reply was given to him. He has also stated that his record of entire service is without any biamish. He has also repeated that he had worked under Miss.Usha Thakore Information and Documentation Officer for nine month but respondent No.2 with malafide intention had give him the adverse remarks without consulting the forme

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- 6 -

In so far as adverse remarks of 1981 is concerned, applicant states that the adverse remarks were expunged by the authority (Annexure-10). He has repeated allegation that the report and adverse remarks were communicated to him after five months delay whereas it has to be communicated within one month. Accordingly, he has prayed for expunging of the remarks.

5. In so far as the question of delay in communication of the adverse remarks is concerned, the respondents has stated in their written statement that the C.R was completed on 12.8.1989 and the adverse remarks were communicated on 21.8.1989 i.e., within 10 days within the completion. It will be seen therefore, that even though the writing of the report was delayed the communication of adverse remarks was made within 10 days after report was completed. As such there is no substance in the applicant's contention that ~~the adverse remarks were communicated to him~~, there was delay in communicating adverse remarks to him. In so far as the question of consulting the Information and Documentation Officer is concerned, the respondents have categorically stated that the Reporting Officer had in fact consulted the concerned officer before writing the C.R in question. The respondents also stated that he had worked under her for about seven months and not for nine months as alleged by the applicant. In view of the averments made by the respondents that the Information and Documentation Officer was

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- 7 -

in fact consulted before the Reporting Officer to report, there is no basis for disbelieving them and the allegation of the applicant has no basis. The applicant has also not supported his contention that he should have been referred for medical examination with the rules on the subject. He was also informed suitably by the respondents. The respondents have also produced copies of notice exchanged by the Supervisory Officer with the application dated 6.10.1988, 7.10.1988 and 29.5.1989 regarding his work and behaviour. In spite of the advice given to him by the Supervisory Officers, it appears that he did not improve in his work and conduct. The Reporting Officer had ultimately to record his adverse remarks in the applicant's report for 1988-89. Even though the applicant had made allegations of malafide against the respondent No.2, Director, N.C.R.G., the report has actually to be given with the Project Coordinator as stated by the respondents and the review has been done by the Director. The applicant has not been able to substantiate allegations of malafide against the Director. Transfer of the applicant from one office to another would not constitute malafide as it is upto the administrative authorities to place the staff in seats where they are found suitable. Accordingly, the allegation of malafide is rejected as not substantiated. In so far as the reply to the representation regarding adverse remarks the respondents have stated that the representation of the applicant dated 29.9.89 addressed to the Secretary, I.C.A.R was rejected by


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- 8 -

the authority by memorandum dated 29.1.1990, Annexure 2, and the applicant was communicated the decision on 3.2.1990.

6. Taking into account the facts and circumstances of the case, we find no merit in the application and hence it is rejected. No order as to costs.

  
(V. Radhakrishnan)  
Member (A)

etc.