

(8)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No.191 of 1989.

Date of decision : August 23, 1989

Shyam Sundar Chaubey, aged about 33 years,
son of Kailash Nath Choubey, village- Gobindpur,
P.O.Gobindpur, P.S.Mardah, District Ghazipur, U.P.
at present employed as Farm Superintendant, Central
Rice Research Institute, Cuttack-6 Orissa. ... Applicant.

Versus

1. Director, Central Rice Research Institute,
Cuttack-6, Orissa.
2. Secretary, Indian Council of Agricultural
Research Krishi Anusandhan Bhawan, New Delhi-
110001.

... Respondents.

For the applicant ... M/s.K.P.Bhaumik,
A.R.J.Sharma, Advocates.

For the respondents ... Mr.Tahali Dalai,
Additional Standing Counsel (Central)

C O R A M :

THE HON'BLE MR.B.R.PATEL, VICE-CHAIRMAN
A N D

THE HON'BLE MR. N. SENGUPTA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to
see the judgment ? Yes.

2. To be referred to the Reporters or not ? *No*

3. Whether Their Lordships wish to see the fair copy of
the judgment ? Yes.

J U D G M E N T

N. SENGUPTA, MEMBER (J) The applicant was directly recruited to the post of Farm Superintendent, T-5 and posted as such in the Central Rainfed Upland Rice Research Station, Hazaribagh by order dated 15.2.1986 and he joined as such on 17.2.1986. He was transferred from Hazaribagh to Central Rice Research Institute, Cuttack, by an order No. 110 dated 9.9.1986 (copy at Annexure-7). In that order dated 9.9.1986, it was stated that the person transferred i.e. Shri S. Tutti was to move first after making over charge to Shri J. Terrem and relieve the applicant. Shri Tutti accordingly made over charge to Shri Jerrem and relieved the applicant on 9.12.1986. The applicant then came and reported at Cuttack. To this extent there is no dispute as regards the facts. The applicant has alleged that after he came and reported to join at Cuttack on 11.12.1986, he was not given charge of the post of Farm Superintendent, but was asked to work in the Estate Management Section under the Farm Manager (T-6). It is his further allegation that he was not assigned any duty in keeping with his post but was asked to do some routine work and undignified work to look after the cleaning of rooms, latrines, verandas and to go round and supervise the work of sweepers. This has really humiliated him and it is not in keeping with the norms, as he was not allowed to work as Farm Superintendent, to which post he was appointed, he has been deprived of the quarters earmarked for the Farm Superintendent. Making these allegations, the applicant has prayed for being posted as Farm Superintendent, setting aside of the order No. 179 dated 27.12.1986 (at Annexure-8) and for allotment of the quarters meant to be occupied by the Farm

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Superintendent.

3. The respondents in their counter, as indicated above, have not controverted the fact of appointment of the applicant as Farm Superintendent by direct recruitment or about he being posted as such at Hazaribagh. Their case is that while the applicant was working at Hazaribagh, he misbehaved with the staff and created situations which led to strike by the workers and some outside labour units, requesting removal of the applicant from that station. In those circumstances, the applicant had to be transferred from Hazaribagh and posted at Cuttack but as it was felt that when he ~~could not~~ control much lesser employees at Hazaribagh than those at Cuttack, he was asked to work in Estate Management Section under the Farm Manager who occupies a higher position i.e. T-6 according to the classification in the Rules framed by the Indian Council of Agricultural Research for Technical services. It is their case that there has been no demotion in the grade nor has there been any demotion in the scale of pay and other emoluments. Therefore, the grievance of the applicant is imaginary and cannot be accepted. With regard to allotment of quarters, it has been stated that as Shri Terrom was asked to work as the Farm Superintendent, having regard to the duties performed by him, he was allotted the quarters meant for the Farm Superintendent. Therefore, this order of allotment of the quarters to Shri Terrom cannot be interfered with.

4. We have heard Mr. Bhaumik, learned counsel for the applicant and Mr. Tahali Dalai, learned Additional Standing Counsel (Central) for the respondents at some length and we

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have been taken through different annexures to the application and the counter. From the annexures and the pleadings it would be found that infact the applicant has been in the same grade of pay and all that has really been done is that he has been asked to work in the Estate Management Section instead of Farm Management Section. Administration ~~or~~ must be prepared to see to the smooth working of the Institution and in that process he must also have the discretion to assign duties having regard to exigencies of the circumstances depending upon the chains of events. If such discretion is used capriciously or without any basis, then only could the Tribunal or a Court intervene in administrative matters. Intervention in administrative matters ~~could~~ only be very rare and with great amount of circumspection. Mr. Bhaumik does not question this principle but what he contends is that assignment of duties though was made to appear as an ordinary case of distribution of business yet it was in substance to punish the applicant by humiliating him. We are not unable to see how, when a person is kept in the same grade and is assigned duties which were being performed by another person of the same status and grade, any change in duties could amount to humiliation. Mr. Bhaumik has further contended that the very fact that the applicant was appointed as a technical person would suggest that he was not to be assigned routine work like supervising the work of sweepers and that would be something derogatory for a person of the rank of the applicant. Once again we must say that the administrator could assign duties which are to be performed in connection with the management and running of the institution

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and it would not be proper on our part to interfere.

5. Mr. Bhaumik, learned counsel for the applicant has contended that the loss of right to occupy the quarters is substantial loss and therefore, this Tribunal should interfere and direct allotment of the quarters to the applicant. Some of the annexures to the counter i.e. R/2 and R/3 would show that in fact some allegations were made against the applicant and for smooth running of the institution at Hazaribagh the transfer of the applicant without inflicting any punishment became necessary and as would be found from Annexure-B/6 to the counter, there were some reasons for asking the applicant to work in the Estate Management Section where he might not have to control a large number of labour force. However, in the meanwhile more than two years have elapsed and in our view, the applicant may be given a trial by asking him to work as Farm Superintendent in the present organisation and his performances may be watched.

6. Thus, this application is accordingly disposed of leaving the parties to bear their own costs.

Mr. L. P. Patel
Member (Judicial)

B.R. PATEL, VICE-CHAIRMAN,

9 agree.



Ramachand
23.8.89
Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
August 23, 1989/Sarangi.