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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT  
HYDERABAD.

C.A.NO. 426/93.

DATE OF JUDGMENT: 29-09-95.

BETWEEN:

Gunishranjan Pal

.. Applicant.

AND

1. Dy. Commandant, Military College  
of Engineering, E.M.E, Trimulgherry,  
Secunderabad.
2. Col. K.C. Seed, Head, Mech. Engg.  
Dept., Military College of Engineering,  
E.M.E., Trimulgherry, Sec'bad.
3. Brig. V.S. Natarajan,  
Dean of Faculty, E.M.E.,  
Military College of Engg.,  
E.M.E., Trimulgherry, Sec'bad.

.. Respondents.

COUNSEL FOR THE APPLICANT: SHRI N. Raghavan

COUNSEL FOR THE RESPONDENTS: SHRI N.V. Ramana,  
xx/Adcl. CGSC.

CORAM:

HON'BLE SHRI JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI A.B. GORTHI MEMBER (ADMN.)

O.A.No.426/93

JUDGEMENT

X As per the Hon'ble Sri A.B.Gorthi, Member (Adm.) X

The applicant is a Lecturer in Mechanical Engineering in the Military College of Electronics and Mechanical Engineering (for short MCEME), Secunderabad. His grievance in this O.A. is against the adverse remarks endorsed in his Confidential Report (for short C.R.) for the year 1991 (covering the period upto 31st March, 1992).

2. According to the applicant, he was serving to the utmost satisfaction of his superiors till 1986. In that year he was ordered by Col. C.D.Deoli, Head of Mech. Engg. Department to take Machine Drawing classes for the students of D.E.-50 course. The applicant asked for some time to prepare himself, but he was denied the same. Subsequently, he was served with a charge memo on the allegation that he wilfully refused to obey the orders of Col. Deoli. In the mean time, Government of India sanctioned revised scales of pay for the civilian academic staff of MCEME in the posts of Professor (S.G.), Professor, Asst.Professor and Lecturer. It was stipulated that the existing lecturers who did not possess the prescribed qualification would not be allowed to earn increments unless they gained such qualifications within five years. As the applicant had only the basic qualification of B.E., he desired to proceed on Study Leave for acquiring the Post-graduate Degree in Engineering. His request for Study Leave and for permission to undertake Post-graduate studies was not promptly sanctioned. Aggrieved by the same he approached

the Tribunal in O.A.518/91 in which an interim order was given by the Tribunal directing the respondents to sanction Study Leave. According to the applicant it was on account of this that his superior officers in MCEME adopted a very hostile attitude towards him resulting in the impugned adverse remarks in his ACR for 1991.

3. The adverse remarks endorsed by Col. K.C.Sood in the ACR for 1991 are as reproduced below:-

"15. General comments:-

The Officer has not completed any of the assigned tasks except teaching. He must feel his responsibility and should make an effort to apply his theoretical knowledge to practical problems.

16. a) Commitments to the tasks assigned. : Non commital
- b) Devotion to duty : Should become responsible
- c) ... ..
- d) ... ..
- e) Intellectual honesty, creativity and innovative qualities : Expresses frankly. Has not shown any creative or innovative qualities
- f) ... ..
- g) ... ..
- h) ... ..
- i) ... ..
- j) ... ..
- k) Initiative and drive : Poor
- l) Readiness to assume addl. responsibility : Evasive
- m) ... ..
- n) ... ..

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4. Agreeing with the remarks endorsed by the Reporting Officer, the Reviewing Officer (Dean, FEME) found the applicant "not yet fit" for promotion. The adverse remarks were duly communicated to the applicant on 18-4-1992.
5. Col.K.C.Sood, the Reporting Officer was the Head of the Department (Mech. Engg.) in which the applicant was serving. On 31-1-92 it was pointed out to the applicant by Col. Sood that the applicant ought to have obtained the approval of the Head of the Dept. before finalising the question paper in Machine Design-II. Notwithstanding the instructions issued by Col. Sood to that effect, admittedly, the applicant did not submit the question paper to Col. Sood for his approval. The contention of the applicant is that Col. Sood would have leaked out the question paper to his favourite student officers. It is also on record that the applicant was required to prepare a Question Bank and submit the same to Col. Sood by 31-3-92 for onward transmission to the concerned authorities, but did not do so. In this context, the applicant's contention is that he was fully committed with his teaching work and that it was only that with a view to harass him Col. Sood demanded the Question Bank to be submitted to him.
6. In Para-19 of the C.R. for 1991 it was categorically stated by the Reporting Officer that the applicant had been "reminded" orally and in writing also about the tasks

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assigned, but has acted in a manner that he is non-committal for completion of tasks". The contention of the applicant that there was no prior warning to him that adverse remarks would be endorsed in his ACR merits no consideration for the simple reason that the applicant was fully negative aware of the tasks assigned to him and his reaction thereto. Despite repeated reminders given to him the applicant did not bother to cooperate with his superior officer and to comply with his directions in the matter of submitting the question papers for approval of the Head of the Department and furnishing a Question Bank as desired. This aspect of the applicant's unsatisfactory performance was correctly recorded in the C.R. for 1991. The applicant cannot be allowed to state that the said remarks came to him as a surprise.

7. The complaint of the applicant that Col. K.C. Seed acted malaciously is not only not supported by the facts on record, but also cannot be accepted for the reason that Col. K.C. Seed was not impleaded as one of the respondents.


8. During the hearing of the case, the applicant came with an affidavit stating, inter alia, that the Army Officers of MCEME are not competent to write his ACRs. The MCEME, as the very designation indicates is a training establishment of the Army for the purpose of imparting technical education to Military personnel. Admittedly,

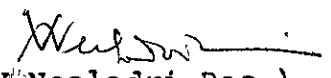
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the applicant is a part of the hierarchical set up of the MCME where he works under the Head of the Mech. Engg. Department and the Dean, FEME. Besides the fact that the applicant did not possess academic qualifications higher than those possessed by the Head of the Mech. Engg. Department or the Dean, FEME (both Military Officers), even if the applicant were to possess higher academic qualifications, he would still remain subordinate to his superior officers and such superior officers alone would, as per extant instructions, write the C.R. of the applicant. The plea of the applicant in this regard is without any merit.

9. Having heard learned counsel for both the parties at length and having carefully perused the relevant record, we are unable to come to the conclusion that the adverse endorsed in the ACR of the applicant for the year 1991 from any such infirmity as would justify our interference.

10. In the result the O.A. is dismissed. No costs.//

  
(A.B. Gorthi)  
Member (A)

  
(V. Neeladri Rao)  
Vice Chairman

Dated 29 Sept '95

  
Deputy Registrar (J)CC

- To
1. The Deputy Commandant, Military College  
of Engineering, E.M.E. Trimulgherry, Secunderabad.
  2. Col. K.C. Seed, Head, Mech. Engg. Dept. of Military College  
of Engineering, E.M.E. Trimulgherry, Secunderabad.
  3. Brig. V.S. Natarajan, Dean of Faculty, E.M.E. Military College  
of Engineering, E.M.E. Trimulgherry, Secunderabad.
  4. One copy to Mr. N. Raghavan, Advocate, # 113, Jeera Compound, Sec'bad.
  5. One copy to Mr. N.V. Ramana, Addl. CGSC. CAT. Hyd.
  6. One copy to Library, CAT. Hyd.
  8. One spare copy.

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