

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-38.

Dated: 28 FEB 1994

APPLICATION NO(s) 1011 of 1993.

APPLICANTS: Chikkaiah v/s. RESPONDENTS: Director, CFTRI/Mysore and
Other.

TO.

1. Sri.S.N.Bhat, Advocate, No.24, First Main,
Seshadripuram, Bangalore-560020.
2. The Director, Central Food Technological
Research Institute, Chaluvamba Mansion,
Mysore-570013.
3. Sri.M.Vasudeva Rao, Central Govt. Stng. Counsel,
High Court Building, Bangalore-560001.

SUBJECT:- Forwarding of copies of the Orders passed by
the Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the
ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal
in the above mentioned application(s) on 18-02-1994.

gm*

ok
Issued on 28/2/94

for *[Signature]* 28/2
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

O.A. NO.1011/93

FRIDAY THIS THE 18TH DAY OF FEBRUARY 1994

Shri A.N. Vujjanaradhya ... Member [J]

Chikkaiah,
S/o Huchaiah,
Aged 47 years,
Working as Grade I [H],
Establishment VI, CFTRI,
Mysore.

... Applicant

[By Advocate Shri S.N. Bhat]

v.

1. The Director,
Central Food Technological
Research Institute,
Chaluvamba Mansion,
Mysore-570 013.
2. The Administrative Officer,
Central Food Technological
Research Institute,
Cheluvamba Mansion,
Mysore-570 013.

... Respondents

[By Advocate Shri M. Vasudeva Rao ...
Addl. Standing Counsel for Central Government]

O R D E R


Shri A.N. Vujjanaradhya, Member [J]:

1. The applicant who is aggrieved by the order of the Respondent ['R' for short] No.2 dated 5.11.1993 at Annexure A-2 has made this application under Section 19 of the Administrative Tribunals Act, 1985. The facts in brief are as follows:
2. The applicant is working in the establishment of Central food Technological Research Institute ['CFTRI' for short] and he has been allotted quarters No.B-22 where he has been residing

since many years. On 26.8.1993, R-2, issued Memorandum [Annexure A] to the applicant calling for his explanation stating that his conduct is prejudicial to the maintenance of harmonious relationship among the occupants of the staff quarters and that applicant was required to offer explanation not later than 30.8.1993. The applicant who knows only to sign in Kannada had approached the office and some office people drafted the reply and further stated that the matter would be properly looked into and the proper reply was made to the office memorandum. The reply is at Annexure A-1. R-2 subsequently issued order as in Annexure A-2 directing the applicant to vacate the quarters with effect from 4.1.1994.

3. After the respondents were notified through the learned Standing Counsel, the learned Standing Counsel undertook not to enforce the order in Annexure A-2 till the next date of hearing as could be seen from order sheet dated 3.1.1994. This undertaking was continued until further orders subsequently on 7.2.1994. Thus the applicant is continuing in possession of the official quarters allotted to him. In this application, the applicant seeks to quash the direction at Annexure A-2 on the ground that he did not file any reply knowing the contents of the same because he does not know English and that he knows only to sign in Kannada and no reasonable opportunity was afforded by the Committee constituted by the R-1, Director, CFTRI, to look into the matter, and therefore, he was denied fair play and reasonable opportunity and that R-2 is not competent to pass any such order directing the applicant to vacate the premises.

4. Respondents have filed reply controverting the contentions

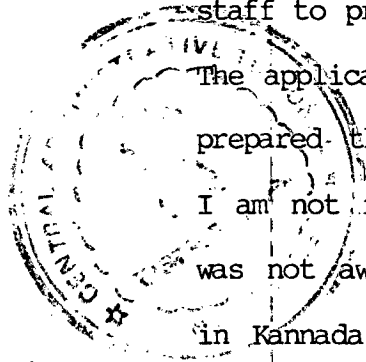


of the applicant and further stating that reply was filed by the applicant knowing the contents of the same and it was not prepared by any official of the office and that even earlier and later there have been several correspondence and representations made by the applicant in English and that Committee which was constituted to look into the matter, only took into consideration the various aspects and made its report which the Director accepted having regard to the admissions of the applicant in his reply and passed the order directing the applicant to vacate the quarters which was communicated to the applicant by R-2.

5. I have heard Shri S.N. Bhat, learned Counsel for the applicant and Shri M. Vasudeva Rao, learned Standing Counsel for the respondents and perused the records produced by the respondents.

6. The first contention urged on behalf of the applicant is that he is ignorant of English language and the fact that he has signed the reply as in Annexure A-1 only in Kannada goes to show that he was not aware of the contents of this reply. To support this contention the applicant has not brought on record any material nor indicated any circumstance to infer this reply might not have been made by the applicant and it must have been prepared by some official in the office as sought to be contended by the applicant. What is the interest of any member of the staff to prepare such reply is not indicated in the application.

The applicant has not mentioned even the name of the person who prepared this reply and he has kept it vague and, therefore, I am not impressed by the plea taken by the applicant that he was not aware of the contents of the reply that he has signed in Kannada and that he was denied reasonable opportunity. The



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fact that applicant did correspond with the office of the CFTRI in English and had also made representations in English, one such representation being dated 11.11.1993, I am fully convinced that the applicant did know the contents of Annexure A-1 and being fully aware of the same he has signed the said reply informing the R-2 about the incident stating that it was due to misunderstanding and that he has advised his family members suitably and that he would undertake that such incident will not reoccur. In view of this clear admission it was not necessary for the Director to constitute any separate committee to look into the matter. However, the Director to be fair to the applicant, constituted the committee to look into the matter and the committee after considering all aspects made the report on 15.9.1993 in which it had considered the several incidents which were the cause for disturbance and annoyance created by the applicant and the members of his family. The committee was not required to hold any enquiry into the matter. Only the Director wanted to make sure that no injustice was done to the applicant and, therefore, he appears to have constituted the committee and the committee made the report referring to the conduct of the applicant and the members of his family. Considering all these aspects the Director passed the order of eviction against the applicant requiring him to vacate the quarters on or before 4.1.1994. This order was communicated by the 2nd respondent to the applicant which would indicate that it is the Director, the competent authority, who has passed the order and, therefore, there is no infirmity in the said order.

7. One more circumstance which has driven me to conclude that the applicant's reply in Annexure A-1 must have been made by

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him knowing the contents thereto is the subsequent representation made by him on 11.11.1994 to the Director which reads thus:

"Chikkaiah, G-I[4]

Mysore,
Dt.11-11-1993.

To

The Director,
C F T R I,
Mysore.

[Through proper channel]

Sir,

Sub. Regarding Notice issued to me to vacate the quarters No.B-22 in occupation by me.

Ref. O.M. No.FT/30[G]/E.V.1/93 dt. 5.11.93.

In response to the O.M. cited at reference above, I beg to state as under:-

1. I have not been given to understand what are the serious charges that were looked into by the Committee appointed by the Director.
2. The so called Committee has not taken me into confidence or given me an opportunity to have my say in the matter.
3. Therefore the Committee's view is one sided and hence untenable.

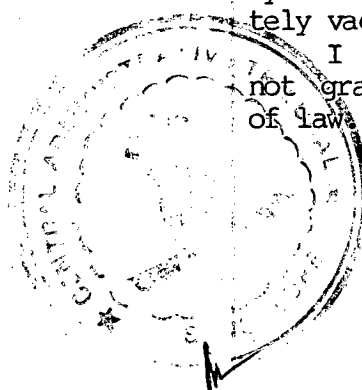
Still I hold the view that I have to honour the decisions of the Director. I have been allotted a site in the newly formed layout of CFTRI Housing Society. I am planning to build a small house there. I would, therefore, request you to grant me one year time to vacate the quarters by which time I will be able to construct my own house. I undertake that no untoward incident will take place during this period on my side. If any incident happening for which myself or my family members are responsible, I will immediately vacate the quarters during this period.

I humbly request you to grant me time as above. If not granted I will be forced to seek justice in a court of law.

Yours faithfully,

Sd/-

Chikkaiah
11.11.93"



A perusal of this representation leaves no room for any doubt that the applicant had completely admitted the incident and only wanted one year's time to vacate the premises and that in the meanwhile he would construct his own house in the site that was allotted to him in the layout of CFTRI Housing Society. Having regard to this aspect of the matter I am constrained to take the view that the application lacks merit and the order of the Director cannot be interfered with. It is just and proper.

8. In view of what is stated discussed above, the application will have to be dismissed. However, to mitigate the hardship which is likely to be caused to the applicant, I feel it is just and proper to grant him a period of six months from this day to vacate the premises and in the meanwhile it is also proper for me to direct the applicant and members of his family to maintain cordial relationship with the neighbours and also maintain peace and harmony in the locality. In the result the application fails and the same is dismissed. However, the applicant is granted six months time from today to vacate the official quarters and the respondents are at liberty to take such steps as may be necessary to see that the applicant vacates the quarter immediately after the expiry of six months from today. No order as to costs.

MEMBER [J]

TRUE COPY

S. S. Shauhar

TRIBUNAL

ENCLOSURE

bsv

D. I. .

Sd-

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