

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.1642/95.

Dt.of Decision : 05-05-98.

B.Gandhi

.. Applicant.

Vs

1. The Director,
Central Research Institute for
Dryland Agriculture,
Santoshnagar, Hyderabad-59.
 2. The Sr.Admn. Officer,
Central Research Institute for
Dryland Agriculture,
Santoshnagar, Hyderabad-59.
 3. The Director General,
Indian Council of Agricultural Research,
Krishi Bhavan, New Delhi-1.
- .. Respondents.

Counsel for the applicant : Mr.B.Gandhi, Party-in-person

Counsel for the respondents : Mr.N.R.Devaraj, Sr.CGSC.

CORAM:-

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)



ORDER

ORAL ORDER (PER HON'BLE SHRI R. RANGARAJAN : MEMBER (AD...))

Heard Mr. B. Gandhi, party-in-person and Mr. N. R. Devaraj, learned counsel for the respondents.

2. The applicant in this OA was promoted as Superintendent in the pay scale of Rs. 1640-2900/- w.e.f., 21-12-92 by order No. 1-9(2)/90-Estt. dated 22-12-92 (Annexure-I). The applicant was to undergo probation for a period of 2 years from the date of his promotion. On that basis the applicant completed his probation on 21-12-94. But his probation was extended by the impugned order No. 1-6(41)/95-96-Estt. dated 9-9-95 (Annexure-II).

3. This OA is filed to set aside the impugned order No. 1-6(41)/95-96-Estt. dated 9-9-95 and direct the respondents No. 1 and 2 to declare his probation as having been completed satisfactorily on the due date i.e., 20-12-94.

4. A reply has been filed in this OA. The main contention of the respondents is that his confidential report for the year 1994-95 was not found to be satisfactory and hence his probation was extended as per the impugned order referred to above. The applicant submitted that there were 4 officers who wrote his CR for that year. Out of which only one officer had given him adverse entries. Hence it cannot be said that he was not discharging his duties satisfactorily through out the year. He has submitted a representation against that also.

5. He filed OA 195/96 challenging the adverse remarks entered in his CR for the year 1994-95. It is stated that the OA was disposed of directing the appellate authority to consider his representation in that connection and pass suitable orders. In view of the direction it is stated that adverse remarks in that CR had been expunged. He had also filed a representation for dropping the extension of probation period in view of the expunging of the

-3-

adverse remarks in the CR of 1994-95. The disciplinary authority had rejected that representation. It is further stated that he has filed an appeal against the rejection of his case to the appellate authority in that connection.

6. The applicant now submits that as per para-6 of the ICAR letter No.2-72/66-Reorg(Adm) dt.11-2-1969 the extension of probation should be decided within 15 days of the expiry of the probationary period. But the same was done after a period of 9 months. Hence the legality of issue of such letter was also be taken note of while deciding this issue. He also adds that only the appointing authority has the powers to extend the probationary period and taking advise from DPC is incorrect as he is not a probationer.

7. In view of the fact that his appeal for cancellation of the extension of probation is pending with the appellate authority as stated by him it will be premature to pass any order in this OA as any order passed in this OA may cause detriment to the applicant. Hence we restrain ourselves from passing any positive directions in this OA. The only direction that can be given in this OA in view of the above fact is to direct the appropriate authority to whom he had filed his appeal to dispose of that appeal if the same had been received by him in accordance with law within a period of 3 months from the date of receipt of a copy of the judgement.

8. The second contention of the applicant is that the impugned order was issued 9 months after the original probation of two years over. This is irregular in view of the letter of ICAR letter No.2-72/66-Reorg(Adm) dt. 11-2-69.

9. The learned counsel for the respondents^{to} relying on the reply in Page-3 submit that the applicant is fully responsible for the delay in issuing the extension order. He has not given the self-appraisal report inspite of repeatedly asking him to submit the same. For this they have filed Annexure R-3 to substantiate their statement.

-4-

10. If the applicant failed to submit the self-appraisal report in time inspite of reminding him to submit the same then the respondents should have taken action to finalise the CR without waiting for the Self-appraisal report. The reason given for not adopting that course of action by the respondents counsel is not satisfactory. We do not subscribe to the view that the CR for the year 1994-95 can be initiated only after the self-appraisal report is given by the applicant. Hence, we reject this contention. However, we are of the opinion that the applicant should have acted judiciously by giving the self-appraisal report if he wanted to protect his interest in getting the probation terminated on the appointed date. The violation on the part of the applicant in not submitting the self-appraisal report and asking for details is not called for. The self-appraisal report is meant to indicate in the confidential report to be initiated by the initiating authority of the work done by him and also the problems ^{encountered} ~~encounted~~ by him while discharging his duties if any. The goal set and other details are of subsidiary nature. The applicant may indicate what he feels is necessary to be stated in regard to the achievement etc., and for that he need not have asked for any clarification from the respondents. As there are lapses on both the sides, we do not think that the application ^{has} ~~is~~ to be allowed as ICAR letter dated 11-2-69 is not followed. It is not necessary to further elaborate in this connection.

11. The applicant submits that the extension of the probationary period is to be decided by the appointing authority on the basis of the assessment report without asking any advise from the DPC in view of para-7 of the ICAR letter dated 26-4-77. Merely asking some assessment from the DPC cannot be said to have prejudiced the mind of the appointing authority in extending his


R


probation. It is a matter of routine to get advise from a person under whom the applicant is working and others who are overseeing his work. The learned counsel for the respondents relying on the para-8.2 (c) of the letter enclosed to Annexure R-2 to the reply submit that even the DPC has powers to give their assessment even for those who are under-going probation on promotion. But a reading of that para does not make us fully believe that this para meant for those who are under going probation on promotion. However in view of what is stated above that the assessment report can be obtained from the officer under whom the applicant worked and also who are connected with this work we do not see any impropriety in taking the advise from DPC while deciding the case for extension of probation period. Hence we do not see any reason to set aside the order in view of the contentions raised by the applicant as above.

12. In the result, the following direction is given:-

If the applicant had submitted any appeal to the appropriate authority ^{against the} ~~for~~ rejection of his request ^{or} ~~setting aside~~ the extension of the probation period even after the expunge of adverse remarks for the year 1994-95 as per the direction in CA. 195/95/96 and if that appropriate authority had received that representation, then that representation should be disposed of within a period of three months from the date of receipt of a copy of this judgement.

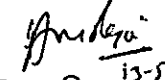
13. With the above direction the OA is disposed of. No costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)
5.5.98


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 5th May, 1998.
(Dictated in the Open Court)

spr


D R 13-5-98

40
..6..

Copy to:

1. The Director, Central Research Institute for Dryland Agriculture, Santhoshnagar, Hyderabad.
2. The Senior Admn. Officer, Central Research Institute for Dryland Agriculture, Santhoshnagar, Hyderabad.
3. The Director General, Indian Council of Agricultural Research, Krishi Bhavan, New Delhi
4. One copy to Mr. B. Gandhi, Superintendent, Central Research Institute for Dryland Agriculture, Santhoshnagar, Hyderabad.
5. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyderabad.
6. One copy to D. R. (A), CAT, Hyderabad.
7. One duplicate copy.

YLKR

27/5/98 (7)

II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :
M (J)

DATED: 5/5/98

ORDER/JUDGMENT

M.A/R.A/C.P.NO.

in

O.A.NO. 1642/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायपीठ
HYDERABAD BENCH
19 MAY 1998
Despatch
विभाग/REPPAL SECTION