

(32)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD.
O.A.NO.1077 of 1995.

Between

Dated: 15.9.1995.

K.M. Priyadarshanan

...

Applicant

And

1. The Union of India, reprd by its Secretary to Government, Ministry of Defence, South Block, New Delhi.
2. The Director, Technical Development & Production (AIR), Ministry of Defence, H Block, Defence Hqrs, PO, New Delhi.
3. The Chief Resident Inspector, Directorate of Technical Development & Production (AIR), HAL, Nasik, Ozhar Township P.O., Nasik district, Maharashtra.
4. The Additional Director, Missile System Quality Assurance Agency, Directorate of Technical Development & Production (AIR), Ministry of Defence, C/o Defence Research & Development Laboratory, Kanchanbagh, Hyderabad.

...

Respondents

Counsel for the Applicant

: Sri. N.Rammohan Rao

Counsel for the Respondents

: Sri. K.Ramlee, Addl. CGSC.

CORAM:

Hon'ble Mr. R.Rangarajan, Administrative Member

Contd:...2/-

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-2-

D.A. 1077/95.

Dt. of Decision : 15-09-95.

ORDER

I As per Hon'ble Shri R. Rangarajan, Member (Admn.) I

The applicant in this OA is a Senior Scientific Officer-II, Missile System Quality Assurance Agency, Ministry of Defence and he is now stationed at DRDL Complex, Hyderabad.

2. In ~~this~~ Confidential Report for the year 1993-94 certain remarks were given which in his ~~own~~ opinion is adverse. The memorandum No. ADM/CRI/NK/CONF/3, dated 28th May 1994 was served on him ^{by which} ~~wherein~~ the reported adverse remarks were communicated to him. It was also said in that memorandum that he can submit a representation if any ^{expunge} ~~to the~~ above remarks to the accepting authority within a month. Accordingly he submitted a representation to ~~the Director~~ Technical Development and Production (AIR), Ministry of Defence, New Delhi on 25-06-94 (R-2) ~~contending~~ ^{warranted and that those remarks} ~~that the adverse remarks are not~~ ^{are} to be expunged. He was replied by the Joint Director on behalf of the competent authority as follows:-

"The representation dt. 25th June 1994 submitted by Shri K.M.Priyadarshan, SSO-II against the adverse remarks made in his ACR for the year 1993-94 have been considered by the competent authority at this HQ, who have found the contents of the representation as frivolous and hence does not warrant any further action in the matter. Shri K.M.Priyadarshan, SSO II may please ~~be~~ informed accordingly".

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3. Aggrieved by the above, he has filed this OA for setting aside the proceedings No.MSQA/113/C dated 21.9.1994 (Annexure A-5) holding them arbitrary, illegal, unjust and unsustainable after perusing the records which lead to the issue of Memorandum No.ADM/CRI/NK/CONF/3 dt. 28.5.1994 (Annexure A-1) and for consequential direction to the respondents to expunge the adverse comments communicated to him which have been entered in his Confidential file. He also prays for a further direction to the respondents to ignore or not to take adverse remarks made against him into account in any matter relating to his conditions of service.

4. At the outset the learned counsel for the applicant submitted that the appeal has not been fully examined and the reply given by the Director (R-2) is not a speaking one and proper consideration has not been given to his contentions raised in his appeal. He relied on the Apex court judgment reported in X AIR 1976 SC 1785 - The Siemens Engg. and Manufacturing Co. of India Ltd. Vs. Union of India and anor. X especially para-6 of that judgment, wherein it is said that the administrative/quasi-judicial authorities should set out reasons while disposing of an appeal.

5. The learned standing counsel also has no objection if it is remitted back to the appellate authority viz. the Director (R-2) for giving speaking order while disposing of the appeal dt. 25.6.1994 (Annexure A-4).

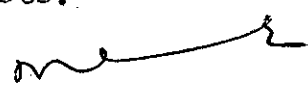
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6. In view of the above submissions the order of the appellate authority dated 21.7.1994 is set aside. It is remitted back to R-2 viz. the appellate authority to denovo examine the appeal of the applicant dt. 25.6.1994 and give a speaking order either rejecting or accepting the contentions raised in the appeal. Time given for compliance is four months from the date of receipt of a copy of this order.

7. If the applicant is ^{grieved} aggrieved by the order to be passed by R-2, he is at liberty to approach this Tribunal by filing a fresh OA under sec.19 of the A.T. Act raising all the contentions available to him.

8. With the above directions the OA is disposed of at the admission stage itself. No costs.



(R.Rangarajan)
Member (Admn.)

Dated 15th Sep., 1995.
Dictated in open court.


Deputy Registrar (Judl.)

spr/grh.

Copy to:-

1. The Secretary to Government, Ministry of Defence, Union of India, South Block, New Delhi.
2. The Director, Technical Development & Production (AIR), Ministry of Defence, H Block, Defence Hqrs PO, New Delhi.
3. The Chief Resident Inspector, Directorate of Technical Development & Production (AIR), HAL Nasik, Ozhar Township PO, Nasik District, Maharashtra.
4. The Additional Director, Missile System Quality Assurance Agency, Directorate of Technical Development of Production (AIR), Ministry of Defence, C/o Defence Research & Development Laboratory, Kanchanbagh, Hyderabad.
5. One copy to Sri. N.Ram Mohan Rao, advocate, CAT, Hyd.
6. One copy to Sri. K.Ramlee, Addl. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

HON'BLE MR. A.E. GORTHY, ADMINISTRA-
TIVE MEMBER.

HON'BLE MR.

JUDICIAL MEMBER.

ORDER/JUDGEMENT:

DATED: 15.9.1995.

~~M.A./R.A./C.A.NO.~~

IN

O.A.NO.

1077/95

T.A.NO.

(W.P.NO.)

ADMITTED AND INTERIM DIRECTIONS ISSUED.

ALLOWED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED.

DISMISSED AS WITHDRAWN.

DISMISSED FOR DEFAULT.

ORDERED/REJECTED.

NO ORDER AS TO COSTS.

* * *

Rsm/-

No Spare Copy

