

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

O.A. 751/97

Date: 14.10.99

Between:

- | | |
|-----------------------|----------------|
| 1. Dr. C. Subba Rao | .. |
| 2. Dr.K. Muralidharan | ... Applicants |

A N D

- | | |
|--|-----------------|
| 1. Indian Council of Agricultural Research
Secretary, Krishi Bhavan,
New Delhi - 110 001. | |
| 2. Agricultural Service Recruitment Board, through
Chairman, Pusa Road,
New Delhi - 110 012. | |
| 3. The Project Director, Directorate of Rice Research (ICAR)
Rajendra Nagar,
Hyderabad - 500 030. | |
| 4. Dr.A.P.K. Reddy,
Principal Secretary Scientist,
Head of Department of Pathology,
Directorate of Rice Research
Rajendra Nagar, Hyderabad-500030 | ... Respondents |

Counsel for the Applicants: Mr. C. Suryanarayana

Counsel for Respondents No.1 to3: Mr.N.R. Devraj

Coram:

Hon. Shri R. Rangarajan, Member (A)

Hon.Shri B.S. Jai Parameshwar, Member (J)



O R D E R

(Per Hon. Shri B.S.Jai Parameshwar, Member(J)

Heard Mr. C.Suryanarayana, learned counsel for the Applicants and Mr. N.R. Devraj, learned standing counsel for the respondents 1 to 3. Notice served on respondent no.4, called, absent.

2. This is an application u/s.19 of the Administrative Tribunals Act. The application was filed on 2-6-1997.

3. There are two applicants in this OA. They are working as Senior Scientist(Statistics) and Principal Scientist (Plant Pathology) respectively under respondent no.3. The respondent no.3 is the Directorate of Rice Research(in short the "DRR"). The Respondent No.3 is a constituent unit of respondent-1. The Respondent no.1 is a Society registered under the Societies Registration Act. Its activities are development and improvement of agricultural science, research, education and improvement.

4. The respondent no.3 is expected to work, manage and administer the directorate in accordance with the guidelines/instructions issued from time to time by respondent no.1. The Directorate has various disciplines in the field of agriculture research and development. The respondent No.1 in its circular No.8/21/80 PER-IV dt. 30.12.82 issued certain guidelines for manning the posts, heads of divisions and department. By the said circular earlier circular issued on 30.9.82 were superseded. A copy of the circular is at Annexure A-4.

5. Further in its instructions contained in No. 2(1)/88/WES dt. 2.2.88(Annexure A-5) the respondent no.1 issued certain instructions for identification of units as division/section at the institutes. According to this instructions an unit comprising 5 and upto 10 Scientists will henceforth be recognised as ^a Section and

and a Section with more than 10 Scientists will be given the status of a division.

6. The applicants submit that Central Tobacco Research Institute(CTRI), Rajahmundry, has implemented the above said instructions of the respondent no.1 within forty days. Their grievance is that the respondent no.3 has not at all followed the guidelines issued by the respondent no.1. Further they submit as under:

(a) the respondent no.3 created only a division vide office order no. 196 dt. 8-6-90(Annexure A-7) and one Dr.K. Gopalakrishna Pillai was designated as the Head of the division.

(b) it is submitted that there are more than 45 Scientists working under the respondent no.3;

(c) the respondent no.3 split up plant blending and genetics into three different units with a view to avoid creation of other divisions;

(d) The Director (P) ICAR New Delhi had had circulated certain guidelines to the respondent no.3 ;and

(e) they have made certain allegations against Dr. A.P.K.Reddy, Head of Plant Pathology. The respondent no.3 failed to take necessary action against Dr.A.P.K. Reddy. They have cited instances of Dr.A.P.K. Reddy causing humiliation to one Ms.Krishnaveni, Scientist; and

(f) their further grievance is that the respondent No.3 has adopted certain procedure which are detrimental to the Scientists working under him. Respondent No.3 has not bothered to carry out the activities of the Directorate in the best interest of the Directorate in accordance with the objectives of Respondent No.1.

7. The first respondent by order No.F.No.2(53)/89 Per.IV dt.26-5-1997(Annexure A-24) gave instructions to fill up the vacancies of Head of Division/head of Regional Station under the respondent no.1 by direct recruitment notwithstanding the fact that the same was questioned in the O.A. Further they submit that the respondent no.3 circulated the said letter dt.26-5-97 and endorsed the same to all the Heads of the department. They submit that the third respondent betrayed his intention to spite the applicants and circulated the same to the respondent no.4. Respondent no.4 has established "his home rôle" in the respondent no.3.

8. The respondent no.3 by its letter no.F.3-59/ADMN/97-98/226 dt. 20-10-1997(Annexure A.25) informed that Shri A.V.Rao, Principal Scientist & Head Statistics resumed duties after availing Ex-India Earned leave and the applicant No.1 was advised to forward all his correspondence and official transactions through Shri A.V.Rao. Thereupon the applicant no.1 submitted a representation on 5-11- 1997 pointing out

out that there was no question of constituting the divisions and sections and there can be no Head of Division/Section in the respondent no.3 which is a project directorate and that there was no sanction for transmitting letters. In reply to the said letter, the respondent no.3 informed the applicant no.1 that the posts of Heads of Divisions which are equivalent to Heads of Regional Research Stations with wider range of powers ~~were~~ never existed in the project and that Dr.C. S. Rao belongs to a discipline (Statistics) with two Scientists which does ~~not~~ qualify as a Division as per the proposals of Management Committee wherein a few divisions were identified earlier considering their size and nature of activities, but subsequently no action was taken in the light of the letter of Respondent No.1

9. Thus the applicants have filed this OA for the following reliefs:

"to declare that the 1st respondent's order Annexure A-24 dt, 26.05.97 is malicious and unsustainable and consequently to direct the respondent-authorities to implement the ICAR's orders, instructions and guidelines sincerely, honestly and faithfully and fill up the posts of Division/Section "Heads" by rotation, within a specified time limit."

10. Respondents No.1 to 3 have filed their reply contending that the guidelines issued in the circular dt. 30.12.1982 by ^{the} respondent no.1 were meant for the fullfledged Institutes and not for the coordinated research projects which are sanctioned initially for a period of five years extendable on review basis. They submit that the respondent no.3 is only an All India Coordinated Rice Improvement Project(AICRIP) headed by a Project Coordinator/Project Director, that the same



was subsequently re-designated as the Directorate of Rice Research(DRR) in 1985 under the control of the Director,CRRI, Cuttack, that during the year 1987 the respondent no.3 was given an additional mandate by the respondent no.1 to perform lead research in irrigated rice with continued mandate of doing coordinated research headed by a Project Director. As per the guidelines issued, the circular dated 30-12-82 is not applicable to AICRIP/DRR. All the Heads of Divisions/ Departments shall be filled by rotation amongst the Scientist-3 and 4 and the Scientists of ARS holding grades of Rs.1800-2000 or Rs.1500-2000 which has been revised to the position of Principal Scientist in the pay scale of Rs.4500-7300. They submit that both the applicants are holding lower grades and that the second applicant got the position of S-3 during the year 1996 with retrospective effect from 1-7-82. They further submit that the said promotion of applicant no.2 was subject to the decision of the Hon. Supreme Court in SLP No. 26202/95 dt.18-3-1996. They submit that the first applicant is still holding a senior scientist position lower than that of a Principal Scientist. Hence their averments that the guidelines of the respondent no.1 were not followed by the respondent no.3 is not correct.

11. Further they rely upon the circular bearing no.2(53)89 RC Cell dt. 12.2.1991 issued by the respondent no.1 to the effect that rotation system of heads of divisions should be stopped. As per the revised guidelines issued by respondent no.1 vide D.O. letter no. 2(53)/89-R.C. Cell dated 2.6.1992 all the positions of Heads of Divisions & Regional Stations of the ICAR Institutes are to be filled by direct recruitment by selection through the Agricultural Scientists Recruitment Board(ASRB), New Delhi on a tenure basis for a period of 5 years in the pay scale of Rs.4500-7300.

12. They further submit that the guidelines for recruiting or rotating Heads of Divisions were applicable only for Institutes and not for the Project Directorates. They submit that separate instructions from respondent no.1 are still awaited. They submit that the circular instructions produced by the applicants at Annexure A-8 have no relevance to the Project Directorate, that no department/section or unit of the respondent no.3 has more than 10 Scientists.

Hence they cannot be treated as a Division in terms of the guidelines. The concept of division is not applied to the Project Directorate. Hence the guidelines issued by respondent no.1 are not applicable to respondent no.3. Further they rely upon the letter issued by respondent no.1 bearing No.16-19/97-IA.IV dt.12.12.97 to state that the Project Director can make necessary internal arrangements by designating the seniormost Scientist as Sectional Incharge to provide support in the administrative activities of various disciplines at the Directorate. While making such internal arrangements seniority will be given due weightage. They submit that the action taken by the CTRI Rajahmundry during the year with a view to re-organise their division is not relevant in the case of the respondent no.3.

13. They submit that re-organisation of the Division of Agronomy & Soil Science under the administrative/technical supervision of Dr.K. Gopala Krishna Pillai was taken up by the competent authority after reviewing the scientific strength in the best interest of the organisation. They submit that Dr.K.G. Pillai has not misused his position as acting Project Director while creating a new section under his own supervision as the Head of Department of Agronomy & Soil Science. They submit that Dr.Pillai in his capacity keeping in view the best interests of the Directorate as well as to ensure harmonious and smooth functioning of the various units has taken necessary action and has not violated any rules or guidelines in this regard.

14. They refer to the representations made by the applicants. They also made certain allegations against the applicants which we feel not necessary to reproduce here. Thus they submit that the guidelines relied upon by the applicants are not applicable to the respondent no.3. Further they try to create an impression that the respondent no.3 is acting in accordance with the strict guidelines issued by the respondent no.1. Thus they pray for dismissal of the application. They have relied upon certain material papers in support of their contentions.

15. Applicants have filed a lengthy rejoinder with material papers. They have denied each and every averments made by the respondents in the reply, particularly with regard to the functioning of respondent no.1 this is what they have stated:

"It is unfortunate that the 1st respondent ICAR plays ducks and drakes and allows mischief mongers to exploit its orders. To go a step further, ICAR does not enforce its own orders nor does it take any corrective or punitive action against those who deliberately disobey its orders. It looks as though some echelons in ICAR derive sadistic pleasure from actions (or inactions) of such mischief mongers."

16. The applicants have filed their rejoinder on 15-3-99. At least after going through the rejoinder we feel that, in all fairness the respondent no.1 should have filed a reply on its behalf traversing those averments extracted above.

17. This Tribunal cannot take a role of mediator or umpire between the respondents 1 & 3. The respondent no.3 is the constituent unit of the respondent no.1. There must be harmony and coordination between respondent no.1 and respondent no.3 in smooth functioning and carrying out the objectives for which both are constituted. Further the respondents 1 & 3 must act as a model institute and directorate. The respondent no.1 necessarily has to supervise and oversee whether any of its constituent units are following its guidelines and functioning properly and in the best interests of the society as such.

18. Both the applicants and respondents have attempted to blame one other. The respondents 1 to 3 should not have made some of the remarks against the applicants. If the respondents felt that the applicants had misbehaved in any manner they were at liberty to proceed against them as per the Discipline rules. Having not taken any such action it is not fair or reasonable on the part of the respondents to make ^{Certain} some allegations against the applicants only to mislead the Tribunal.

19. As already stated above it is for the respondent no.1 to consider whether respondent no.3 is carrying on or performing its functions in the best interests of the Directorate and as a Project Directorate safeguarding its staff.

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20. The respondent no.1 is wholly funded by the government. Its functions are autonomous. The Director General is the ex-officio Secretary in the Department of Agricultural Research and Education in the Ministry of Agriculture. The ICAR is a part of the Government of India. The Hon. Minister of Agriculture is the ex-officio President of the ICAR.

21. Hence we feel it proper to direct the registry to send a copy of the OA with all its enclosure to the Ministry of Agriculture to scrutinise the same, examine and consider whether the respondent no.3 is functioning in accordance with the guidelines and circular instructions issued by respondent no.1 from time to time.

22. We feel it not proper for us to express any opinion as to the pleadings in the OA. We leave it to the Ministry to take necessary steps so that the respondent no.3 carries its objectives in conducive atmosphere.

23. The Ministry of Agriculture shall take a decision in the best interest of the respondents no.1 & 3 and if it comes to the conclusion that there is no mismanagement or malfunctioning of the respondent no.3 then it may send a suitable reply to the applicants.

24. If the Ministry were to take a decision on any of the allegations/averments made by the applicants it may take such actions against the concerned and ensure that the respondent no.3 performs its duties and functions strictly in accordance with the instructions and guidelines issued by the ICAR. It must make it clear that there should not be any friction of any kind whatsoever either in its administrative or research sphere.

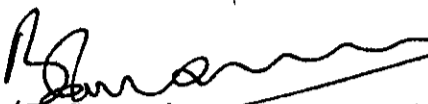
25. In case the applicants are going to be aggrieved by the communication received from the Ministry of Agriculture they are at liberty to take such action as available to them under the law.

26. Time for compliance 4 months from the date of receipt of a copy of this order.




27. With the above observations the OA is disposed of.


28. No order as to costs.


(B.S. Jai Parameshwar)
Member (J)

14.10.99

MD


(R. Rangarajan)
Member (A)


14-10-99

2
9/10/99
1
1ST AND 2ND COURT

COPY TO :-

1. HDHND
2. HRRN M (A)
3. HBSJP M (J) ✓
4. D.R. (A) ✓
5. SPARE ✓
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR
VICE - CHAIRMAN

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

THE HON'BLE MR. S. S. JAI PARAMESWAR
MEMBER (JUDL.)

* * *

DATE OF ORDER: 14/10/99

MA/RA/CP NO.

IN 751/98
GA. No.

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

CP CLOSED

RA CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS

a copies

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal प्रेषण / DESPATCH
25 OCT 1999
हैदराबाद ब्याचपीठ HYDERABAD BENCH