

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE 232 OF 1988

NAME OF THE PARTIES Dr. (Mrs) Divika Chandra

Applicant

Versus

Director Central Drug Research Respondent

Part A, ~~Part B~~

Sl. No.	Description of documents	Page
1	check list	A1 - A2
2	order sheet	A3 - A7
3	Judgment 317-91	A8 - A13
4	Petition copy	A14 - A28
5	Annexure	A29 - A43
6	Counter Affidavit	A44 - A53
7	Rejoinder Affidavit	A54 - A74
8	Summoning of documents	A75 - A76
9	C.A	A77 - A79
10	Brief facts leading to the appl.	A80 - A86
11	pauses	A87
12		
13		

CERTIFICATE

Certified that no further action is required to taken and that the case is fit for consignment to the record room (decided)

Dated.. 29/12/2011...

Counter Signed.....

Section Officer / In charge

Signature of the
Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOWINDEX SHEETCAUSE TITLE O. A. 232 of 1980 (U)

Name of the parties _____

Dr. (Mrs) Sankha Chandra Applicant.

Versus.

Director C. D. R. I. Respondents.Part A.B.C.

Sl No.	Description of documents	Page
1	check list-	A1 - A2
2	order sheet-	A3 - A7A
3	Judgment dt. 31-7-71 & 20-3-89	A8 - A13A
4	petition	A14 - A28
5	Annexures	A29 - A43
6	counter affidavit	A44 - A53
7	rejoinder affidavit	A54 - A74
8	Summing up documents	A75 - A76
9	e. A. in	A77 - A79
10	Brief facts leading to the application	A80 - A86
	Bench copy	B1 - B65
	C part	C1 - C46

Particulars to be Examined

Endorsement as to result of Examination

(A2)

- (c) Are the documents referred to in (a) above neatly typed in double space?
- 8. Has the index of documents been filed and paging done properly?
- 9. Have the chronological details of representation made and the outcome of such representations been indicated in the application?
- 10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal?
- 11. Are the application/duplicate copy/spare copies signed?
- 12. Are extra copies of the application with Annexures filed?
 - (a) Identical with the original?
 - (b) Defective?
 - (c) Wanting in Annexures
- Nos...../Pages Nos.....?
- 13. Have file size envelopes bearing full addresses, of the respondents been filed?
- 14. Are the given addresses, the registered addresses?
- 15. Do the names of the parties stated in the copies tally with those indicated in the application?
- 16. Are the translations certified to be true or supported by an Affidavit affirming that they are true?
- 17. Are the facts of the case mentioned in item No. 6 of the application?
 - (a) Concise?
 - (b) Under distinct heads?
 - (c) Numbered consecutively?
 - (d) Typed in double space on one side of the paper?
- 18. Have the particulars for interim order prayed for indicated with reasons?

Yes
 Yes
 Yes
 No
 Yes
 No
 -
 -
 -
 No
 Yes
 Yes
 N.A
 Yes
 Yes
 Yes
 Yes

only two copy

19. Whether all the remedies have been exhausted.

Again the order of termination of Service she preferred a W.P. in the U.S. Bench of the High Court which was not entertained there.

Let the case be listed on 23-1-09
 23/1/89

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH AT DELHI.

O.A./Pet. No. 232 198CC

Dr. (Miss) Devika Chandra Applicant(s)

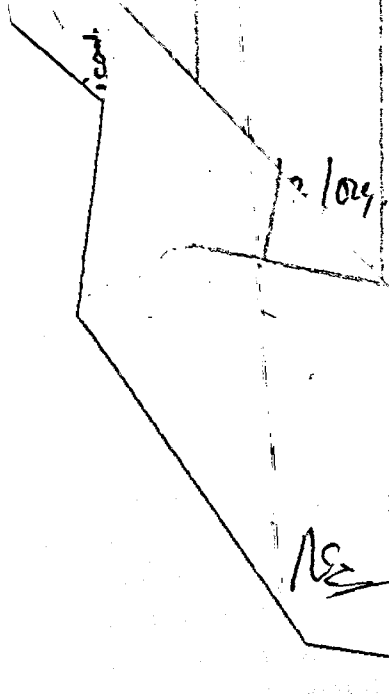
Versus.

Director, C.D. R I P-u Respondent(s)

Sl. No.	Date	Orders
23-1-09	Hon. D.S. Mishra, A.M. Hon. G.S. Sharma, J.M.	Issue notice to the respdts. to file reply showing cause as to why the petition be not admitted. Interim prayer is rejected. List this case for admission on 24.2.09. J.M. A.M.
30-1-09	<u>DR</u> Notices issued to respondents No 1 to 3 through Regd. Post: fixing 24.2.09 for admission. Jish 30/1/09.	
25/2/09	<u>DR</u> Notices has been issued to the respdts. under regd. cover on 30.1.09. No undelivered cover have been return back. No reply has so far been received in this office from the respdts. on the question of show cause submitted for admission. Jish 24/2/09	
2/09	Hon. D.S. Mishra, A.M. Hon. G.S. Sharma, J.M. No reply to the show cause notice has been received from the respondents. The case is admitted for hearing. Reply may be filed within one month by the respondents. Put time 13-14-09 for hearing. No further time will be given to the respondents. J.M. A.M.	

(13)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 282 of 1980(1)

(Am)

APPELLANT
APPLICANT

vs Mrs. D. Chandra

VERSUS

DEFENDANT
RESPONDENT

vs 2

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
1/8/09	<p>Hon. Justice K. Nath, VC.</p> <p>Shri P. N. Mathur makes appearance on behalf of all the opposite parties and opposes the application No. 161 of 1989 for summoning certain documents from the opposite parties. The opposite parties will file written reply and the matter be put up for orders on 10-8-09.</p> <p style="text-align: right;">Dr. VC</p>	<p>18-0-09</p> <p>No reply has been filed on the cm No. 161/09/09 submitted to VC</p>

VC

18-0-09

No delay adj to 5-9-09
As the parties are present

18/9

VC No reply has been filed on the cm No. 161/09/09 submitted to VC

18

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 232 of 1988(u)

(AS)

APPELLANT
APPLICANT

Dr. D. Chandra

VERSUS

DEFENDANT
RESPONDENT

G.O.L

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
5.9.1989	<p>Hon'ble Justice K. Nath, V.C. Hon'ble <u>K.J. Raman, A.M.</u></p> <p>We have heard the learned counsel for the parties. The applicant's services were terminated during the period of probation on the ground that her performance was found to be unsatisfactory. Annexure '3' is a Memorandum dated 4.4.1988 filed by the applicant herself along with the application whereby she was required to submit an explanation on the various inadequacies noticed in her performance. It is admitted in the rejoinder affidavit that the applicant did not file a reply; the explanation furnished in para 6(v) of the rejoinder affidavit is that the applicant's reply was shown to the Head of the Division to express her explanation orally, and she told the applicant that no further action was necessary.</p>	

... application for ...
... dossiers of drugs/compounds, monthly
... ts compiled by the applicant, and Confidential
... eports for the years 1986-87 and 1987-88 are
... required to be produced before this Tribunal. The
... Confidential Reports are certainly relevant; the
... dossiers are not relevant. So far as the monthly
... Work Reports are concerned, we do not find it necessary
... to call for them presently. If, at the time of hearing
... of the case on merits, it becomes necessary to produce
... the monthly Work Reports, necessary orders may be
... passed at that stage.

We, therefore, direct that the respondents

P.T.O.

11/12/90

(No)

Non-Mr. Justice K. Math, vs.
Non-Mr. K. Obayya, Am.

On the adjournment application
on the ground of Sri P. M. Mathur's
illness, the case is adjourned to
22/1/91 for final hearing.

bk
Am.

VC

bk

22.1.91

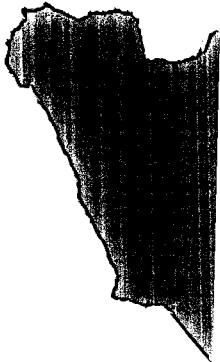
No sitting Adj to 27.3.91.

27.3.91

No sitting Adj to 27.5.91
bk

27.5.91

No sitting Adj to 5.7.91
g



77

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD.

O.A. NO. 232 OF 1988(L)

Dr. Mrs. Anika Chandra Vs. Director C.D.A. Allahabad.

Sl.No. 1	Date 2	Office Report 3	Orders 4
			<p>31-7-91 judgement delivered today. The application is dismissed with certain observations contained in judgement. No order as to costs.</p> <p style="text-align: right;">31/7/91</p> <p style="text-align: center;">Received copy of judgement.</p> <p style="text-align: right;">Raman CDAT 14/8/91 for Sr PN Mathur Adv.</p>

PANKAJ/

P.T.O.

A7A

CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, at LUCKNOW

....

Gandhi Bhawan, Lucknow
May 10, 1989

Registration No.C.M.A. No.136 of 1988(L)

Dr.(Mrs) Devika Chandra Applicant

Vs.

Director, Central Drug Research Institute
Chatter Manzil Palace, Lucknow & ors.

.... Respondents

Hon' Mr. G.S. Sharma, J.M.

Hon' Mr. K.J. Raman, A.M.

(By Hon' G.S. Sharma, J.M.)

Heard the learned counsel for both the parties on the application of the applicant for appointment of the Commissioner for the delivery of the charge. In our opinion, we will not be allowing a hanging precedent^{to} ~~for making of appointment of Commissioner for such~~ purposes and as the applicant has doubts about the intention of the respondent No.1, we direct the respondent no. 2 to appoint some senior officer, of the Department, not posted at Lucknow, for getting the charge taken from the applicant in his presence within a month. The application is disposed off accordingly.

[Handwritten Signature]
MEMBER (A)

[Handwritten Signature]
10/5/89
MEMBER (J)

(sns)

AS

CENTRAL ADMINISTRATIVE TRIBUNAL, ALI AHABAD

CIRCUIT BENCH

LUCKNOW

Original Application No. 232/88 (L)

Dr. (Mrs.) Devika Chandra Applicant

versus

Director, Central Drug Research
Institute, Lucknow and others Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. A.B. Gorthi, Adm. Member.

(Hon. Mr. Justice U.C. Srivastava)

The applicant, a Doctor who was possessed with the Degree of MBBS and MD (Pathology and Bacteriology) was selected for appointment to the post of Scientist 'C' vide order dated 23.9.86 in the Central Drug Research Institute ('CDRI' for short), a constituent unit of Council of Scientific and Industrial Research (hereinafter referred to as 'CSIR') on the basis of a competition in an open selection through advertisement. Vide appointment letter dated 23.9.86 she was placed for probation of two years subject to extension or curtailment at the discretion of the competent authority. The period of probation was to expire on 30.9.88. The applicant, as per her allegation, completed probation period of one year without there being any complaint and no objection regarding her working was raised from any quarter. On

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14th April, 1988 the applicant was served with a Memorandum mentioning certain allegations against her performance during the second half of March, 1988. The applicant who was in a family way running 4 months pregnancy, proceeded on leave with effect from 6.4.88 initially for a period of 10 days which was subsequently extended till 9.5.88. In the Memo, it was stated that she was not observing office timings and there were certain irregularities in her work also which was pointed out and that she was visiting King George Medical College (KGMC for short) frequently for the last two months and her visit to K.G.M.C. was unauthorised and she had taken medical leave without making arrangements for the work which was to be done and there were irregularities in her office work also. As per allegations, the applicant met the Head of Toxicology, under whose signature the Memo was issued and the Head was fully satisfied and assured her that no action was required and that matter was closed as she assured that the copy of Memo will be taken back. The applicant's written explanation was returned by her. Although, according to the respondents (in reply) she did meet the Scientist Incharge on 11.5.88 and was asked to give her reply which was given by her but no reference to her meeting with Head, Toxicology Division finds place in the same. The application for leave was referred to Chief Medical Officer, Lucknow with reference to the advice of her attending Dr. D.S. Shukla, Superintendent, Government Nursing Home. She was examined by C.M.O. who recommended complete rest for a period of 8 weeks, though her physician recommended one month's complete rest. In the mean time the applicant's pay and allowances were

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withheld and two months' pay and allowances for May and June were not disbursed to her till 4.7.88. The leave was sanctioned from 23.5.88 to 31.8.88. The applicant sent another application for Maternity leave for three months on account of birth of a child on 18.8.88 to which she was entitled. She made request for conversion of Extraordinary leave into Maternity Leave and while she was on leave, she was served with Memo dated 9.9.88 terminating her services with immediate effect which is subject of challenge in this Application.

2. According to the applicant, the termination order is violative of Article 311 of the Constitution of India and that it is punitive in nature and that her conduct was entirely satisfactory and it was due to leave which was under compelling circumstances, her services were terminated; she was not given any opportunity nor any enquiry was held and the termination order was malafide and violative of principles of natural justice.

3. The Respondent's, in the counter reply have stated that Memo indicated that she was not interested in her work and was unpunctual and used to take work casually and that she did not leave any schedule prior to leaving the Institute whenever she liked and her work was not found satisfactory. Her services were terminated within probationary period, as per terms of appointment and the termination was not arbitrary and Article 311 had no applicability, so far as the employees of the Institute are concerned and she was

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not sanctioned leave of any kind and it is during leave period also the services can be terminated. Now, Annexure -6 indicates that the applicant's leave was sanctioned upto 31.8.88. It may be that period between 1.9.88 and 9.9.88 was counted for but no communication was given to her that maternity leave was sanctioned.

4. The facts ^{stated} indicated above indicate that the employers had a right to terminate the services of the employee in case the employer was of the view that the employee has not been found suitable during the probationary period. In the applicant's case one Memorandum was given to the applicant but thereafter no Memorandum was given and since then more or less she has been continuously on leave and as such there was no occasion to find out whether there was any improvement in her work or there was any deterioration and the applicant, when the Memo was served, it is also correct, gave birth to a child and she was in family way. The assessment of work during the period of one year was a very short period, except her visits to KGMC which during the period she was pregnant. It may be that because of some deterioration in her work when she became pregnant and hence ^{be} may the element of annoyance and deterioration took place during that short period. In the case of Shamsher Singh vs. State of Punjab (AIR 1974 SC 2192) it was held: "Before a probationer is confirmed the authority concerned is under an obligation to consider whether the work of the probationer is satisfactory or whether he is suitable for the post. In the absence of any Rule governing a

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probationer in this respect the authority may come to the conclusion that on account of inadequacy for the job or for any temperamental or other object not involving moral turpitude the probationer is unsuitable for the job and hence must be discharged. No punishment is involved in this. The authority may in some cases, be of the view that the conduct of the probationer may result in dismissal or removal on an inquiry. But in those cases the authority may not hold an inquiry, and may simply discharge the probationer with a view to giving him a chance to make good in other walks of life without a stigma at the time of termination of probation. If, on the other hand, the probationer is faced with an inquiry or charges of misconduct or inefficiency or corruption, and if his services are terminated without following the provisions of Article 311(2) he can claim protection...." But the facts of this case are somewhat distinguishable from that of Shamsheer Singh (supra) referred to above, the same cannot be applied in toto to the present case.

5. There is no reply ^{as k} also the alleged assurance given by the Head, Toxicology Division, due to which reply to the Memo issued to her could not be given or was not taken. In these, circumstances, this cannot be said that it was only deterioration in the work or certain acts committed by the applicant during the period of probation whereafter she continued on leave. But the employers were within their right to decide whether, during the probationary period, the applicant should be allowed to continue or not. Obviously, it

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was a border line case and the employer could have been ^{lenient} ~~line~~ in respect of the applicant and could have extended the period of probation but the employer preferred to ~~terminated~~ the services of the applicant which they had a right to do, under the terms of the service but in view of the fact of the case, it appears to be a case in which though we are not quashing the termination order but leave ~~to~~ the employer that he should consider the question of appointing the applicant again or on reinstatement extend her probation with the stipulation that the entire period will be treated to be leave without pay and that she will not be entitled to any salary. The application against the termination order is dismissed with the above observations. No order as to costs.

[Signature]
Adm. Member.

[Signature]
Vice Chairman.

Shakeel/

[Signature]
Lucknow Dated: July 21 .91.

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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH AT LUCKNOW.

Registration O.A. No.232 of 1988

Dr.(Mrs) Devika Chandra Applicant

Versus

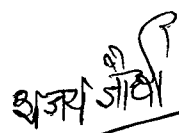
Director, Central Drug Research
Institute & Others. Respondents.

Hon.Justice Kamleshwar Nath, V.C.

Hon. Ajay Johri, A.M.

(By Hon.Justice Kamleshwar Nath, VC)

Heard the learned counsel for the applicant.
The learned counsel says that the order of termination contained in Annexure-I and dated 9.9.1988 to the main application was handed over to the applicant on that very date. The learned counsel for the applicant further says that various formalities regarding termination of his service had not been gone through and therefore the termination order has not taken effect. That is a matter for decision on the merits of the case but we see no justification for the applicant to have an order from this Tribunal preventing the opposite parties from taking the various materials in her custody kept in an Almirah in the Department itself and consisting of things which belong to the Department. The application has no force and is rejected.


Member (A)


Vice Chairman

Dated the 20th March, 1989.

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(114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW.

Application under Section 19 of the Administrative
Tribunals Act, 1985

Between

Dr. (Mrs) Devika Chandra, wife of
Dr. Rakesh Goel ... Applicant

and

Director, Central Drug Research
Institute, Lucknow and Others ... Respondents

INDEX

Sl.No.	Particulars	Pages
1.	Application	: 1-14
2.	Annexure No.1: Photocopy of Termination Order - Memorandum No.8/72/86-E.II, dated 9.9.88 issued by Director, CDRI, Lucknow.	: 15
3.	Annexure No.2: Photocopy of Offer of Appointment No. 5(213)/86, dated 23.9.86, issued by the Director, CDRI, Lucknow.	: 16-19
4.	Annexure No.3: Photocopy of Memorandum No. Tox/Staff/NS/88, dated 4.4.88, issued by M. Sethi, Division of Toxicology; CDRI, Lko.	: 20-22
5.	Annexure No.4: Photocopy of Medical Certificate dated 23.5.88 issued by Dr. (Smt.) D.S. Shukla, Suodt., Govt. Maternity Home, Faizabad Road, Indira Nagar, Lucknow.	: 23-24
6.	Annexure No.5: Photocopy of letter dated 23.6.88 sent by the applicant to Director, CDRI, Lko, alongwith medical report by the CMG, Lucknow.	: 25-28
7.	Annexure No.6: Photocopy of Office Memorandum No.8(72)/86-E.II, dated 28.7.88.	: 29
8.	Annexure No.7: Photocopy of Order dated 3.11.88 of the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknow.	: 30
9.	Power (Vakalatnama)	: 31

Lucknow

Dated: 19.12.1988

B.N. Tewari
(B.N. Tewari)
Advocate

Counsel for the Applicant

Noted dt. 23-12-88
B.N. Tewari
23-12-88

Uma Chandra

(10/1)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW.

Application under Section 19 of the Administrative
Tribunals Act, 1985

Between

Dr. (Mrs.) Devika Chandra, wife of Dr. Rakesh
Goel, aged about 30 years, working as
Scientist 'C' (Senior Scientific Officer Gr.I),
Central Drug Research Institute, Chhattar,
Manzil Palace, Mahatma Gandhi Marg, Lucknow-226001,
R/O A-1543, Indira Nagar, Lucknow-226016.

... Applicant

and

Director, Central Drug Research Institute,
Chhattar Manzil Palace, Mahatma Gandhi Marg,
Lucknow-226001 (Council of Scientific &
Industrial Research) and others.

... Respondents

DETAILS OF APPLICATION:

1. Particulars of the applicant:

- i) Name of the applicant : Dr.(Mrs.) Devika Chandra
- ii) Name of Father/Husband : Dr. Rakesh Goel
- iii) Age of the applicant : About 30 years
- iv) Designation and particulars of office (name and station) in which employed or was last employed before ceasing to be in service. : Scientist 'C' (Sr. Scientific Officer Gr.I), Central Drug Research Institute, Chhattar Manzil Palace, Mahatma Gandhi Marg, Lucknow-226001, (Council of Scientific and Industrial Research).
- v) Office address : As above.
- vi) Address for service of notice : A-1543, Indira Nagar, Lucknow-226016.

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2. Particulars of the Respondents:

i) Name of the respondents:

- (a) Director, Central Drug Research Institute, Chhattar Manzil Palace, Mahatma Gandhi Marg, Lucknow-226001 (Council of Scientific and Industrial Research).
- (b) Director General, Scientific and Industrial Research, Council of Scientific and Industrial Research, Anusandhan Bhawan, Rafi Marg, New Delhi-110001.
- (c) Union of India through Secretary, Department of Scientific ^{and Industrial} Research, Ministry of Science and Technology, Council of Scientific and Industrial Research, Anusandhan Bhawan, Rafi Marg, New Delhi-110001.

- ii) Name of Father/Husband : Not known
- iii) Age of the respondents : Not known
- iv) Designation and particulars of office (name and station) in which employed : Director, Central Drug Research Institute, Chhattar Manzil Palace, /Lucknow-226001. /Mahatma Gandhi Marg,
- v) Office address : As above.
- vi) Address for service of notice : As above.

3. Particulars of the order against which application is made:

The application is against the following order:

- i) Order No. : Memorandum No.8/72/86-E.II (Annexure No.1)
- ii) Date : 9.9.1988.
- iii) Passed by : Director, Central Drug Research Institute, Chhattar Manzil Palace, Mahatma Gandhi Marg, Lucknow-226001, ~~(Respondent No.1)~~ (Council of Scientific & Industrial Research) - Respondent (No.1).
- iv) Subject in brief: The applicant is an MBBS and MD in Pathology and Bacteriology from the K.G.M.C., Lucknow. She was

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selected in All India Open Competition against the post of Scientist 'C' in the scale of Rs.1100-1600, now revised to Rs.3000-4500, in the CDRI, Lucknow, which is a constituent unit of the CSIR, an autonomous body under the Govt. of India. The applicant was placed on probation for two years w.e.f. 1.10.86 vide letter of appointment No.5(213)/86-EI, dated 23.9.86. However, the services of the applicant were terminated by the Respondent No.1 abruptly on 9.9.88 before the completion of the probation. It is against this order of termination that the applicant has approached this Hon'ble Tribunal.

4. Jurisdiction of the Tribunal:

The applicant declares that the subject matter of the order against which she wants re-dressal is within the jurisdiction of the Hon'ble Tribunal as per Section 14 of the Administrative Tribunals Act, 1985.

5. Limitations:

The applicant further declares that the application is within the limitation prescribed in Section 21 of the Administrative Tribunals Act, 1985.

6. Facts of the Case:

The facts of the case are given below:

(i) That, the applicant possessing requisite qualification i.e. the degrees of MBBS and MD (Pathology and Bacteriology) was selected for appointment to the post of Scientist 'C' (Senior Scientific Officer Gr.I) in the pay scale of Rs.1100-50-1600, now revised to Rs.3000-100-3500-125-4500, vide Offer of Appointment No.5(213)/86, dated 23.9.86, in the Central Drug Research Institute,

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hereinafter referred to as CDRI, a constituent unit of the Council of Scientific and Industrial Research, hereinafter referred to as CSIR (an autonomous body of the Govt. of India), by competing in an open selection through advertisements on All India basis. A photo copy of the ^{above} letter of appointment dated 23.9.86 is annexed as ANNEXTURE No.2 to this application.

(ii) That, the applicant, in response to the letter of appointment dated 23.9.86, joined the post of Scientist 'C' in the Central Drug Research Institute on 1.10.86 (1st October, 86) and since then she has been serving in the Institute regularly.

(iii) That, according to the letter of appointment dated 23.9.86 contained in Annexure No.2 to this application, the applicant was placed on probation for a period of 2 years subject to extension or curtailment at the discretion of the competent authority. The probation period was, thus, to expire by 30th September, 88.

(iv) That, the applicant completed one year of probationary period on 30.9.87, to the entire satisfaction of the competent authority and was sanctioned one increment in the scale of pay as mentioned above. She also drew the enhanced pay.

(v) That, the applicant has been performing her duties as a research Scientist to the best of her abilities with full sense of dedication and devotion to duty.

(vi) That, there was no adverse comment with regard to the work and conduct of the applicant during the first 18 months of the period of probation.

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(vii) That, on 4th April, 1988, a Memorandum No. Tox/Staff/NS/88 (photo copy as ANNEXURE NO.3) signed by N. Sethi of the Division of Toxicity, Central Drug Research Institute, Lucknow, was served upon the applicant, making certain allegations against the applicant pertaining to her performance during the second half of the month of March, 1988.

(viii) That, on receipt of the Memorandum, which came as a rude shock to the applicant, who was in the family way and was not keeping good health and was running 4th month of the pregnancy under the treatment of Dr. Neelam Singh, MBBS and MD, Indira Nagar, Lucknow, got mentally perturbed and proceeded on leave w.e.f. 6.4.1988, initially for a period of 10 days, which was subsequently extended till 10.5.1988.

(ix) That, after joining duty on 11.5.1988, the applicant met personally the Head of the Toxicology Division, Dr. (Mrs) N. Sethi, in order to offer explanation and clarify her position vis-a-vis the allegation made in the Memorandum dated 4th April, 1988. On hearing the clarifications offered verbally by the applicant, the Head of the Division was fully satisfied and assured that no further action/explanation was required and that the matter stood closed. She also assured the applicant that the copy of the Memorandum dated 4.4.88 endorsed to the Director, CDRI, would be taken back by her as she (Head of the Toxicology Division) did not intend any further action to be taken in the matter. In view of this assurance by the Head of the Division, the written explanation, which was in hand, was not submitted, though it was perused by the Head of the Division.

1420

(x) That, the applicant again proceeded on medical leave w.e.f. 23.5.1988, duly supported by the medical certificate issued by Dr.(Smt.) D.S. Shukla, Supdt., Government Maternity Home, Faizabad Road, Indira Nagar, Lucknow, as the applicant was running in advanced stage of pregnancy and was not keeping good health.

(xi) That instead of leave applied for by the applicant, as stated in the preceding paragraph, being sanctioned by Respondent No.1, the CDRI, referred the matter to the Chief Medical Officer, Lucknow, requesting him to examine the applicant medically and send them a report of her medical examination. A copy of the said letter was endorsed to the applicant requiring her to present herself before the C.M.O. for medical examination immediately. This was done with reference to the advice of her attending obstetrician, Dr. (Smt) D.S. Shukla, Superintendent, Government Maternity Home, Faizabad Road, Indiranagar, Lucknow. A medical certificate dated 23.5.1988 (photo copy attached as ANNEXURE NO.4) was given by her, wherein the applicant's condition of health had been testified and complete rest for one month had been advised. In compliance with the instructions contained in the CDRI's letter, the applicant presented herself before the CMO, Lucknow, on 22.6.1988 for her medical examination and obtained his report, wherein he recommended complete rest for a period of *eight* weeks, which period is even more than the period of one month for which the applicant's attending obstetrician, Dr.(Smt) D.S. Shukla, had recommended complete rest for the applicant. The applicant sent a letter dated 23.6.1988 (photo copy attached as ANNEXURE No.5) to the Respondent No.1 in response to the CDRI's

Smt. Meera

124

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letter referred to above, alongwith which the ^{also} CMO's medical examination report was forwarded to him for necessary action. Meanwhile, the applicant's pay and allowances were with-held by the Respondent No.1, pending consideration and disposal of the applicant's aforesaid leave application. Eventually the leave applied for by the applicant originally on 23.5.88, and the extension thereof applied by her subsequently were sanctioned by the competent authority, vide Office Memorandum No. 8(72)/86-E-II, dated 28.7.88 (Photo copy attached as ANNEXURE NO.6). Also, the applicant's pay and allowances for the months of May, 1988 and June, 1988 were not disbursed to her till 4.7.88. The applicant was thus, ~~xxxxxxx~~ treated in-decently and in a malafide manner.

(ix-a) That, leave of various kinds, with or without medical certificate, which commenced on 23.5.88 was sanctioned upto 31.8.88 and that before the said date of expiry of the sanctioned leave, that is 31.8.88, the applicant sent an application dated 25.8.88 for maternity leave for three months commencing on 17.8.88 and ending on 16.11.88 on the ground of the birth of her child on 18.8.88, to which she was entitled under the Leave Rules. The applicant also made a

Dena choz

A22

request for conversion of extra-ordinarily leave for the period from 17.8.88 (15 days) into maternity leave for the same period as part of the three-month maternity leave applied for by her. Such conversion of leave at the request of the applicant is permissible under the Leave Rules.

(xii) That, while being on leave, the applicant was served with Memorandum No.8/72/86-E.II, dated 9.9.88 (photo copy attached as ANNEXURE NO.1), terminating her services with immediate effect in terms of para 4 of the letter of appointment (contained in Annexure No.2).

(xiii) That, the orders contained in the Memorandum dated 9.9.88 are in fact punitive in nature as the termination of services of the applicant is in fact founded on the ground of allegations made and as reflected in the Memorandum No.Tox/Staff/NS/88, dated April 4, 1988, issued by the Division of Toxicology, Central Drug Research Institute, Lucknow.

(xiv) That, there is malafide intention behind the issue of the Memorandum as the applicant could not satisfy certain whims and caprices of the Head of the Division of Tixocology.

Amachor

A28

(xv) That, the order dated 9.9.88, being punitive in nature, the provisions contained in Article 311 of the Constitution of India are very much attracted as reasonable opportunity for defence was not given to the applicant nor the procedure as laid down under the Classification, Control and Appeal Rules of the Central Government, as are made applicable to the employees of the Council of Scientific and Industrial Research were followed while inflicting the injury of passing the order of termination of services of the applicant.

(xvi) That, the above action of the Respondent No.1, amounts to arbitrariness and is in contravention of the provisions of Law of Natural Justice.

(xvii) That, it is the settled law that if the services of even a temporary Government servant are sought to be terminated by way of punishment on account of some specific fault, then the provisions of Article 311 of the Constitution of India must be complied with.

(xviii) That, the impugned order of termination of services was passed while the applicant continued to be on leave duly supported by medical certificate, including pre-natal and post-natal periods. During the one and a half years of period of probation, the work and conduct of the applicant was entirely satisfactory and upto the mark whereafter she proceeded on leave on the ground of ill-health, coupled with pregnancy under the competent medical advice and was

Dina Choro

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not able to report for duty. It was, during this period of leave when the competent authority had no occasion to judge the work and conduct of the applicant, the impugned order of termination of services was passed.

(xix) That, the applicant was not afforded reasonable opportunity for defence nor was any enquiry held in accordance with the provisions of the relevant rules framed by the Government of India as are made applicable to the employees of the CSIR, before passing impugned order of termination.

(xx) That, the impugned order of termination of services of the applicant was passed with mala fide intention and against the provisions of Law of Natural Justice. The real motive behind passing of the impugned order is to punish the applicant by removing her from the service. The order is, therefore, not simpliciter ex-facie. The circumstances, preceding and attending the order manifestly go to prove that the impugned order has been passed by way of punishment.

(xxi) That the services of the applicant ^{has} ~~have~~ been terminated by the Respondent No.1 (vide Annexure No.1), which tantamounts to discrimination in so far as ~~to~~ ~~be in service of the~~ ~~others~~ others, who have been appointed alongwith the applicant, have been allowed to continue in the services and the applicant have been singled out for this harsh punishment.

7. Details of the remedies exhausted:

In view of the fact that the services of the applicant have been terminated by the competent authority - Respondent No.1, who is also the Appointing and Disciplinary

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Authority, the orders of termination are final in nature. The punishment ~~imposed~~^{inflicted} upon the applicant is extreme and harsh in nature and calls for immediate and efficacious relief in the facts and circumstances of the case.

8. Matter not previously filed or pending before any other Court:

The applicant earlier filed Writ Petition No.7394 of 1988 in the Lucknow Bench of the Hon'ble High Court of Judicature at Allahabad, on 15.9.88, with a prayer for issue of a Writ of Certiorari, quashing the impugned order of termination of Services of the applicant, and also a Writ of Mandamus commanding the Respondents not to terminate the services of the applicant and to treat her to be in service. However, the Hon'ble High Court vide their order dated 3.11.88 (photo copy attached as ANNEXURE NO.⁷0) held that the relevant papers be returned to the petitioner (the present applicant) to enable her to file a Claim Petition before the Central Administrative Tribunal as the service matters concerning the employees of the CSIR now fall within the jurisdiction of the said Tribunal.

9. Relief(s) Sought:

In view of the facts mentioned in Para 6 above, the applicant prays for the following relief(s):

- (a) to issue an order/direction quashing the impugned order of termination of services of the applicant dated 9.9.88 (Annexure No.1) passed by the Director, Central Drug Research Institute, Respondent No.1,

426

: 12 :

(b) to issue an order/direction commanding the respondents not to terminate the services of the applicant and to treat her to have continued to be in service all along and to provide all benefits, including the Pay and Allowances, as a regular employee of the Institute, to her.

13
GROUNDS

888

Wherefor, the following grounds are adduced:

(i) ~~use~~ the impugned order of termination is contrary to law, unjust, improper and arbitrary.

(ii) Because no opportunity for defence was afforded to the applicant before passing the impugned order of termination. The impugned order of termination, therefore, suffers from error of law manifestly, the provisions of Article 311 of the Constitution of India having not been followed.

(iii) Because the applicant was on leave, which was duly sanctioned by the competent authority, including three months of Maternity leave, applied for on medical grounds and not refused by the Respondent No.1, during which period she gave birth to a pre-mature male child on 18.8.88. Both the applicant and the newly born child ^{were} ~~was~~ extremely weak and under medical treatment with the result that she was not medically fit to report for duty. The impugned order of termination ~~is~~ could not be passed while the applicant was on maternity leave under the treatment of a competent physician.

Dina Chandra

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(iv) Because notwithstanding the fact that the letter of appointment issued by Respondent No.1 provides for the termination of services during the period of probation, without notice and without any reason being assigned, the said provisions could not be invoked by the Respondent No.1 in an arbitrary and unfair manner and against the principles of Law Of Natural Justice.

(v) Because the Respondent No.1 has actually passed a punitive order tainted with malice in colourable exercise of power delegated to him.

(vi) Because the Respondent No.1 has passed an order, which, though innocuous in form, is punitive in nature. The action amounts to arbitrariness which is antithesis of the Constitutional provisions of equality before Law.

10. Interim Order, if any, prayed for:

Pending final decision on the application, the applicant seeks issue of the following interim order by this Hon'ble Tribunal:

- i) The operation of impugned order dated 9.9.88 contained in Annexure No.1 to this application of termination of services of the applicant be stayed.
- ii) The post of Scientist 'C' held by the applicant be not filled up by the Respondents. The applicant has not yet handed over charge of her post nor the research documents, results of the investigations, etc. which she had carried out in the CDRI. She has not yet been relieved.

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If the said post is filled by the Respondents during the pendency of this application, her vital interests in relation to employment in the said Institute shall be jeopardised and she shall have to suffer irreparable loss in terms of money and status.

11. In the event of application being sent by Registered post, it may be stated whether the applicant desires to have oral hearing at the admission stage and if so, he shall attach a self-addressed Post Card/Inland Letter, at which intimation regarding the date of hearing could be sent to him.

Not applicable.

12. Particulars of Bank Draft/Postal Order in respect of the Application Fee:

- (i) Name of the Bank on which drawn : Not Applicable.
(ii) Demand Draft No. : Not Applicable.
or
(i) Number of Indian Postal Order(s): DD - 065935
5
(ii) Name of the issuing Post Office : High Court Post Office, Lucknow.
(iii) Date of Issue of Postal Order(s): 16.12.88.
(iv) Post Office at which payable : Allahabad.

13. List of enclosures:

- (i) Photocopy of Termination Order - Memorandum No.8/72/86-E.II, dated 9.9.88.
(ii) Photocopy of Offer of Appointment No.5(213)/86, dated 23.9.86.
(iii) Photocopy of Memo No.Tox/Staff/NS/88, dated 4.4.88.
(iv) Photocopy of Medical Certificate dated 23.5.88.
(v) Photocopy of letter dated 23.6.88 of the applicant.
(vi) Photocopy of Office Memorandum No.8(72)/86-E.II, dated 28.7.88.
(vii) Photocopy of Order dated 3.11.88 of the Hon'ble High Court.

VERIFICATION

I, Dr.(Mrs) Devika Chandra, aged about 30 years, w/o Dr. Rakesh Goel, working as Scientist 'C' in the Central Drug Research Institute, Chhattar Manzil Palace, Mahatma Gandhi Marg, Lucknow-226001, R/D A-1543, Indiranagar, Lucknow-226016, do hereby verify that the contents of Paras 1 to 6 are true to my personal knowledge and those of Paras 7 to 13 are believed to be true on legal advice and that I have not suppressed any material fact.

Devika Chandra

Dated: 19.12.1988
Place: Lucknow

Signature of the Applicant

15

ANNEXURE NO. 1

A29

CENTRAL DRUG RESEARCH INSTITUTE
(Council of Scientific & Industrial Research)

Chattar Manzil Palace,
Lucknow.

No. 8/72/86-E.II

9.9.88

MEMORANDUM

Sub : Termination of services during probationary period.

In para 4 of the appointment letter No. 5(213)/86-E.I dated 23.9.86 appointing Dr(Mrs) Devika Chandra as Scientist C in this Institute, it is provided that the services of Dr(Mrs) Devika Chandra could be terminated at any time without notice and without assigning any reason during the period of probation.

Accordingly, in pursuance of the said para, the undersigned hereby terminates the services of Dr(Mrs) Devika Chandra during the period of probation with immediate effect.

B. N. Dhawan
(B.N. Dhawan)
Director 9.9.88

Dr(Mrs) Devika Chandra,
Scientist C, Toxicology,
A-1543, Indra nagar,
Lucknow

*Proposedly Accepted
A. N. Tewari
Director*

~~As per~~

130

(Contract appointment against regular establishment).

REGISTERED

CENTRAL DRUG RESEARCH INSTITUTE
(COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH)

Chattar Manzil
Palace, Lucknow.

No. 5 (213)/86-E.I.]

Dated: 23.9.86

From:

Director,
Central Drug Research Institute.

To:

Dr. (Mrs) D. Chandra,
C/o Wing Commander Ramesh Chandra,
29/2, Gokhale Marg,
Lucknow 226 001.]

Sub:- Appointment of scientist in the C.D.R.I., Lucknow.

Sir,

With reference to your application dated x, I am directed to inform you that on the recommendations of Selection Committee which met on 9.9.86, the Director, Central Drug Research Institute, has been pleased to approve of your appointment as scientist 'C' in the C.D.R.I. on Rs. 1100/- (Rupees Eleven hundred only) per mensem in the scale of Rs. 1100-50-1600 plus usual allowances as admissible under the rules to the Council employees of your pay and status stationed at Lucknow on the following terms and conditions :-

1. The appointment is under the Council of Scientific and Industrial Research which is an autonomous body.
2. You will be on probation for a period two years which may be extended or curtailed at the discretion of the competent authority. On satisfactory completion of the period of probation, you will be eligible for appointment on contract for a period of 6 years including the probationary period.
3. You will be required to subscribe to the Council of Scientific and Industrial Research Contributory Provident Fund, the minimum rate of which is 8-1/3% of the basic pay. You will become entitled to the Council's share of contribution at 8-1/3% only, plus interest thereon, if admissible under the rules of the Council's Contributory Provident Fund as amended from time to time.

Prasanna
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Adarsh

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131

- 2 -

4. Your service may be terminated as follows :-
- (i) During the probationary period, extended or otherwise, by either party without notice and without any reason being assigned.
 - (ii) At any time on three calendar month's notice in writing given to you by the Council, if in the opinion of the Council, you prove unsuitable for the efficient performance of your duties.
 - (iii) By six calendar month's notice in writing given at any time during your service (except during the probationary period), by either party.

The Council may, however, in lieu of the notice provided for in clauses (ii) and (iii), give you a sum equivalent to the amount of your pay for the period of notice. The Council may also give shorter notice on the payment of a sum equivalent to the amount of your pay for the duration by which the notice falls short of the period prescribed.

"Pay" for the purposes of notice shall mean pay (including special pay and personal pay, if any) you receive under this offer. Any officiating pay which may be received by you will not be taken into account for this purpose.

5. No travelling allowance will be paid for reporting for duty.
6. Your appointment will be subject to the production of the following documents at your expense at the time of your reporting for duty :-
 - a) Medical certificate of health and physical fitness for service issued by a Medical Board in the prescribed form, if not already so medically examined. In the latter case, a certified copy of the relevant medical certificate should be furnished.
 - b) Documentary proof in respect of your date of birth and last pay drawn.
7. You will not be allowed to carry forward your leave earned by you in your previous appointment.
8. You will have to take an oath of allegiance to the Constitution of India in the form enclosed.
9. You will be liable for transfer to any of the establishments under the administrative control of the Council anywhere in India.
10. a) You will have to submit a declaration regarding restrictions on marriages in the prescribed form enclosed.

....3/-

Emergency
B.M. Teerani
Alwar

~~Part of Annex 1~~

A32

- 3 -

- b) You will have to submit the attestation forms duly completed (copy enclosed) to the office at the time of joining the duty.
11. a) You will disclose fully to the Council or to any person the Council may direct you, the progress of any investigation made by you from time to time.
- b) You will hold the results of all investigations made by you while in service and all results obtained by you in any research connected with these investigations within three years of the termination of your service in trust for the Council and disclose a full and complete description of the nature of your inventions and the mode of performing the same.
- c) You may publish results of any investigation entrusted to you with the prior approval of the Director General, Scientific & Industrial Research.
- d) The inventions shall, until a period of three years from the date of the termination of your service, be the property of the C.S.I.R. and you shall, whenever required at the expense of the Council join the Council or any person the Council may direct you to join in applying for letters patent in India and/or all other countries for the invention and/or any such improvements. You shall assign the inventions and improvements and execute all documents necessary to vest this invention in any person appointed by the Council in its absolute discretion.
12. If you are a permanent Government servant and if your present employer so desires, your appointment will be considered as on 'Foreign Service' on such terms and conditions including pay as may be mutually agreed to between your employer and this office. In that event the conditions laid down in clauses 2, 3, 4, 5, 6, 7 and 8 will not apply except that you will be on probation for a period of two years, which may be extended or curtailed at the discretion of the competent authority, and your pay will have to be fixed according to Govt. of India orders.
13. The provisions of the Central Civil Services (Classification, Control and Appeal) Rules, Central Civil Services (Conduct) Rules and such other rules or executive orders as may, from time to time, be applicable to the servants of the Council, shall apply to the extent to which they are applicable to the appointment hereby offered and the decision of the Council as to their applicability shall be final.

....4/-

Bhagya Lakshmi
Director

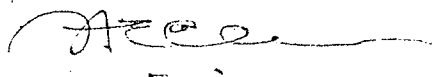
~~Dr. J. A. M.~~

- 4 -

14. (Applicable in case of Engineers and Doctors only)
You will, if so required, be liable to serve in any Defence Service or post connected with the Defence of India, for a period of not less than four years including the period spent on training, if any, provided that you :-
- will not be required to serve as aforesaid after the expiry of ten years from the date of appointment;
 - will not ordinarily be required to serve as aforesaid after attaining the age of forty five years (in the case of medical graduates) forty years (in the case of engineering graduates).
15. You will not be eligible for assessment to the next higher grade unless you satisfy the minimum qualifications and conditions prescribed from time to time.

If you are willing to accept the appointment on these terms and conditions, I am to request you to report for duty to the Director, Central Drug Research Institute immediately, and in any case not later than one month from the date of issue of this letter, failing which this offer of appointment is liable to be treated as cancelled. You should communicate in writing your acceptance of this offer of appointment and the probable date of your joining duty to the Director, Central Drug Research Institute, Chattar Manzil Palace, Lucknow, at an early date.

Yours faithfully,


ADMINISTRATIVE OFFICER
M.S.

Copy to:-

- Sr. Finance & Accounts Officer
- Estt. II Section
- Sc. I/C Chin. & Exp. Med. Division. *To xerox copy*
- Sc. I/c. Information
- Sc. I/c., Library
- Sc. I/c., Record Section

NB: The offer of appointment has been made pending verification of character and antecedents subject to proviso that your services can be terminated during the probationary period without assigning any reason.

*Encopy Borkunni
Awadh*

H34

DIVISION OF TOXICOLOGY

Central Drug Research Institute, Lucknow

No. TOX/STAFF/NS/88

Dated: April 4, 1988.

MEMORANDUM

Your attention is invited to the notice served to you on 19.1.88 for irregularities in the performance in your duties which is reproduced below:

"It has been brought to my attention that you are not consistently observing office timings. On a few of my check rounds also I have found you missing from your unit. You are kindly requested to observe office timings"

A new set of complaints are being noticed in the performance of your duties since then, as noted below:

1. That you were directed to do myelopoietic studies on MIC rats after 90 days experiment. When asked for report, you gave a very vague answer "slides were not good, etc", so work was not done and slides have been destroyed. The whole experiment has to be repeated.

2. Regulatory toxicity work on antimalarial compounds was planned by me since you were never available in your laboratory. Dr. R.K. Singh of your laboratory is on deputation to Indo-Dutch Workshop at ITRC. Dates for the work were given keeping in mind the free days. However on 30.3.88 you cancelled the work and preponed another work which was scheduled for 4th and 5th April.

Please explain:

- With whose permission did you do that?
- What alternative arrangements did you make for the planned work of 30.3.88?
- Why did not you take interest in the work of antimalarial compounds? Why you did not enquire from Scientist-in-Charge as to why dates were given by her? Where have you been all these days? The planned work was for: 23rd, 25th, 28th and 30th March and 6th & 13th April. Till today you have not attended to this.

3. You are so irregular that I have to conduct departmental meetings without you many times. Since Dr. R.K. Singh is at ITRC, your laboratory door is very often bolted from outside when your juniors go to animal house work. Where do you stay?

4. Your visits to KGMC are too often. Last two months record from the movement register is as follows:

2.2.88; 3.2.88; 8.3.88; 25.3.88 and 29.3.88

The visits to KGMC are unauthorised, since no collaborative work of CDRI Projects is going on between Division of Toxicology and K.G.M.C. nor was there any prior permission obtained by you.

*Pradyumn Bhatnagar
Director*

5. You have taken casual leave when regulatory work was already planned and in your knowledge, since the haematology dates were given by you. However you made no arrangements for the work which I had to ultimately taken over. Few of these dates are: 18.2.88 (haematology for Compd. 67/14); 10.3.88 (haematology for antiallergic compound).

Since you were reported to be extremely irregular in your office work I started noting your movements myself as of 15th March onwards. The details are as follows:

- 15.3.88 : 3 hrs spent with Mr.A.K. Roy in the forenoon.
 Afternoon : I sent for you at 2.30 p.m. (not in the room)
 At 3.00 p.m. you were with me till 3.30 p.m.
- 3.30-5.30 : Not in your office (was informed that you were with Mrs. M. Ray)
- 16.3.88 : I left for Delhi at 9.30 a.m. You left the division
 myself at 9.45 a.m. and returned at 12.50 p.m. came in the
 not afternoon at 3.30 p.m. and left at 3.00 p.m. and
 in town returned at 5.15 p.m.
- 17.3.88 : 9.10 a.m. did microscopic work on slides brought
 to the office till 10.30 a.m. and left and returned
 at 12.35 p.m. Came back at 3.00 p.m. and left at
 3.15 p.m. after informing the Scientist-In-Charge
 (acting) Mr. A.K. Roy.
- 18.3.88 : Came on duty at 12.20 p.m. and went back for lunch
 and returned at 2.45 p.m. and left with Dr.Manmohan
 Singh at 3.00 p m and returned at 5.00 p.m. and
 left immediately for the day after informing Mr.Ram
 Kumar, Lab.Atttdt.
- 19.3.88 :
 to
- 24.3.88 :
- 25.3.88 Came at 11.30 a.m. sent in joining report and left
 the division. Came back at 2.30 p.m. and left at
 3.30 p.m. for home for the day.
- 26th & 27th
 Sat. & Sun.
- 28.3.88 : Stayed in the Division till 9.30 a.m. and left the
 division till 12.00 noon (the lab. door was bolted
 had from outside). No work of the Division, since the lab. staff
 gone to Returned at 3.30 p.m. after lunch. Sat with Mr.A.K.Roy
 A.H. for from 4.20 p.m. to 5.20 p.m.
 bleeding
 of dogs.
- 29.3.88 : Left for KGMC at 10.00 a.m.
 In afternoon - not available, Departmental meeting
 was postponed from morning for afternoon as she
 was not available. Then in the afternoon again I
 could not get her and hence had the meeting with
 Mr.PSR Murthy, Mr. A.K. Roy and Dr.Sudhir Srivastava

Free copy
 Bannuram
 Avrook

A36

-3-

30.3.88 : You asked Technician not to do dog work and prepared monkey work which has to be done on 4th & 5th april. I intervened and you left the department at 10.00 a.m. Came back at 12.00 noon and left at 12.20 p.m. again. Returned again at 12.30 p.m. 3.15 p.m. not returned from lunch as yet. 4.30 p.m. returned from lunch.

Visits to	DATES ARE:	8.3.88;
KGMC		25.3.88
mostly		29.3.88
all		3.2.88
afternoon		2.2.88

It is very obvious from the above that you have not participated in any work of the department, to the best of my knowledge.

You are therefore requested to submit your explanation to the above in three days on receipt of this memo.

Dr.(Mrs.) D. Chandra
Scientist C
Division of Toxicology

N. Sethi
(N. Sethi)

Copy to: Director, C.D.R.I., for information please.

(N. Sethi)

*Three copies attached
Balkrishna
Director*

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30/8

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for Fresteria (1 Oct 88)

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Free copy etc (2)
Bulman
Adrook

DR. DEVIKA CHANDRA

M.B.B.S; M.D. (PATH. & BACT.)

SCIENTIST 'C' (presently on leave)
CENTRAL DRUG RESEARCH INSTITUTE
LUCKNOW.

Member: INTERNATIONAL ACADEMY OF PATHOLOGISTS

Address :

A-1543, INDIRA NAGAR,
LUCKNOW.

23rd June 1988.

To,

The Director

Central Drug Research Institute

Chattar Manzil Palace

Lucknow 226 001

Sir,

I have for reference letter no. 8(72) 86 Estt dated June 21 1988 addressed to The Chief Medical Officer Lucknow, by Sri P.M. Ram Section Officer of the Institute whereof a copy was endorsed to me. By the endorsement for me in the letter I was required to present myself before the Chief Medical Officer Lucknow for my medical examination by him so that he could render a report on my health condition, to your Institute as called for in the letter, which was evidently required in connection with grant of half pay leave on medical ground which I had applied for on 23rd May 1988, the period of leave required being 23rd May, 1988 to 22nd June 1988.

It appears to me to be rather unusual that I have been asked to get myself medically examined by the Chief Medical Officer for rendering of a report on my health condition when almost a month has elapsed since the date of commencement of leave that I had applied for. This is clearly too long a period for making any satisfactory assessment at this stage of my health condition as it was at the point of

Devika Chandra

23/6

Praveen Kumar
Dr. Kumar
Advocate

.....2

DR. DEVIKA CHANDRA
M.B.B.S; M.D. (PATH. & BACT.)

SCIENTIST 'C'
CENTRAL DRUG RESEARCH INSTITUTE
LUCKNOW.

Member: INTERNATIONAL ACADEMY OF PATHOLOGISTS

Address :

A-1543, INDIRA NAGAR,
LUCKNOW.

(cont...2)

commencement of leave applied for by me which in any case has been certified by a qualified obstetrician who is the Superintendent of the Maternity Home of the Government of Uttar Pradesh, on Faizabad Road, Lucknow. The said Obstetrician who has been attending on me and had done my medical examination and duly recommended complete rest for a period of one month commencing on 23rd May 1988 on the basis of my condition of health at that point of time as assessed by her, which was naturally subject to change for better or the worse during the one month period elapsed since then.

In any case I have got myself examined by the Chief Medical Officer on 22nd June, 1988 in compliance with the requirement indicated in the letter under reference. His report on my said medical examination is contained in his letter no E7/88 dated 22nd June, 1988 addressed to the concerned section Officer of the Institute, which having been handed over, is attached herewith for your ^{useful} ~~perusal~~ and necessary action.

As recommended in the attached letter ~~the~~ of The Chief Medical Officer I should be on leave for a total period of one month and 26 days (23rd May, 1988 to 18th July 1988) on medical ground as I require bedrest during the said period because of my unsatisfactory condition of health arising out of my pregnancy. I am ^h therefore hereby making a formal

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To the copy attached
B. M. M. M.
B. M. M. M.

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DR. DEVIKA CHANDRA

M.B.B.S; M.D. (PATH. & BACT.)

SCIENTIST 'C'
CENTRAL DRUG RESEARCH INSTITUTE
LUCKNOW.

Member: INTERNATIONAL ACADEMY OF PATHOLOGISTS

Address :

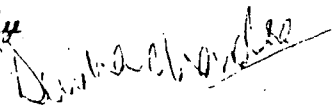
A-1543, INDIRA NAGAR,
LUCKNOW.

.....cont 3)

request for extension of the one month period of leave already applied for (23rd May 1988 to 22nd June 1988) by a further 26 days that is upto 18th July 1988

I shall be grateful if I am informed on your behalf about the grant of leave for the entire period, including the period of extension mentioned above, as applied for by me.

Yours faithfully


Dr. Devika Chandra

File copy attached
Dr. Devika Chandra
is present


1491

Office of Chief Medical Officer Lucknow
No. E-7/88 Dated June 22, 1988


To
The Secy office
CDRI Lucknow

With reference to your letter no 8 (72) 86/RH
dated 21.6.88 this is to inform you that Dr (Mrs)
Devika Chandra appeared before me for her
medical examination. On examination she
is recommended leave w.e.f 23.6.88 to 27.6.88.
The original medical certificate is returned.

Cec. Azadpur


Dr. Devika Chandra
CDRI Lucknow

Noted


Mr. Devina Chandra
23/6/88
In-charge Officer
Central Drug Research Institute
LUCKNOW.

Devina Chandra
22/6/88

True copy
Borkum
Lucknow

Amr

~~Amr No 2~~

CENTRAL DRUG RESEARCH INSTITUTE

Chattar Manzil Palace
LUCKNOW.

No. 8(72)/86 E-II

Dated 20/7/88

OFFICE MEMORANDUM

Reference his/her application dated 18-7-88

Dr./Shri/Km./Shrimati Devika Chandra, Sc. has been granted

leave as under by the Dr. Director

- ① 23-5-88 to 26-6-88 = 35 days HPL
- ② 27-6-88 to 30-6-88 = 4 days E.O.L with MC
- ③ 1-7-88 to 15-7-88 = 15 days E.L
- ④ 16-7-88 to 25-7-88 = 10 days HPL
- ⑤ 26-7-88 to 31-8-88 = 37 days E.O.L with MC

It is confirmed that Dr./Shri/Km./Shrimati Chandra, Sc.

..... would have continued to officiate in the same post and that

at the expiry of the leave Dr. (Mrs) Chandra is/was likely to rejoin

the same post at C. D. R. I.

To, Dr. (Mrs) Devika Chandra,
Scientist C
1543 A - Indira Nagar
Lko.

[Signature]
SECTION OFFICER

Copy to :-

- 2. Accounts Section
- 3. Bill Section
- 4. Division/Section concerned

① Self, Toxicology Div

SECTION OFFICER

*Five copies attached
Balkrishna
Bhaskar*

Am

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL.
CIRCUIT BENCH, LUCKNOW.

Registration Case No. 232 of 1988 (I)

Filed today
13/4

Dr. (Mrs). Devika Chandra. ...Applicant.

Versus

The Director of Central Drug Research Institute and others. ...Respondents.

REPLY TO THE PETITION ON BEHALF OF THE RESPONDENTS.

The respondents submit the following parawise reply:-

1. The contents of the petition are admitted regarding the name, address and designation etc.
2. Para 2 of the petition does not require any reply. It is, however, submitted that the Union of India is not a necessary party to the case.
3. Regarding para 3 it is admitted that the applicant is a M.B.B.S. and M.D. in Pathology from the King Georges Medical College, Lucknow. She was appointed as Scientist C-Grade in the Central Drug Research Institute under an order dated 23.9.1986. The appointment order provided that she would be on probation for a period of two years, which could further be extended. It also provided that during the probationary period her services could be terminated without notice and without assigning any reason

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for the same. Before her probation for two years was completed, the appropriate authority was not satisfied with her performance and in accordance with Clause 4 of the appointment letter dated 23.9.1986, her services were terminated during the period of probation without assigning any reason by an order dated 9.9.1988.

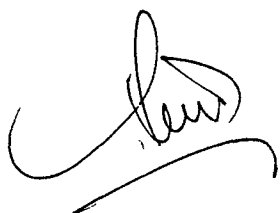
4. Para 4 is not disputed.

5. Para 5 is also not disputed.

6. The facts stated in para 6 are not admitted. The reply to the sub-paragraphs is being given below:-

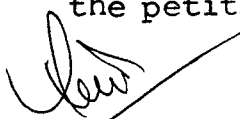
(i) It is admitted that the petitioner had been appointed Scientist C-Grade in the C.D.R.I. under an appointment letter dated 23.9.1986. It is also admitted that the Council of Scientific and Industrial Research, which is a Society registered under the Societies Registration Act is the parent body and the Central Drug Research Institute is one of the Institutes run by the said Society. Annexure 2 to the claim petition is a copy of the letter of appointment dated 23.9.1986.

(ii) Para 2 is admitted except for the fact that the petitioner had joined on 30th September, 1986 and served till her services were terminated by order dated 9.9.1988.



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- disputed
- (iii) It is not/~~that~~ the petitioner was on probation for a period of two years which was ~~to~~ expired on 30th September 1988.
- (iv) During the period of probation also increments are allowed to the incumbents under the normal course. It was only by virtue of time that after one year of service the petitioner became entitled to one increment which she earned. But this does not detract the fact that she continued to remain on probation which was to expire only after two years. The competent authority was not satisfied with her performance during the probation period.
- (v) This is incorrect. Annexure 3 filed with the petition would show that the petitioner was not interested in her work. She was unpunctual and took the work so casually that whenever she pleased she came to the Institute and whenever she pleased she left the same. She did not adhere to any Schedules prepared for scientific work, with the result that the planned research work was not possible in the Institute. She lacked dedication to duty or devotion to work. She never accepted any spirit for work, which is very much needed for scientific research. When the memorandum (Annexure 3) was served on her, she did not care to submit its reply.
- (vi) It is submitted that the evaluation of the work of the petitioner was made very objectively. So long as



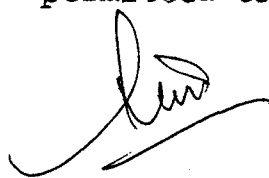
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she was taking interest in her work, no adverse report was given to her. It was only when her negligence and lack of interest in work reached a point that not only her own work was suffering but also that of other Scientists who were connected with the research project. When she was given a memorandum for being answered she failed to reply even to that memorandum.

(vii) It is admitted that Mrs. N. Sethi, Scientist Incharge gave a memorandum dated 4th April, 1988 to the petitioner, a copy of which is Annexure 3. The said memorandum is self explanatory. The said memorandum also shows that even on 19.1.1988 the petitioner had been served with a memorandum drawing her attention to the fact that she was consistently being irregular in her attendance and was not observing office timings.

viii) These facts are not admitted. She was irregular in her work. If she was unwell, then she should have taken leave earlier. In any case so far as her performance was concerned it was hopelessly below standard.

(ix) Regarding sub-para (ix), it is submitted that the petitioner met the Scientist Incharge on 11.5.1988 and she was asked to give her reply to the memorandum dated April 4, 1988. She requested that she may be permitted to submit the explanation for which she



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needed some time. She has not submitted any explanation so far. All other allegations in this sub-paragraphs are incorrect and are denied.

- (x) does not require any reply.
- (xi) Under the Rules when repeated medical leave is asked for from time to time, it is the practice to obtain a Certificate from the Chief Medical Officer after ^{her} ~~his~~ medical examination. On the basis of the recommendations of the Chief Medical Officer she was granted leave due and admissible from 27.6.1988 to 31.8.1988 including spells of extra ordinary leave. The pay was temporarily withheld to avoid over payment pending decision regarding grant of leave.
- (a) It is submitted that whatever leave was admissible to the petitioner was sanctioned.
- (xii) It is admitted that the letter terminating service dated 9.9.1988 is ANNEXURE NO. 1.
- (xiii) The averments are incorrect. The appointment of the petitioner was made on terms and conditions mentioned in the appointment letter itself. It was mentioned that she will have to undergo two years probation period and it would only be upon the satisfactory completion of the probation that her employment would be continued. Within the period of probation her



1419

services were terminated in terms of the order of appointment as her work was not found to be satisfactory. The order of termination is neither punitive nor arbitrary.

(xiv) It is denied that the memorandum issued to the petitioner was capricious or malicious.

(xv) The order dated 9.9.1988 is neither punitive nor arbitrary. Since the petitioner is in the service of a Society, Article 311 of the Constitution of India is not applicable at all. It is further submitted that her services have been terminated in accordance with the terms of the appointment. It was not at all necessary to hold any enquiry or give her any opportunity for explaining before the termination order was passed. The petitioner had ample opportunity to explain her conduct when she had earlier been given memorandum but she failed to submit any explanation.

(xvi) The action is neither arbitrary nor in disregard of the principles of natural justice.

(xvii) The contention placed in this paragraph is not admitted.

Firstly, the petitioner was not in Government Service; secondly her services have not been terminated by way of punishment; thirdly the provisions of Article 311 of the Constitution of India are not applicable; and



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fourthly there is no legal infirmity in the order since subjective satisfaction of the authority concerned was necessary for the evaluation of the suitability of the probationer to be continued.

xviii) The termination order was served on the petitioner when she was not on sanctioned leave of any kind. It is submitted that the order does not become invalid if it is passed on a day when the probationer is on leave. It is further submitted that the work of the petitioner was not entirely satisfactory at any time but when things came to a point that the work of other Scientists was also being hampered that the memorandum had been given to the petitioner. It is submitted that the satisfaction of the authority concerned is not a justiciable matter.

(xix) This is not admitted. The petitioner was not entitled to any show cause notice.

(xx) It is denied that the orders were mala fide or were contrary to the natural justice. There was no question of punishing the petitioner by removing her from service. Her services were terminated during the period of probation as her work was not found to be satisfactory.

(xxi) The termination order is not discriminatory.



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7. Para 7 is not disputed.

8. Para 8 is also not disputed. The petitioner had filed the writ petition in the Hon'ble High Court which was dismissed as the Hon'ble High Court had no jurisdiction to deal with the case since the constitution of the Central Administrative Tribunal.

9. The petitioner is not entitled to the relief claimed by her.

9 (a) The grounds mentioned for claiming the relief are not tenable in law for the reasons already explained.

10. The petitioner is not entitled to any interim orders. The petitioner stands relieved automatically. If any articles belonging to the Institute are in the possession of the petitioner, she has to return the same immediately. Keeping with her any of the said articles amounts to misappropriation of property.

11. No reply is needed.

12. No reply is needed.

13. No reply is needed.

CONTROLLER OF ADMINISTRATION.

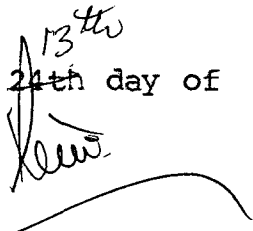
~~March~~
February, 1989.
April 13, 1989

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-VERIFICATION-

I, V.P.Bakshi, Controller of Administration
Central Drug Research Institute do hereby verify that
the contents of paras 1 - 9 _____
of this reply are true to my own knowledge, while the content
of paras 9(a), 10 _____ are believed by me
to be true.

Signed, dated and verified this the ^{13th} 24th day of
~~March~~
February, 1989.
April 13,


CONTROLLER OF ADMINISTRATION.

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अदालत श्रीमान

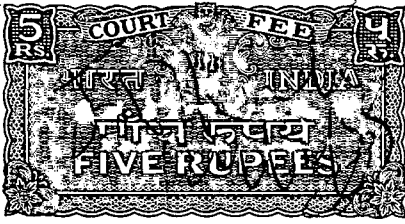
महोदय

वादी (मुद्दई)

वकालतनामा

प्रतिवादी (मुद्दालेह)

का



Regn. Case No. 232 of 1989 (L)

Dr. (Mrs.) Devika Chandra

वादी (मुद्दई)

वनाम

Director, Central Drug Research Instt. and others.

प्रतिवादी (मुद्दालेह)

नं० मुकद्दमा 232 सन् १९८९ (L) पेशी की ता० 24.2.८९ ई०
ऊपर लिखे मुकद्दमा में अपनी ओर से

श्री P.N. Mathur, Advocate & Sri Anuraग एडवोकेट महोदय
Srivastava, Sri A.K. Jambhari, Sri J.N. Mathur वकील

नाम बदालस
नं० मुकद्दमा
नाम फरीकन

को अपना वकील नियुक्त करके (इकरार) करता हूँ और लिख देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दोषा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या मारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें। वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी। मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्थयं या किसी अपने पैरोकार को भेजता रहूँगा। अगर मुकद्दमा घदम पैरवी मेरे एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

B. Sharma

हस्ताक्षर
Central Drug Research Instt.
LUCKNOW

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन

Accepted
P.N. Mathur
Advocate

Accepted

Devika Chandra
Adm

Filed today
24/4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH.

Application u/s 19 of the Administrative Tribunals Act,
1985

(Registration Case No.232 of 1988)

Between

Dr. (Mrs) Devika Chandra, w/o Dr. R. Goel, ...Applicant

and

Director, Central Drug Research Institute,

Lucknow, and others.

... Respondants

REJCINDER TO THE REPLY SUBMITTED ON BEHALF
OF THE RESPONDENTS

The applicant submits the following comments
parawise:

1. The contents of the para call for no reply.
2. That the contents of para 2 call for no reply except the submission that Union of India is a necessary or atleast a proper party.
3. That the contents of para 3 are denied. The letter of appointment dated 23rd September, 1986 (Annexure No.2) in para 4 provides for a general condition as to how service of an employee could be terminated and is rather an enabling provision. But that power can be exercised in accordance with the principles of fair-play and also the various decision of the Hon'ble Supreme Court and can not be exercised arbitrarily or as a cloak to punish someone. In the present case, the

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*Bring on record
24/4/89*
Amal Chandra

services of the petitioner were terminated by way of punishment without following the prescribed procedure as laid down under the Central Civil Services (Classification, Control and Appeal) Rules and without even conducting preliminary enquiry to meet the ends of justice. It is, therefore, manifestly apparent that the services were terminated arbitrarily and in colourable exercise of the power.

4. No comments.

5. No comments.

6. (i) No comments except that the averments made in the application are re-iterated.

(ii) In this connection, it is stated that while the respondents have admitted that the applicant remained in the service of the Institute till the date of termination of the service i.e. 9.9.88, they have sanctioned leave to the applicant vide Memorandum No.8(72)/86-E.II, dated 28th July, 1988 (Annexure No.6) till 31.8.1988, leaving the period from 1.9.88 to 9.9.88 unaccounted for, inspite of the fact that the application for maternity leave covering this period was duly submitted to the Respondent No.1 and the same was pending in his office. No communication, whatsoever, was issued by Respondent No.1 to the effect that the leave applied for beyond 31.8.88 has not been sanctioned/refused. It is not understood as to how the period from 1.9.88 to 9.9.88 has been accounted for. This clearly shows the casual and arbitrary manner ⁱⁿ which the respondents deal with their subordinates.

(iii) No comments. However, it is stated that the period of probation was to expire on 30th September, 1988.

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(iv) That averments of the para under reply are denied. In this connection, it is stated that under the provisions of Fundamental Rule 24, an increment can be drawn as a matter of course. However, the said Rule provides that the increment may be with-held by the competent authority if the conduct and work of the employee has not been satisfactory. In view of the fact that one increment on completion of service of one year was sanctioned by the competent authority to the applicant and the applicant actually drew the increment goes to prove beyond any shadow of doubt that the work and conduct of the applicant during the said period of one year of probation remained entirely satisfactory. The averment made in the application is reiterated and allegation made in the counter is denied.

(v) That the contents are denied as incorrect. It has been established beyond doubt that the work and performance of the applicant remained entirely satisfactory, resulting in drawal of annual increment which has been admitted by the respondents. It is emphatically denied that the applicant was unpunctual and took the work assigned to her casually. It will be travesty of facts to ignore the entire good work done by the applicant. The relevant documents, i.e., Monthly Work Reports and Confidential Report bear testimony to this.

It is also denied that the applicant did not submit any reply to the Memorandum (Annexure No.3). The fact, however, is that the applicant personally met the Head of the Division on 20.5.88 in respect of the allegations contained in the Memorandum (Annexure No.3) and explained everything personally. The Head of the Division was duly satisfied with the same. She told the petitioner that no further action was necessary and that the Memorandum

Devina chandra

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consigned
stood ~~unsigned~~ to record . It was on the assurance of the ^{was} Head of the Division, that explanation ~~was~~ not submitted, though it had been perused by her and returned to the applicant, which is annexed hereto as annexure No. 1

(vi) The averments made by the respondents in this para are denied. While they have stated in the preceding para that the petitioner was not interested in her work, they have admitted in this para that the petitioner was taking interest in her work. The allegations levelled in the Memorandum (Annexure No.3) ^{mis-} appear to have been made under ~~false~~ conception and are emphatically denied.

(vii) It is denied that any memorandum dated 19.1.1988 was ever served upon the applicant.

(viii) While re-iterating the position as stated in para 6(viii) of the application, it is stated that leave of any kind, including that on the ground of ill health/ pregnancy is taken only when the actual need arises. The applicant, being in the family way and running 4th month of pregnancy, was naturally upset by the rude shock administered to her through the Memorandum (Annexure No.3). She, therefore, felt miserable and had to apply for leave w.e.f. 6.4.88 and extending the same till 10.5.88. This was based on bare necessity. The passing of general remark that the performance of the applicant was hopelessly below standard is not based on facts and is irrelevant and, therefore, denied.

ix) The contents of the para are denied and averments made in the application are reiterated.

Devina Choudhary

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x) No comments.

xi) The position as stated in the application is re-iterated. It is also submitted that the pay and allowances of the applicant were disbursed belatedly, causing financial hardship to her during her illness when she required financial help utmost. This is tantamount to harassment and maltreatment.

xi(a) The counter reply does not state anything with regard to maternity leave applied for sanction beyond 31.8.88, including the request for conversion of extra-ordinary leave into maternity leave as admissible under the relevant provisions of the Central Civil Service Revised Leave Rules. The position as stated in the application is reiterated.

xii) No comments.

xiii) The contents are denied. It is further stated that the orders of termination of services as contained in Memorandum dated 9.9.88 (Annexure No.1) were issued on 9th Sept., 1988. The applicant remained on leave after March, 1988 and from 20.5.88 continuously till 9.9.88 when the competent authority had no occasion to evaluate her work and performance. There was no complaint regarding the work and performance of the applicant till February, 1988. This shows that out of 2 years of the period of probation, the work and performance of the applicant was satisfactory during the first 18 months whereafter she continued to remain on leave and her services were terminated while being on authorised leave. The orders of termination of services are, therefore, arbitrary

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and have been issued with malafide intention as there was no ~~objection~~ objective assessment of work and performance of the applicant.

xiv) Contents not admitted. Averments made in the application are reiterated.

xv) While re-iterating the position as contained in the application, it is stated that the CSIR has, no doubt, been registered as a society under the Registration of Societies Act. It has, however, been functioning more or less as a Department of the Govt. of India, the Director General of the CSIR being also the Secretary to Government of India in the Department of Scientific and Industrial Research, the Gazette Notification for his appointment as Secretary and D.G. is issued by the Cabinet Secretariat of the Government of India. A copy of Notification is attached as Annexure No.2. All the rules, regulations and procedure of the Government of India have been made applicable to the CSIR, i.e., the Central Civil Services (Conduct) Rules, the Central Civil Service (Classification, and Control ~~of~~ Appeal) Rules and the General Financial Rules, the Central Civil Services Leave Rules and Treasury Rules etc. have all been made applicable to the CSIR. The provisions contained in Article 311 of the Constitution of India with regard to giving reasonable opportunity of defence are very much applicable in the case of employees of the CSIR. The letter of appointment (Annexure No.2) also stipulates that the Central Civil Services (CCA) Rules are applicable to the

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applicant. Instead of following these Rules, the Respondent No.1 has chosen to resort to clause 4 of the letter of appointment for terminating the services of the applicant. Once the allegations have been made with regard to conduct, it is necessary to hold an enquiry and give an opportunity to the accused officer to put up her defence which has not been done in the present case. The orders of termination are, therefore, unconstitutional and illegal.

xvi) Contents denied and averments made in para 6(xvi) of the application are re-iterated. It is further stated that the 'opportunity of hearing' is an important element of the 'Law of Natural Justice'. In the instant case, when allegations were made against the applicant relating to misconduct and indiscipline, it was incumbent on the Competent Authority to give full and reasonable opportunity to the accused officer to put up her defence. Denial of reasonable opportunity of hearing will naturally render the impugned order of termination bad in the eye of Law. The respondent No.1 (the Director, C.D.R.I.) is the appointing as well as the Disciplinary Authority in respect of the applicant. Under the law, he is the competent authority to take any action, whether disciplinary or otherwise. It is relevant to point out that Respondent No.1 has mainly relied on the Memorandum dated 4.4.88, issued by the Head of Division of Toxicology and has not applied his mind in passing the order of termination. The order passed without application of mind is bad in Law and, therefore, deserves to be quashed.

Kerna chandra

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xvii) Contents not ~~is~~ admitted. It is further stated that the services of the applicant were terminated by way of punishment, based on the allegations made in the Memorandum dated 4th April, 1988 attached as Annexure No.3 to the application. The order of termination in the present case virtually ²tentamounts to removal from service and the provisions of Article 311 of the Constitution of India as also the C.C.A. Rules are undoubtedly attracted. The respondents have failed to comply with the provisions of the Constitution. The order of removal from service suffers from legal infirmity. In fact, the applicant has been administered punishment, but overtly recourse has been taken by the Respondent No.1 to clause 4 of the letter of appointment. The averments made in the application are re-iterated.

xviii) While re-iterating the averments made in the application, it is stated that the applicant was sanctioned leave upto 31st August, 1988, vide Office Memorandum dated 28th July, 1988, enclosed as Annexure -6 with the application, although she had applied for leave due and admissible beyond that date under the provisions of Central Civil Services Revised Leave Rules as are made applicable to the employees of the CSIR.

Devika Chandra

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It was for Respondent No.1 to sanction the leave applied for. However, leave beyond 31.8.88 was not sanctioned nor refusal to this effect was communicated to the applicant. In their counter reply submitted in para 6(ii), the respondents have admitted that the applicant remained in service of the Institute till the date of termination i.e. 9.9.1988. Even then the sanction of leave was not communicated. The averments made to the effect that the work of the applicant was not entirely satisfactory are contrary to the facts and are, therefore, denied. It is also denied that the satisfaction of the authority concerned with regard to the work of the applicant is not justiciable. Every authority, including an Administrative Authority, is bound by the 'Law of Natural Justice' which provides that the competent authority while taking decision in a matter, and more so in a matter of termination of service of an employee, shall act fairly and with open mind and will dispense with the services of a person only after enquiry if the reasons that have weighed with that authority are some acts of mis-conduct and indiscipline on the part of the employee. The court can always go behind the order of termination to find out if it was punitive.

xix) Contents not admitted. The averments

Senka Chandra

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made in para 6(xix) of the application ~~is~~ are re-iterated.

xx) Contents of the para are denied. It is submitted that the services of the applicant were terminated by way of punishment, founded on the Memorandum dated 4th April, 1988, attached as Annexure No.3 with the application. However, the Respondent No.1 conveniently took recourse to para 4 of the letter of appointment to make the order simplicitor ex-facie. The circumstances preceding and attending the order of termination undoubtedly and un-ambiguously show that the impugned order was passed as a measure of punishment. It is not a simple termination but virtually removal from service without complying with the provisions of law as enunciated in Article 311 of the Constitution of India.

xxi) The contents are not admitted and averments made in the application are reiterated. It is further submitted that Dr. Sudhir Srivastava, Dr. S.P.S. Gaur, Dr. Ashim Ghatak, Dr. R.K. Singh and Dr. Neeraj Sinha and Dr.(Mrs) M. Roy who were also appointed on probation as Scientists and who are junior to the applicant have been retained in service and the applicant has been singled out for the harsh punishment of termination of services which ^a tantamounts to discrimination.

7. No comments.

Senika Chandra

Contd...p/11.

16-4

8. The contents as stated are not admitted. It is further submitted that the petition filed in the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknow, was not dismissed. The Hon'ble High Court only observed that the applicant may approach the Central Administrative Tribunal to file a claim petition before them because the matter fell within the jurisdiction of the Hon'ble Tribunal.

9. & 9(a) Contents are not admitted. Averments made in the application are reiterated.

10. The averments are not admitted as stated. It is, however, stated that the applicant does not stand automatically relieved by issue of order of removal from service. It is the established procedure in all the Central Government Offices as also the Laboratories run by the CSIR that when an employee is relieved from his job, the "No Dues Certificate" in the prescribed proforma is invariably issued. It is pointed out that the completion of this formality is the ~~responsibility~~ responsibility of the Respondent No.1 who has failed in this regard. The order of removal/termination is a document which simply conveys that an employee's services stand dispensed with. This order, however, takes formal effect only when the charge is taken from the employee and another order incorporating

Devka Chandra

165

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the 'no demand certificate' is issued by the competent authority, intimating the event of termination/removal from service to all the relevant sections of the Institute. This formality still awaits completion in the case of the applicant.

Lucknow

Dated: 20.4.1989

Dumachandra
APPLICANT

VERIFICATION

I, the above named applicant do hereby verify that the contents of paras 1 to 6 of this rejoinder are true to my own knowledge and those of paras 7 to 10 are believed to be true on the basis of legal advice.

Signed and verified this 20th day of April, 1989 in the Courts compound at Lucknow.

Dumachandra
APPLICANT

A56

From: Dr. (Ms.) Devika Chandra,
MB, BS, MD (Path & Bact.),
Scientist 'C',
Central Drug Research Institute,
Lucknow-226001.

Dated: 20.5.88

To

The Head of the Division of Toxicology,
Central Drug Research Institute,
Chhattar Manzil Palace,
Lucknow-226001.

Madam,

With reference to your memo No.TOX/Staff/NS/88, dated 4.4.1988, I have the following point-wise explanation to offer, as desired by you:

1. No memo dated 19.1.1988, which finds mention in the memo under reference, was in fact ever served upon me. As such, no occasion ever arose for me to respond to any such memo. However, it is not a fact that I do not observe office timings as alleged in the memo dated 19.1.1988 which has been reproduced in the memo under reference. There is no basis, whatsoever, for such an allegation against me, which, it appears to me, is the result of some wrong tales being carried to you about me by certain vested interests in the Toxicology laboratory.
2. The 90-days experiment in connection with myelopoietic studies on MIC rats, which is basically a project of the Indian Council of Medical Research, was taken up by me on a voluntary basis as is well known to you. The project itself is the responsibility of the concerned research team which does not include me. As regards the allegations made against me in this regard, I emphatically deny that I ever made a remark to the effect that "the slides were not good" or that "they had been destroyed". The fact, on the other hand, is that I am not even aware that any slides used in the experiment had been destroyed and if so, by whom and that I never gave instructions to any one for their destruction.

Devika Chandra

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A62

3. As you are aware, after preliminary discussion at your level the dates for taking up experimentation work in connection with various regulatory toxicity study schemes are determined by the concerned scientists including me and when the dates are communicated to you also in writing. So far as the scheme connected with the anti-malarial compound is concerned, I deny that such a thing, as alleged, ever happened because the related scheme was never assigned to me. If any planning in respect of the scheme was done at your level, then I was not informed about its details at any stage. It is not, therefore, fair to make an allegation that I was never available in the laboratory during the planning phase. Since I was neither associated with the planning done for the scheme nor given any instructions by you for undertaking any specific work connected therewith, I do not really owe any explanation in this regard.

4. As regards Dr. R.K. Singh, Scientist 'B', the position quite clearly is that he has not been placed under me and I do not always come to know about his movements. He does not move under my instructions or with my permission even though his place of work is the Haematology Laboratory which is headed by me. I was never informed by either Dr. Singh himself or anyone else that he would be away from the Laboratory to attend the Indo-Dutch Workshop in the ITRC for any length of time. Under these circumstances, it is not fair to demand an explanation from me regarding continuation of any part of the work, assigned to Dr. Singh that might have remained unfinished.

5. The work scheduled by you for 30.3.1988 in the Haematology Laboratory was in fact connected with bleeding of dogs for the project of Dr. G.P. Datta, Senior Scientist Incharge of the Micro Biology Division and it was not a part of the regulatory toxicity work going on in our Laboratory and I was not informed about this commitment having been accepted for the Laboratory or about the date on which the work had been scheduled

Dama Chandra

Page #

by you. I, however, came to know about it from the technical staff of the Laboratory on the due date, that is, 30.3.1988, when I wanted the work of regulatory toxicity study on the anti-allergic compound to be taken up rather than on 4.4.1988 for which it had been scheduled by me. Since the Junior Staff of the Laboratory were willing to combine the work of Dr. Datta's project along with the work connected with the routine regulatory toxicity study scheduled for 4.4.1988 on that day (30.3.1988) itself and carry out both the jobs side by side, I allowed them to proceed accordingly, especially in view of the fact that I was going to avail of casual leave on 4.4.1988 for urgent medical consultation connected with my ante-natal care. The fact that I advanced the work scheduled by me for 4.4.1988 to an earlier date (30.3.1988) under the aforesaid circumstances cannot possibly suggest that I acted in any way against the overall interests of the Institute. As you are aware, any minor changes or adjustments in the schedules of work, as originally planned, are frequently made in the larger interests of the Institute and permission of the head of the division is not necessarily sought for this purpose unless some radical effect on the progress of any scheme is likely to occur because of changes in the schedules. However, on coming to know indirectly about your having taken objection to my advancing the work scheduled for 4.4.1988 to 30.3.1988, I did not implement the change in schedule which I had thought of and instead carried out the related work on 4.4.1988 as originally planned. The question, therefore, does not arise of my making any alternative arrangement for carrying out the work scheduled by you on 30.3.1988 in my Laboratory, about which I was not even aware.

6. As regards the question put in the concluding part of paragraph 2 of the memo under reference, in view of whatever I have stated in paragraphs 3 to 5 above, I do not feel obliged to give a direct

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subject of my not taking interest of anti-malarial compounds and about my going from the Scientist-in-Charge as to what was given by her. As for the work done by you on certain dates mentioned in the order reference, I really owe no apology other than reiterating what I have stated already in regard to the past dates when I attended duty in the laboratory. On one of the past dates, i.e. 23.3.1988, I was on leave. As regards two other dates mentioned i.e. 6.4.88 and 13.4.88, these are further dates, the memo having been issued on 4.4.88. In view of the facts narrated in the preceding lines, the relevance, if any, of asking question in such terms as "where have you been all these days?" is not understandable.

7. I am not aware of any departmental meetings having been held in my absence as I was never informed about them subsequently. The fact, however, is that I have attended many such meetings chaired by you in the past whenever I had received information about your holding them. It is not correct to say that I was never available in my Laboratory and that because of this reason you had to conduct departmental meetings without me. The allegation is denied.

8. As regards my visits to the KGMC, it is stated that it will be unfair to draw an inference from just five visits over a span of two months to the effect that they were too frequent. The fact that I invariably entered all my movements to the KGMC in the Movements Register of the Division itself indicates that I had no intention ever to go out of the Institute without a legitimate purpose. Making an entry in the Movements Register before going out of the Institute for any bona-fide purpose is very much in keeping with

Sena Choudhary

170

your own verbal instructions to me, which I have never violated so far. The question of my seeking your permission on each and every occasion when I go out of the Institute for some official work or the other is not quite relevant in the light of your own instructions in this regard as long as I can justify my movements from the Institute if and when called upon by any superior to do so. As you are aware, with your express permission in writing, I accepted the position of Guide of a post-graduate student of the K.G.M.C. who was pursuing a course of study for the degree of Doctor of Medicine (Physiology). For this reason alone, it occasionally became necessary for me to make visits to the Physiology Department of the KGMC because it was my bounden duty to oversee and monitor his experimentation work in the various laboratories of the KGMC from time to time and to give necessary advice and instructions to the student. Besides, I also made visits to the Pathology and Bacteriology Departments of the KGMC to keep myself abreast of the research work going on over there. Such collaboration can certainly be helpful in accelerating the process of research in our Institute in many ways. There is, obviously, no reason as to why objection should be taken to such efforts. You will kindly appreciate that a matter like this conceivably falls within the ambit of freedom of action for a senior research scientist.

9. As regards my availing of casual leave during the period for which regulatory toxicity work had been planned, I submit that I had, in fact, not availed of such leave on more than two or three occasions during the said period. Besides, on each of the two dates mentioned in the memo under reference, that is 18.2.1988 and 10.3.1988, I sought casual leave only for half a day, that is just for the forenoon which was duly granted to me. I attended duty in the second half of the working hours on each of those dates which I did in the best interests of the Institute,

Devika Chandra

1971

the aim being not to stay away from work except when needed essentially. Factually, my requirement of leave on most such occasions has been for consultation with my attending obstetrician and gynaecologist for my ante-natal care as advised by her. My humble submission here incidently is that casual leave is not a regular kind of leave by its very nature. It is undoubtedly meant for such exigencies as cannot ordinarily be foreseen.

10. The memo under reference also goes on to say: "Since you were reported to be extremely irregular in your office work.....". This assessment, I submit, is not founded on facts and the conclusion drawn is obviously based on hearsay and false reporting by vested interests. The allegation is denied in toto. The fact undoubtedly is that I have all along been reporting to you direct in my official functioning ever since I got posted in the Toxicology Division headed by you. You may, therefore, in all fairness, ask me personally rather than banking upon the coloured opinions of others. The veracity of reports about me made to you by others can always be in doubt and it would be difficult to test it at any time except by asking me personally, which ~~is~~ has, unfortunately, never been done so far. The period spanning from 15.3.88 to 30.3.88 in the memo under reference includes the dates (21.3.88 to 24.3.88) when I was on leave as also the dates (16.3.88 and 17.3.88) when you were out of the town and, thus, you had no occasion to observe my movements and work. This goes to show that the allegations made in the Memorandum under reference are based on hearsay and false reporting. The aim of this exercise by vested interests is clearly to malign my otherwise fair image as a Scientist. Finding that such an intolerable atmosphere presently prevails in the Institute, a scientific

Dema chandra

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472

institution of national importance, I feel deeply disgusted and disappointed. I have a strong feeling that there is a definite conspiracy going on to harm my service interests.

11. A conclusion in such terms as "You have not participated in any work of the department, to the best of my knowledge", has been arrived at in the memo under reference. This is grossly incorrect and is, therefore, denied. I have put in over 18 months of devoted and sincere service in the Institute already. The entire good work put in by me during the course of my service in the Institute has been reduced to ignominy by drawing a conclusion of that kind without verifying the facts upon which it is based. The work of scientific research done by me in the Institute is certainly no secret as you ^{have} had occasion, time and again, to see all my monthly progress reports which render a full account of the work done by me in the Institute within the short span of my service. Not a shadow of doubt has ever been cast, either covertly or overtly, on my competence as a medical professional in anything done by me. It is also relevant to state here that I earned an annual increment in my salary upon completion of one year of service in the Institute on 30.9.1987, which could not have been possible without my work and conduct being entirely satisfactory.

I sincerely hope that you will find this explanation to be satisfactory. I, on my part, take this opportunity to assure you of my continued devoted service to the Institute as ever. Even then if you are not satisfied with what has been said in this letter, I shall welcome an enquiry to be ordered in the matter so that

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473

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facts may be brought to light and no injustice.
is done to me on the basis of false allegations.

Yours faithfully,

Devika Chandra
(Dr. Devika Chandra)

Secretariat of the
 Appointments Committee of the Cabinet
 Office of the Establishment Officer
 Department of Personnel & Training

.....

New Delhi, the 25th February, 1986.

The following appointment has been approved by the Appointments Committee of the Cabinet from the date of taking charge and until further orders:-

Dr. A.P. Mitra, presently serving as Director of the National Physical Laboratory, to be Director General, Council of Scientific & Industrial Research (CSIR) and Secretary, Department of Scientific & Industrial Research.

(R.K. Tikku)
 Secretary,

Appointments Committee of the Cabinet

to:-

Cabinet Secretary (Shri P.K. Kaul).

Secretary to Prime Minister (Smt. Serla Grewal).

Secretary, Deptt. of Pers. & Trg. (Shri K. Ramanujam).

Director General, CSIR and Secretary, Department of Science & Technology (Prof. Yash Pal).

Director, National Physical Laboratory (Dr. AP Mitra).

Council of Scientific & Industrial Research (Shri Omesh Saigal- Joint Secretary(Admn)).

Prof. Yash Pal

Dr. A.P. Mitra.

Additional Secretary to Prime Minister (Shri G.K. Arora).

P.S. to Minister of State for Science & Technology.

P.S. to MS(PP).

Cabinet Secretariat i) Shri H.R. Goel -DS

ii) Shri H.K. Verma-US

US(SM)/PS to Secy/PS to EO/RO(CM)/EO(ACC)/EO(PS)/EO(MM)/EO(PR)/EO(F)/FAS(UN)/Guard file etc.

(K.V. Sampathkumar)

~~Under Secretary(SM)~~

PR 1-6/88

A25

*Filed today
22 15/88*

In the Central Administrative Tribunal, Lucknow Bench,

C.M. An. No 161/89 (C)
Application No. 232 of 1988,

Dr. (Mrs.) Devika Chandra,
wife of Dr. Rakesh Goel. ... Applicant

Versus

Director, Central Drug Research
Institute, Chhattar Manzil Palace,
Lucknow and others. ... Respondents

SUMMONING OF DOCUMENTS/RECORDS IN THE
ABOVE NOTED CASE

The applicant begs to submit as under:

1. That, the following records/documents
which are relevant in the instant case may kindly
be summoned from the respondent no.1:

(a) Dossiers of the following drugs/compounds:

- i) Artether
- ii) No.81/53
- iii) Adjuvant
- iv) Havana Vaccine
- v) No.67/14
- vi) No.73/602

(b) Monthly Work Reports compiled and submitted by
the applicant for the various months from
October, 1986 onwards upto March, 1988 (13 Nos.).

Devika Chandra

A76

✓ (c) Confidential Report in respect of the applicant for the years 1986-87 and 1987-88.

2. That, the above noted records/documents are essentially required for a just and equitable decision in the case.

Wherefore, it is humbly prayed that the above noted records/documents which have been listed at Serial (a) to (c) in para 1 above be kindly summoned from the Respondent No.1 in the interest of justice and equity.

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Lucknow

Signature of the Applicant

Dated: 19.5.1989

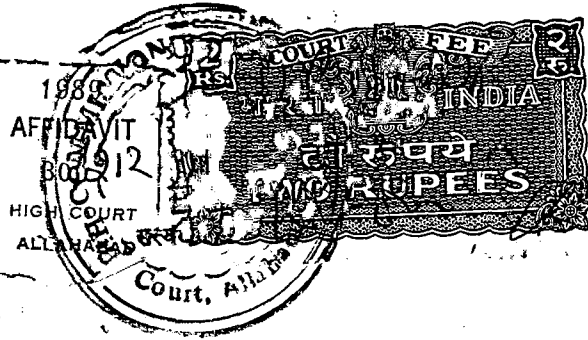
B. N. Grewal

Counsel for the Applicant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

(Lucknow Bench)

Application No. 232 of 1988



Filed today
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5/9

Dr(Mrs) Devika Chandra

..Applicant

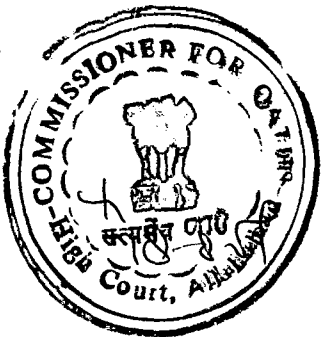
Versus

Director Central Drug
Research Institute & Others

..Respondents

Counter Affidavit in reply to application for

Summoning Documents/Records in the above noted case



I, V.P. Bakshi, son of Sri K.P. Bakshi, aged about 54 years, Controller of Administration, Central Drug Research Institute, Lucknow the deponent do solemnly state on oath as under:-

1. That the deponent is the Controller of Administration in the Central Drug Research Institute and is well acquainted with the facts of the above noted application. He has read

1428

the application for summoning documents/records moved by the applicant and is filing this counter affidavit in reply to the contents of the same.

2. That in the said application the applicant has prayed that certain dossiers relating to drugs/compounds be summoned. It is submitted that such dossiers bear no relevance at all to the matter in issue in the present proceedings and are not at all necessary for adjudication in the matter.

3. That the monthly work reports which were submitted by the applicant to the Institute also bear no relevance to the present proceedings since these work reports pertain to technical matters which have no connection with the present proceedings.

4. That the confidential report of the applicant is a confidential document. The deponent submits that the same will be produced at the time of hearing, if the Hon'ble Tribunal deems it fit and necessary.

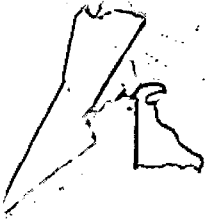
Lucknow dated

August 18th 1989



DEPONENT

I, the above named deponent do hereby verify that the contents of paras 1 to 4 of this affidavit are true



429

to my own knowledge. No part of this affidavit is false and nothing material has been concealed. So help me God.

Lucknow dated August 18th 1989

[Signature]
DEPONENT



I identify the deponent who has signed before me & personally known

[Signature]
Advocate

Solemnly affirmed before me on. 18-8-89 at 11.15 a.m./p.m. the deponent who is identified by Sri P.N. Mathur Advocate, High Court, Allahabad.

I have satisfied myself by examining the deponent that he has understood the contents of this affidavit which have been read over and explained by me.

[Signature]
Mentak Dharma
OATH COMMISSIONER
High Court, Allahabad
Lucknow Bench
30/8/89

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I. THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW.

Misc. Application No. of in ORIGINAL.
Application No.232 of 1988.

Dr.(Mrs) Devika Chandra w/o Dr. Rakesh Goel ... Applicant

Versus

Director, Central Drug Research Institute,
Chhatter Manzil Palace, Lucknow, and
others. ... Respondent

Brief facts leading to the application: The facts of the
case are given below:

1. That, subsequent to the filing of the Application
No.232 in the Hon'ble Tribunal at Lucknow Bench, the
Respondent No.1 (Director, Central Drug Research Institute),
through Controller of Administration, sent letter No.8(72)/
86-E.II, dated 23.12.88, annexed as Annexure-1 to this
application, asking the applicant to return the official/
research documents/material issued in her name by 30th
Dec.,1988, failing which it was threatened in the said
letter of the Controller of Administration that the locks
will be broken open and that the cost of the replacement
will be recovered from the dues of the Applicant.

2. That, the Applicant was out of station at that
time, hence it was not possible to take any action on the
said letter. The letter was, however, acknowledged by
her father.

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3. That, in the meantime an other letter No.8(72)/86-E.II, dated 7.3.89, annexed as Annexure-II to this application, has been received by the Applicant, repeating the same threat as was conveyed earlier vide Annexure-I.

4. That, as already mentioned in the Application(original), submitted before this Tribunal, the Applicant was removed from the service by the Respondent No.1 while she was continuing to be on Maternity Leave as admissible to the employees of the Central Government and as made applicable to the employees of the Council of Scientific and Industrial Research, an autonomous body in the control of the Government of India.

5. That, as the services of the Applicant were terminated while she was on Maternity Leave, the applicant had no opportunity to join duty under Respondent No.1 and was left with no alternative but to approach the Tribunal for relief.

6. That, the Applicant filed her application before this Tribunal on 19.12.88 and the application was admitted vide orders dated 24.2.89 of the Tribunal and the date of hearing has been fixed on 13.4.1989.

7. That, the Respondents have not yet filed any reply to the Application nor have they put up appearance on the date i.e. 24.2.89 fixed in this matter, inspite of the Notice issued by this Tribunal.

8. That, the Applicant has already mentioned in her application that she has not handed over the charge of the post of Senior Scientific Officer Grade I (Scientist 'C') which post she was holding prior to her removal from service nor the Respondent No.1 has yet circulated the

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"No Dues" and paid the arrears of salary, etc. as due and admissible under the rules of the Government of India.

9. That, in case Respondent No.1 is not restrained ~~payment of arrears of salary~~ from ~~breaking~~ breaking open the lock of the almirah and taking possession of the research material, documents and papers, etc., the vital interests of the Applicant shall be jeopardised and the same can not be adequately compensated in terms of money even if the case is decided by the Tribunal in her favour.

10. That, in view of the fact that the case has been fixed for 13.4.89 for hearing, there appears no justification for the Respondent No.1 to proceed with the breaking open of the lock and damage the research material and documents kept therein.

11. That, there are no such documents and papers in the Almirah as may be essentially required for the work of the Institute and that without which the work can not be carried on.

12. That no chemicals have been kept by the Applicant under lock and key as alleged. The chemicals and instruments are available in the Laboratory for use.

13. That, this threatened action of the Respondent No.1 through the Controller of Administration is with malafide intention at the instance of the vested interests who are out to harm the service interests of the Applicant even after removal from service.

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14. That, no orders have yet been issued by the Respondent No.1 for completion of the formalities and payment of arrears of salary.

15. That, by sending their letters as per Annexures I and II annexed with the application, the Respondent No.1 has himself admitted that the termination orders have not yet been made effective. Though the prayer for interim relief as made in the original application was not granted by this Tribunal, yet the fact remains that the applicant has not handed over the charge of the post nor has ^{she} relinquished the same formally, the terminating^g orders having been delivered while being on Maternity Leave.

Relief or Prayer: In view of the facts and circumstances mentioned in the foregoing paras, it is most respectfully prayed that:

- i) this Hon'ble Tribunal may kindly be pleased to issue direction or suitable orders to Respondent No.1 not to proceed with breaking open the lock of the almirah and damage the research material and documents, etc., to secure the ends of justice;
- ii) to pass any order or issue direction as this Tribunal may consider appropriate in the interest of justice and equity.

Verification

I, Dr.(Mrs) Devika Chandra, w/o Dr. Rakesh Goel, aged about 30 years, working as Scientist 'C' in the Central Drug Research Institute, Chhatter Manzil Palace, Lucknow,

Devika

154

R/O, A-1543, Indira Nagar, Lucknow, do hereby
verify that the contents of paras 1 to 15
are true to my personal knowledge/legal advice
and that I have not suppressed any material fact.

Signed and verified at this 20th day of
March, 1989 in the compound of Central Administrative
Tribunal at Lucknow.

Place: Lucknow

Dated: 20.3.1989

Dumachand

Signature of the Applicant

P. K. Sharma

Signature of the Advocate

ANNEXURE 1

AB

Telex : 0535-288
Telegrams : CENDRUG
Phone : 32411-10 PAX



REGISTERED A/D

केन्द्रीय औषधि अनुसंधान संस्थान

छतर मंजिल, पोस्ट बॉक्स नं० 173

लखनऊ 226 001 (भारत)

CENTRAL DRUG RESEARCH INSTITUTE

Chatter Manzil, Post Box No 173

LUCKNOW-226001 (INDIA)

No. 8(72)/86-E-II

Date 23.12.1988

Dr.(Mrs) D. Chandro,
Ex-Scientist C,
Division of Toxicology,
A-1543, Indra Nagar,
Lucknow

Dear Madam,

I am directed to invite your attention to Office Memorandum No.8/72/86-E.II dated 9.9.88 whereby your services have been terminated.

It has been reported that the books and chemicals etc. issued to you by the Toxicology Department/Library have not been returned by you. It also transpires that a stool almirah and the drawers of your office table issued in your name is lying locked in the Toxicology Division.

You are requested kindly to return all the material officially issued to you by 30th December, 1988 alongwith with the keys of the almirah and table.

In case the keys of the Almirah are not returned by 30th December, the locks of almirah and table will be broken open and replaced at your cost which will be recovered from the dues which may be lying payable to you, if any.

Yours faithfully,

(V.P. BAKSHI)

Controller of Administration

Telex 0535-286
Telegram CENDRUG
Phone : 32411-10 PABX



REGISTERED

ANNEKET - II

1260

केन्द्रीय औषधि अनुसंधान संस्थान

छतर मंजिल, पोस्ट बॉक्स नं० 173
लखनऊ 226 001 (भारत)

CENTRAL DRUG RESEARCH INSTITUTE
Chatter Manzil, Post Box No. 173
LUCKNOW-226001 (INDIA)

No.

8(72)/86-E.II

Date 7.3.1989.

To,

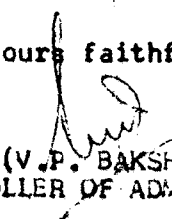
13) Dr.(Mrs.) D. Chandra,
Ex-Scientist 'B',
Divn. of Toxicology,
A-1543 Indra Nagar,
Lucknow.

Madam,

Your attention is invited to this office registered letter of even number dated 23.12.88, which was acknowledged by Wing Commander Ramesh Chandra (Retd.), your father, on your behalf vide his letter dated 30.12.88.

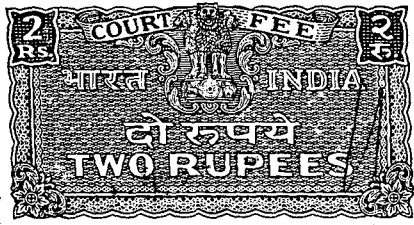
Since you have not so far taken any action in regard to returning material officially issued to you alongwith the keys of the almirah, you are once again requested to do the needful immediately but not later than 21st March, 1989 failing which the locks of almirah and table will be broken open and replaced at your cost, which will be recovered from the dues, which may be lying payable to you, if any.

Yours faithfully,


(V.P. BAKSHI)
CONTROLLER OF ADMINISTRATION

द अदालत श्रीमान
[वादी अपीलान्त]
प्रतिवादी [रेस्पाडेन्ट]

Central Administration Tribunal, Allahabad महोदय
श्री का बकालतनामा
Lalchand Ram



S. P. S. Sharma



वादी (अपीलान्त)

Directed Central Dry
Research, S. P. S. Sharma
प्रतिवादी (रेस्पाडेन्ट) R. S. Sharma

नं० मुकद्दमा 232 सन् 1989 पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री S. P. S. Sharma

वकील
व महोदय
एडवोकेट

Accepted
S. P. S. Sharma
नाम अदालत
मुकद्दमा नं०
नाम फरीकन

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया लसूब करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकद्दमा उठावे या कोई रुपया जमा करे या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करे—वकील महोदय द्वारा की गई वह सब कार्यवाही हलको सर्वथा स्वीकार है और होषा मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह बकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

Accepted
S. P. S. Sharma

हस्ताक्षर

S. P. S. Sharma

साक्षी (गवाह) ... साक्षी (गवाह) ...

दिनांक ... महीना ... सन् १६ ई०

स्थीकृत