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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.195/96

Date of Order: 2.7.96

BETWEEN:

B.Gandhi .. Applicant.

AND

1. The Director,
Central Research Institute for
Dryland Agriculture,
Santoshnagar, Hyderabad -500 059.

2. The Senior Administrative Officer,
Central Research Institute for
Dryland Agriculture,
Santoshnagar, Hyderabad-500 059.

3. The Officer-in-Charge, Gunegal Research
Farm, Central Research Institute for
Dryland Agriculture,
Santoshnagar, Hyderabad-500 059.

4. The Director General,
Indian Council of Agricultural Research,
Krishi Bhavan, New Delhi-110001. .. Respondents.

Counsel for the Applicant .. Mr.B.Gandhi
(Party-in-Person)
Counsel for the Respondents .. Mr.N.R.Devraj

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

J U D G E M E N T

((Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.)))

The applicant in this OA while working as Superintendent in the Gunegal Research Farm was given an adverse remarks for the period from 7.12.94 to 31.3.95. The adverse remarks as informed to him is at Annexure-2. The applicant then filed representation for expunging those remarks addressed to R1 by his representation dated 3.11.95. It is stated that representation is still to be replied. In his representation he has given certain details of how he was not allowed to go to the headquarters office for



collecting the necessary ^{details} for filling the self appraisal details.

2. This OA is filed for setting aside the impugned order No.SAO/CR/1/94-95 dated 30.9.95 (A-2) and for a further direction to expunge all the adverse entries entered against him for the period from 7.12.94 to 31.3.95.

3. The applicant submits that the officials in CRIDA are not favourably disposed of towards him which ~~is~~ ^{is} reflected in the entry of adverse remarks in his Confidential Reports. He further submits that his probation which had to be declared on 21.12.94 had been extended by one more year due to adverse entries in the CRs for the period from 7.12.94 to 31.3.95. He further adds that he was not available in the Gunegal Research Farm during that period from 7.12.94 to 21.12.94 except for one day and hence the adverse entries should not have stood against him for declaration of probation. He further submits that his promotion is also not given in view of the adverse remarks for the period though a post is vacant for his promotion as Assistant Finance and Accounts Officer.

4. The learned standing counsel for the respondents submitted that the Confidential Report in question was reported by the Officer Incharge of GRF and the same was accepted by Director (R1 herein). Hence any review of the adverse remarks has to be done by authority higher than the Director.

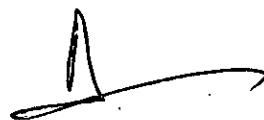
5. From the OA I find that no specific malafides against any of the officials had been brought out in this OA. However in view of the fact that his earlier representations for permitting



(C6)

him to go to the headquarters office ~~and~~ collecting the necessary details for preparing his selfappraisaldetails wasnot replied, there is a possibility that the CR for the period in question could have been written without proper details and without proper assessment of his work. Considering the above facts I am satisfied that the remarks in question has to be reviewed by an official higher in status to that of Director and decide whether the remarks are to be expunged or the adverse entries entered for the period from 7.12.94 to 31.3.95 is allowed to remain. If the reviewing official isnot able to come to a conclusion as he has no personnel knowledge of the work of the applicant he may ascertain the facts through one of his officers working under him from available records and take a decision in regard to expunging or otherwise of the adverse remarks. If it is decided to expunge the remarks a review should be made in regard to his case of extension of probation beyond 21.12.94. Till such time the reply is given to his representation dated3.11.95 the consideration for promotion for the post of Assistant Finance and Accounts Officer in CRIDA if vacant may not be proceeded with.

5. In the result, the following direction is given:-
The Deputy Director General(Soil&Engineering) ICAR should consider the representation of the applicant dt.3.11.95 and decide the issue in regard to the expunging of the adverse remarks entered in the Confidential Report of the applicant for the period mentioned above, the extention of the probation period of the applicant beyond 21.12.94 in the post of Superintendent has to be reviewed *if the adverse entries are expunged*



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6. Time for compliance is 3 months from the date of receipt of a copy of this order.

7. The OA is ordered accordingly. No costs.

8. The Registry should send a copy of the OA along with the judgement to Deputy Director General (S&E) New Delhi ICAR. The correct address of Deputy Director General (S&E) should be furnished by the respondents to the registry within 3 days from today.

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(R.RANGARAJAN)
Member) Admn.)

Dated: 2nd July, 1996

(Dictated in Open Court)

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O.A. NO. 195/96

Copy to:

1. The Director,
Central Research Institute for Dryland Agriculture,
Santhoshnagar, Hyderabad.
2. The Senior Administrative Officer,
Central Research Institute for Dryland Agriculture,
Santhoshnagar, Hyderabad.
3. The Officer in charge, Gunugala Research Farm,
Central Research Institute for Dryland Agriculture,
Santhoshnagar, Hyderabad.
4. The Director General,
Indian Council of Agricultural Research,
Krishi Bhawan, New Delhi.
5. One copy to Mr. B. Gandhi, ~~Adyaprakash~~ Party in person,
Superintendent, Central Research Institute for Dryland
Agriculture, Santhoshnagar, Hyderabad.
6. One copy to Mr. N. R. Devraj, Sr, CGSC, CAT, Hyderabad.
7. One copy to Library, CAT, Hyderabad.
8. One duplicate copy.

8. One copy to Dr. Director General (SAC) N. R. Devraj
Indian Council of Agricultural Research, Krishi Bhawan
New Delhi. (along with O.A. copy)

YLKR

O/A 195/96
9/27/8

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 27.7.96

ORDER/JUDGEMENT

O.A. NO./R.A/C.P. No.

in
O.A. NO. 195/96

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLKR

II COURT

No Space (copy)

केन्द्रीय प्रशासनिक बोर्ड
Central Administrative Tribunal
DESPATCH

21 AUG 1996

HYDERABAD BENCH

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

MA 283/97 in
OA 195/96

Date of Decision: 3.4.1997

BETWEEN:

B. GANDHI

.. Applicant

AND

1. The Director,
Central Research Institute for
Dryland Agriculture,
Santoshnagar, Hyderabad-500059
2. The Sr. Administrative Officer,
CRIDA, Santoshnagar,
Hyderabad-500 059.
3. The Officer-in-Charge,
Gunegal Res. Farm, CRIDA,
Santoshnagar, Hyderabad-500 059.
4. The Director General,
ICAR, Krishi Bhavan,
NEW DELHI - 110 001. .. Respondents

Counsel for the Applicant: Party-in-Person

Counsel for the Respondents: Mr. N.R. Devaraj

CORAM:

THE HON'BLE SRI H. RAJENDRA PRASAD: MEMBER (ADMN.)

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ORDER

(PER HON'BLE SRI H. RAJENDRA PRASAD: MEMBER (ADMN.))
*By
Sru*

Heard Sri B. Gandhi, Party-in-Person, and Sri N.R. Devaraj for the respondents.

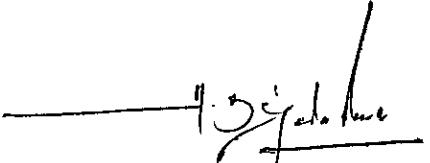
2. As per the judgement Dt.2.7.96, Respondent-4 was required to consider and dispose of the representation submitted by applicant and decide as to whether the adverse entries made in the CR of the applicant during 7.12.94 to 31.3.95 needed to be expunged or deserved to be retained. Depending on the decision taken, the question of extension or otherwise of the applicant's probation beyond 21.12.94 was also to be decided by a proper review. It is now revealed that Respondent-4 has decided that the impugned adverse entries need to be expunged. ICAR letter No.F No.4-21/96-IA-II Dt.29.11.96, which was shown today, is relevant in this regard.

3. It was submitted by Sri Devaraj that there is some doubt as to who should take further action to record the actual expunction of the entries in the ACRs, and also as regards the authorities who will be required to make necessary review of the prescribed period of the applicant's probation to decide the question of extension/non-extension of the same. A part of the reason is stated to be that the applicant has since been transferred from his previous office, i.e., CRIDA, to PDP, along with the post. It is obvious that the action with regard to recording the expunction of adverse remarks should be taken by the head of applicant's present office, i.e. Project Director, PDP, since the ACR file of the applicant should be held by him at present. Likewise, action to decide the necessity (or otherwise) of extending the applicant's probation needs to be taken by Director, CRIDA,

since the period (and performance) of the applicant on probation was spent under the said office i.e. CRIDA.

4. Necessary action on both aspects of the cases, viz. expunction of adverse entries and the treatment of the period of probation, shall now be arranged to be taken by the Director, Central Research Institute for Dryland Agriculture. Action along these lines shall be initiated and completed within four weeks from the date of receipt of a copy of this order.

5. Thus the M.A. is disposed of.


(H. RAJENDRA PRASAD)
MEMBER (ADMN.)

Date: 3rd April, 1997

KSM


Deputy Registrar (DCC)

M.A. 283/97

To

1. The Director,
Central Research Institute for
Dryland Agriculture,
Santoshnagar, Hyderabad-59.
2. The Sr. Administrative Officer,
CRIDA, Santoshnagar, Hyderabad-59.
3. The Officer-in-Charge,
General Res. Farm, CRIDA,
Santoshnagar, Hyderabad-59.
4. The Director General,
ICAR, Krishibhavan, New Delhi-1.
5. One copy to Mr. B. Gandhi, Party-in-person, S/o B. Chawdhary,
Superintendent, Project Directorate on Panchayat, Rayendranagar, 1/19/01
6. One copy to Mr. N. R. Devraj, Sr. OGSC, CAT Hyd.
7. One copy spare.

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T COURT

TYPED BY

CHECKED BY

COMPARED 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: 3-4 -1997

ORDER/JUDGMENT

M.A./R.A./C.A. No. 283/97

C.A. No. 195 | in
T.A. No. 96

(w.p.)

Admitted and Interim directions
Issued.

Allowed

M.A.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No order as to costs.

केंद्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

डिप्टी/DESPATCH

30 APR 1997

हैदराबाद आवाद
HYDERABAD BENCH

C.O
Mentioned address
Plotted in the
addressed.

pvm