

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

Second Floor,  
Commercial Complex,  
Indiranagar,  
Bangalore-560 038.

Dated: 20 AUG 1993

APPLICATION NO(s). 28 of 1993.

Applicant(s) A.S.Vittal Rao

v/s. Respondent(s) Director, Central  
Food & Technological Research Inst..  
Mysore. and Others.

To

1. Sri.A.S.Vittal Rao, 61, Gokulam Road, Jayalakshmipuram  
Mysore-570017.
2. Dr.M.S.Nagareja, Advocate, No.11, Second Floor, First Cross,  
Sujatha Complex, Gandhinagar, Bangalore-560 009.
3. The Director, Central Food and Technological Research  
Institute, Mysore.
4. The Director General, Council of Scientific and  
Industrial Research, Refi Marg, New Delhi-110 001.
5. Sri.M.Vasudeva Rao, Central Govt.Stng.Counsel,  
High Court Building, Bangalore-560001.

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

Please find enclosed herewith a copy of the ORDER/  
STAY/INTERIM ORDER passed by this Tribunal in the above said  
application(s) on -----03-08-93.---

*Ok*  
*Issued*  
*for*

*for* *Mr. J. S.* *20/8/93*  
DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

DATED THIS DAY THE 3RD OF AUGUST, 1993

Present: Hon'ble Justice Mr.P.K. Shyamsundar Vice-Chairman  
Hon'ble Mr.V. Ramakrishnan Member(A)

APPLICATION NO.28/93

Shri A.S. Vittal Rao,  
61, Gokulam Road,  
Jayalakshmipuram,  
Mysore - 570017

Applicant

( Dr.M.S. Nagaraja - Advocate )

v.

1. The Director,  
Central Food & Technological Research  
Institute,  
Mysore
2. The Director General,  
Council of Scientific and  
Industrial Research,  
Rafi Marg,  
New Delhi - 110 001

Respondents

( Shri M.V. Rao - Advocate )

This application has come up today before  
this Tribunal for orders. Hon'ble Justice Mr.P.K.  
Shyamsundar, Vice Chairman made the following:

O R D E R

We have heard Dr. Nagaraja for the applicant  
in support of this application and Shri M.V. Rao,  
Learned Standing Counsel in opposition. The  
applicant is an erstwhile Scientist in C.F.T.R.I.



at Mysore who was compulsorily retired after a departmental enquiry was held in regard to several accusations of misconduct levelled against him.

2. We notice from the records a number of charges against him were actually admitted by him while disputing the rest. Between the Enquiry Officer and the Disciplinary Authority, there was some divergence of views in regard to two particular charges being charge Nos.2 and 3. In regard to Charge No.2, Enquiry Officer, held as not proved whereas Disciplinary Authority held it to be proved and as regards Charge No.3, Enquiry Officer held it as proved whereas Disciplinary Authority held it as not proved. Barring the above, there was total abidance between the two authorities. But then the views of the D.A. being crucial in the matter, the latter having held applicant to be guilty of the several charges that were held proved and pursuant to those findings, the authorities imposed the punishment of compulsory retirement. From that order, applicant filed an appeal to the Director of the Institute which has since failed.

3. In this application apart from challenging the tenability of the findings recorded at the disciplinary enquiry not to mention the argument that the applicant was sorely handicapped in his defence not being provided with legal assistance, it now transpires that the applicant has a further remedy of a revision to which he can take recourse to with advantage since we find the disciplinary

rules followed by the CSIR is the same as CCS(CCA) Rules as far as made applicable to CSIR employees. We invite attention to a circular issued by the CSIR, New Delhi dated 16.7.93 in which reference is made to Bye-law 74 of the Rules, Regulations and Bye-laws of the CSIR. It reads:

"The CCS(CCA) Rules and the CCS(Conduct) Rules for the time being in force, shall apply, so far as may be, to the officers and establishments in the service of the Society" subject to the modification that:

- i) reference to the "President" and "Government Servant" in the CCS(CCA) Rules shall be construed as references to the "President of the Society" and "Officers and establishments in the service of the Society" respectively; and
- ii) reference to "Government" and "Government Servant" in the CCS(Conduct) Rules shall be construed as references to the "Society" and "Officers and establishments in the service of the Society" respectively."

4. In the light of the above circular, it becomes clear that the applicant has a right of revision to the Government of India. Under the circumstances, it is desirable that he exhaust the said remedy of a revision petition which he has left untapped so far. We make it clear that all the contentions raised herein are left open so that he can raise in the revision petition now under contemplation. With these observations, this application stands disposed off.

5. We make it clear that case applicant prefers a revision petition as indicated above but within 1 month from the date of receipt of a copy of this, the Government of India will thereafter dispose

off the same within three months from the receipt of such revision petition. No costs.

Sd-

Sd-

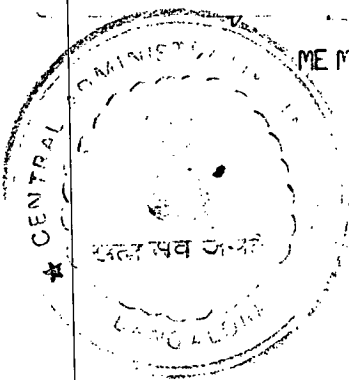
MEMBER (A)

VICE CHAIRMAN

TRUE COPY

*N. J. S.* *20/8/93*

SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE



**CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH**

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

Miscellaneous Application No. 32/94 in Dated: **3 FEB 1994**

APPLICATION NO(s) 28 of 1993

APPLICANTS:  
**A.S.Vittal Rao**

RESPONDENTS:  
**v/s. Director, CFTRI, and Other.**

TO.

1. **Dr.M.S.Nagaraja,  
Advocate, No. 11,  
First Cross,  
Second Floor,  
Sujatha Complex,  
Gandhinagar,  
Bangalore-9.**
2. **Sri.M.Vasudeva Rao,  
C.G.S.C., High Court Bldg,  
Bangalore-1.**

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

-xxx-

Please find enclosed herewith a copy of the  
ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal  
in the above mentioned application(s) on 18-01-1994.

*Issued on  
3/2/94*

*Ar* **DEPUTY REGISTRAR  
JUDICIAL BRANCHES.**

gm\*

Date	Office Notes	Orders of Tribunal
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Orders on M.A. Nos. 31/94 and 32/94

VR (MA)/ ANV (MJ)

18/1/1994.

Heard both the counsels. Three months time granted from today for compliance of the directions in the OA. Regarding MA No. 32/94, delay condoned and time extended.

Sd-  
M(J)

Sd-  
M(A)



**TRUE COPY**

*Sd- [Signature]*  
SECTION OFFICER 31/2/94  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE