

(9.4)

Central Administrative Tribunal
HYDERABAD BENCH : AT HYDERABAD

O.A. No. 166/89
T.A.No.

Date of Decision : 24-6-92

M.M.Pichare	Petitioner.
	Advocate for the petitioner (s)
Versus	
	Respondent.
	Advocate for the Respondent (s)

CORAM :

THE HON'BLE MR. P.C.Jain, Member (Admn)

THE HON'BLE MR. T.Chandrasekhara Reddy, Member (Judl).

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *No*
3. Whether their Lordships wish to see the fair copy of the Judgment ? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *No*
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

T.C.A.
(TCR)
HM/J

U. An.
(PCJ)
HM/A

95

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 166/89

Date of order: 24-6-1992

Between

M.M.Pichare

... Applicant

and

1. The Centre for Cellular and Molecular Biology, rep. by its Director, Hyderabad-500 007.
2. The Director General, CSIR, Rafi Marg, New Delhi-1.
3. Dr.P.M.Bhargava, Director, CCMB, Hyderabad-7.
4. D.Gupta Sarma, Scientist in Director's Grade, NGRI, Hyderabad-7.
5. Dr.M.W.Pandit, Scientist E.II, CCMB, Hyderabad-7.
6. Dr.Lalji Singh, Scientist E-II, CCMB, Hyderabad-7.

... Respondents

Appearance:

For the applicant : Shri Vilas V.Afzulpurkar, Advocate

For the Respondents
1&2 : Shri Chinna Basappa Desai, SC for CSIR

CORAM:

The Hon'ble Shri P.C.Jain, Member (Administration)

The Hon'ble Shri T.Chandrasekhara Reddy, Member (Judicial)

Q. No.

contd....2.

JUDGMENT OF THE BENCH DELIVERED BY THE HON'BLE SHRI P.C.JAIN,
MEMBER (A).

In this O.A. under Section 19 of the Administrative Tribunals Act, 1985, the applicant who is a Scientist-B in the Centre for Cellular and Molecular Biology (CCMB), at Hyderabad, a unit of C.S.I.R., has challenged the functioning of Respondent No.3 as the disciplinary authority ~~and~~ on the ground of alleged bias, and has prayed for appointment of an adhoc disciplinary authority. He has also challenged the appointment of ^{the} Board of Inquiry to inquire into the charges levelled against the applicant in the disciplinary proceedings initiated against him.

2. By an order passed on 9-3-1989, this Tribunal admitted this O.A. only with regard to the prayer for appointment of adhoc disciplinary authority in place of Dr.P.M.Bhargava who was the Director and as such the disciplinary authority in this case. As regard the second prayer, the O.A. was not admitted in regard thereto and the Tribunal directed that it was open to the applicant to agitate this aspect if so advised, when the final order is passed. The enquiry was directed to be continued and the applicant was directed to participate in the inquiry. However, the disciplinary authority was not to pass any order pending disposal of this O.A.

3. The learned counsel for the Respondents has filed an additional written statement on behalf of the 1st Respondent ^{is,} that ~~the~~ Director, Centre for Cellular and Molecular Biology, Hyderabad. It is ~~not~~ seen therefrom that Dr.P.M.Bhargava who was the Director and the disciplinary authority at the ~~time~~.

time the O.A. was admitted, retired on 28-2-1990. His successor Prof.S.Sarat Chandra also retired from the post of Director on 28-2-92 and that now Prof.D.Balasubramanian has been appointed as Director and as such he is also the disciplinary authority in this case. There are no allegations of bias against the present Director who will function as disciplinary authority. As such, we are of the view that the prayer for appointment of an adhoc disciplinary authority in place of Dr.P.M.Bhargava has become infructuous.

4. The learned counsel for the applicant urged before us that since the entire process of disciplinary proceedings was initiated by Dr.P.M.Bhargava who, according to the applicant, was biased against him, the action in the matter of disciplinary proceedings taken so far should be set aside. The Director and the disciplinary authority should have the chance to take a decision. Disciplinary proceedings should be initiated against the applicant or not. We are unable to uphold this contention. Firstly, the applicant has never prayed in this O.A. that the Memorandum of Charge-sheet issued to him should be quashed. Secondly, in the order passed on 9-3-1989, at the time the O.A. was taken up for admission, this Tribunal declined to admit the O.A. in regard to the prayer for change of the composition of the Board of Inquiry. Not only this, the Tribunal has also directed the enquiry to continue and the applicant to participate in the enquiry. It is, thus, clear that at no stage the applicant has prayed for a direction for not holding any disciplinary proceedings against the applicant, nor the Tribunal has taken the view that the disciplinary enquiry in regard to the alleged misconduct should not be held or

proceeded with against the applicant. As no final order in the enquiry should be passed till the disposal of the O.A. in terms of the orders passed by this Tribunal on 9-3-1989, obviously final orders against the applicant will now be passed by the new Director in his capacity as Disciplinary Authority and there is no allegation of bias against the new Director. Thus, we have no reason to assume that the new disciplinary authority would not consider the matter objectively and in accordance with the rules.

5. In the light of the foregoing discussion, we hold that the O.A. in regard to the relief in respect of which it was admitted has since become infructuous and the O.A. is disposed of as such leaving the parties to bear their own costs.

T. Chandrasekhara Reddy
(T. Chandrasekhara Reddy)
Member (Judl.)

P.C. Jain
(P.C. Jain)
Member (Admn.)

(Dictated in open court)

mhb/

8/20/7/92
Dy. Registrar (Judl.)

Copy to:-

1. ~~The Director, Centre for Cellular and Molecular Biology, Hyd-bad-007.~~ The Director, Centre for Cellular and Molecular Biology, Hyd-bad-007.
2. The Director General, CSIR, Rafi Marg, New Delhi-1.
3. Dr. P.M. Bhargava, Director, CCMB, Hyd-bad-07.
4. Sri. D.Gupta Sarma, Scientist in Director's Grade, NGRI, Hyd-7
5. Dr. M.W.Pandit, Scientist E.II, CCMB, Hyd-bad-07.
6. Dr. Lalji Singh, Scientist E-II, CCMB, Hyd-7.
7. One copy to Sri. Vilas Afzulpurkar, advocate, 3-4-494/1, Barkatpura, Hyd.
8. One copy to Sri. Chinna Basappa Desai, SC for SCIR, CAT, Hyd.
9. One copy to Hon'ble Mr. P.C.Jain, A.M., CAT, Hyd.
10. One copy to Hon'ble Mr. T.Chandrasekhara Reddy, J.M., CAT, Hyd.
11. Copy to reporters as per standard list of CAT, Hyd.
12. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH.

THE HON'BLE MR.

AND

THE HON'BLE MR. K. BALASUBRAMANIAN : M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY : MEMBER (J)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (J)

Dated: 24 - 6 - 1992

ORDER / JUDGMENT

R.A./C.A./M.A. No.

in

O.A. No.

166/89

T.A. No.

(W.P. No.)

Admitted and interim directions issued

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default.

M.A. Ordered/Rejected.

No order as to costs.

pvm.

