

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION No.978/96

Dated 21-4-1997

Between

N.R. Pal

: Applicant

and

1. Union of India, rep. by  
Secretary  
Min. of Defence  
New Delhi

2. Director General  
Electronics and Mech. Engg.  
Army Headquarters  
DHQ PO, New Delhi

3. Commandant  
Military College of Electronics  
& Mechanical Engg.  
Secunderabad

: Respondents

Counsel for the applicant

: K. Sudhakar Reddy  
Advocate

Counsel for the respondents

: N.R. Devaraj  
Sr. CGSC

CORAM

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.) 8/

OA.978/96

dt. \_\_\_\_\_

## Judgement

Order (per Hon. Mr. H. Rajendra Prasad, Member(Admn.))

The applicant is an Engineering graduate, having specialised in Metallurgy in 1967. He applied for the post of Lecturer in Metallurgy in response to UPSC advertisement No.14 dated 8-4-1978, was selected and appointed to the Military College of Electrical and Mechanical Engg. (MC EME) in November, 1979.

2. During 1986-87 certain adverse remarks were recorded in the applicant's ACR by the Reporting Officer, i.e., Head of the Mechanical Engineering Department of the College. The Reviewing Officer, Dy. Commandant/Officiating Commandant of the College, agreed with the assessment of the Reporting Officer and added certain other remarks to the effect, inter alia, that the applicant had been more of a liability to the institution and that he was not yet fit for promotion.

3. The applicant thereupon filed an appeal to the Secretary, Raksha Mantralaya, requesting for the expunction of the adverse remarks. An order was communicated to the applicant in August, 1991, that his request for expunction of adverse entries was examined at appropriate level in the Ministry and that the same was rejected as having no substance or basis for expunging the remarks.

4. Aggrieved by the reply of the respondents the applicant filed OA.558/95 before this Tribunal, which was disposed of with the <sup>a</sup>direction to Respondent-1 (Secretary, Ministry of Defence) to consider the appeal/representations

of the applicant on an year-wise basis, and thereafter to issue a suitable speaking order, either accepting his request by expunging the remarks, or rejecting his representation and retaining them. In compliance of this direction, a detailed speaking order was issued in December, 1995.

5. The present OA is filed against the said order dated 27-12-1995.

6. It may be noted that the issue of contention in the earlier OA was the totality of adverse remarks recorded in successive ACRs of the applicant from 1986 to 1991. On 28-10-1996, while disposing of the OA, the learned Single Judge felt that any challenge to the adverse entries had to be done on an year-wise basis since the bunching together of adverse entries from 1986 to 1991 would be incorrect inasmuch as the ground taken in each year would differ, and consequently, the reasons assigned by the respondents for expunction/non-expunction of such remarks would also vary because of the varying bases and circumstances leading to each adverse remark in succeeding years.

7. The present OA is, therefore, confined to the adverse entries made in ACRs of 1986 only, as submitted by the learned counsel for the applicant.

8. The main grievance of the applicant, from 1986 onwards, is that he was being asked to teach subjects which are outside the field of his specialisation, viz. metallurgy. According to him, even though he was selected for the post of Lecturer in Metallurgy, he discovered on joining the college in 1979 that the said subject, metallurgy, did not figure in their curriculum or the academic syllabus of the institute. Instead, he has been required to handle

subjects like Material Sciences, Production Engineering, Mechanical Instrumentation, Industrial Engineering, Workshop Technology and Machine-Drawing. These, according to the applicant, are 'alien' subjects for him. This fact alone seems to have soured his interaction with his academic and administrative superiors in the college.

9. The applicant is seen to have been sending up a constant stream of representations to various authorities like, for example, the Dean of Faculty, Director General, EME, Secretary, Defence, and the Defence Minister. It is now his argument that his persistence in this regard has earned him the 'wrath' of the college authorities which, in its turn, has led to the recording of the impugned adverse entries. In a bid to reinforce this general argument, the applicant alleges that his superiors in the college are neither 'academic-minded' nor do they possess the requisite academic experience or expertise. In short, according to him, they are incompetent to assess the performance of a member of academic staff like himself. He sees the college authorities harbouring 'academically abhorrent ideas of teaching' in order to cover their 'administrative lapses' and 'dereliction of duties'. He alleges that their perception of academic ideals, norms and principles is poor, and, ipso facto, that they are incompetent to run the academic affairs of the institution. According to him, the authorities of the college could not be regarded as his superiors by virtue only of their higher positions. He says that the ACRs ought not to be utilised to give vent to the personal grudges of his superiors.

10. Based on arguments such as these, the applicant prays for expunction, by this Tribunal, of the adverse

Qs/

entries made by Respondent-3 in the ACRs of the applicant for the year 1986, and upheld (and added to) by Respondents 1 and 2.

11. The respondents in their counter-affidavit submit that the applicant was quite willingly handling the teaching of Material Technology for Degree Engineering Course, Material Science for Advanced Mechanical Engineering course, and Instrumentation for Degree Engineering course from 1979 to 1986. All these subjects are, according to the respondents, closely allied to the applicant's specialisation and cover integral aspects of the larger subject known as, and covered by, Metallurgy. Hence, his allegation of Metallurgy not being a part of the college syllabus is incorrect. They deny the allegation of vindictiveness and assert that the applicant has consistently refused to perform the duties assigned to him from 1986 onwards. They also reveal that the applicant has been habitually using immoderate expressions and offensive language in his representations addressed to higher authorities, even going as far as to charge his superiors with indulging in 'laymanship', of being 'a great duffers and nuisance' and comparing them to a woman of dubious character extolling the virtues of purity. They also add that in one of his many representations the applicant referred to 'the stinking faces' of the superiors and called them a 'group of insane creatures'. In his representation to the Defence Minister, the applicant has charged that the administrative machinery of the college has 'sunk to a fathomlessly dismal level'.

*Q.*

12. The foregoing narration would show that the interaction between the parties is hardly of an ideal variety. Much of the resulting abrasion seems to be the direct result of the apparently intemperate reaction, actions and utterances of the applicant himself. Whatever be the cause of his discontent, the conduct of one who claims such sustained academic excellence ought surely to be more restrained and circumspect.

13. To exclude the ancillaries and <sup>Superficially</sup> attendant circumstances, the only issue which is of immediate relevance to this case is the fact that certain adverse entries were recorded in 1986 in the ACR of the applicant. Other questions are not of any direct relevance even if they have a vague bearing on the developments leading to the adverse entries. It would, therefore, be necessary to concentrate only on the main issue. And that main issue is the rejection by the Reviewing and Higher Reviewing authorities of the applicant's representation for the expunction of adverse entries.

14. The competent authority has issued a detailed 'speaking' order while rejecting the appeal of the applicant. The reasons and the logic leading to the rejection may not necessarily be to the liking of the applicant. The fact nevertheless remains that competent authorities have applied their mind to the representation, examined the facts and given their findings. Such being the case, this Tribunal is unable to see how the decision of the competent authority can be questioned, and on what precise grounds. As regards the cause for the applicant's discontent with his present assignment, it is entirely for the authorities to take such note of his grievance(s) and to adopt such measures as may be found necessary or feasible within the <sup>academic</sup> constraints and requirements of their existing set up.

Qa

This Tribunal has absolutely no role in this.

15. Under the circumstances, the applicant's pleadings and arguments, although forcefully stated, do not merit acceptance or call forth any intervention. There is no choice, therefore, except to disallow the OA purely on merits.

16. Before parting with the case, I would consider it desirable to point out that the continuing abrasion between the applicant and his superiors may not be an ideal situation in a highly professional and academic institution like MC EME. The applicant adopts an attitude of disregard and defiance which may be totally out of place in an institution run and managed by the Army where discipline is sine qua non of all activity. The respondents might, therefore, like to examine, with a view to putting an end to the present continuing unpleasantness, if his request for transfer to some other similar institution is at all feasible of acceptance. This might, after all, be in the interest of the institute as well as of the applicant. It is, however, made clear that this suggestion has no link or relation to the main facts or features of the case, which has been disallowed on merits.

17. Thus the OA is disposed of.

  
(H. Rajendra Prasad)  
Member (Admn.)

21 APR 97

Dated : 21-4-1997.

sk



OA.No.978/96.

Copy to:-

1. Secretary, Union of India,  
Ministry of Defence, New Delhi.
2. Director General, Electronics & Mechanical  
Engineer, Army Headquarters, DHQ, PO, New Delhi.
3. Commandant Military College of Electronics,  
& Mechanical Engineering, Secunderabad.
4. One copy to Mr. K. Sudhakar Reddy, Advocate,  
CAT, Hyderabad.
5. One copy to Mr. N. R. Devaraj, Sr. CGSC, CAT, Hyd.
6. One spare copy.

7. One copy to Honble Member (A)  
8. One copy to DR (A)  
Rev.

K.R.



98/15/97

T COURT

TYPED BY

CHECKED BY

COMPALED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

~~THE HON'BLE MR. JUSTICE~~

~~VICE CHAIRMAN~~

and

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

Dated: 21-4-1997

ORDER/JUDGMENT

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

O.A.No.

T.A.No.

in

(w.p.)

Admitted and Interim directions  
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

सेवा/DESPATCH

30 APR 1997

हैदराबाद न्यायपीठ  
HYDERABAD BENCH