

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. 133 of 1997

11.8.1999
DATE OF DECISION.....

Shanglakpam Nodiachand Sharma

(PETITIONER(S))

Mr. J.L. Sarkar, Mr. M. Chanda and
Ms N.D. Goswami

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

Union of India and others

RESPONDENT(S)

Mr A. Deb Roy, Sr. C.G.S.C.

ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE MR JUSTICE D.N. BARUAH, VICE-CHAIRMAN

THE HON'BLE MR G.L. SANGLYINE, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.133 of 1997

Date of decision: This the 11th day of August 1999

The Hon'ble Mr Justice D.N. Baruah, Vice-Chairman

The Hon'ble Mr G.L. Sanglyine, Administrative Member

Shanglakpam Nodiachand Sharma,
Office of the North Eastern Police Academy,
Barapani, Meghalaya,
Under the Ministry of Home Affairs,
Government of India.Applicant
By Advocates Mr J.L. Sarkar, Mr M. Chanda
and Ms N.D. Goswami.

- versus -

1. The Union of India, through the
Secretary, Government of India,
Ministry of Home Affairs,
New Delhi.

2. Shri T. Chandrashekharan,
Director (Current Charge),
North Eastern Police Academy,
Barapani, Meghalaya.

3. A.K. Ramchandrani,
Sr. Librarian and Information Assistant,
North Eastern Police Academy,
Barapani, Meghalaya.Respondents

By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

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O R D E R

BARUAH.J. (V.C.)

The applicant was serving as Assistant Librarian which is now redesignated as Library and Information Assistant. He was initially appointed Assistant Librarian in the scale of pay of Rs.260-430. Later on, he was placed in the scale of pay of Rs.380-640. There were two posts available in the Library Department, namely, Assistant Librarian in the scale of pay of Rs.1400-2600 (revised)

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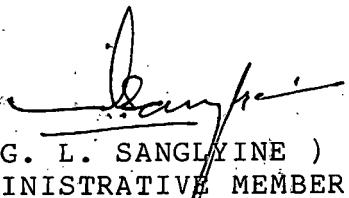
and Librarian Grade II in the scale of pay of Rs.1640-2900 (revised). These posts were redesignated as Library and Information Assistant and Senior Librarian and Information Assistant respectively. In February 1986 Recruitment Rules were published for appointment to the post of Senior Librarian and Information Assistant. The 3rd respondent was appointed Senior Librarian and Information Assistant. The grievance of the applicant is that the 3rd respondent was appointed contrary to the rules. Thereafter, clarification regarding the irregular appointment of the 3rd respondent was sought from the Assistant Director, North Eastern Police Academy, in view of the fact that the appointment was not in accordance with the recruitment rules. By Annexure 2 order dated 30.4.1992 the applicant was temporarily appointed Senior Librarian and Information Assistant in the scale of Rs.1640-2900 with effect from 22.2.1992. By Annexure 3 order dated 7.2.1996 the applicant was asked to show cause/explain why he should not be reverted. The applicant duly submitted his reply. Thereafter, by Annexure 6 Office Memorandum dated 17.5.1996 the applicant was informed about the adverse remarks. The contention of the applicant is that he was required to work for another person and therefore, he was overburdened. As a result his efficiency had diminished. His further grievance is that without taking into consideration of this aspect of the matter the adverse remarks were made. On receipt of the communication regarding the adverse remarks the applicant submitted a representation dated 12.6.1996. Thereafter, the 2nd respondent modified the remarks. However, the applicant being still aggrieved has approached this Tribunal by filing the present application.

[Signature]

2. We have heard both sides. Mr J.L. Sarkar, learned counsel for the applicant submits that even the Appellate Authority did not take into consideration of the fact that he was overburdened and as a result of which his efficiency might have diminished. It would have been proper and expedient if the authority had taken into consideration of this aspect of the matter. However, this was not done. Mr A. Deb Roy, learned Sr. C.G.S.C., on the other hand, disputes the claim of Mr Sarkar. He submits that the applicant was provided with two additional hands, and therefore, his contention is not correct.

3. On hearing the learned counsel for the parties, we are of the opinion that the matter requires further consideration. Accordingly we dispose of this application with direction to the respondents, particularly the 2nd respondent to consider the matter afresh and dispose of the same by a reasoned order. While passing the order the respondents shall take into consideration of the grievance of the applicant. The applicant may also, if so advised, file yet another representation before the authority within a period of one month from today. If such representation is filed within the said period, the authority shall take into consideration of that representation also and thereafter dispose of the matter by a reasoned order.

4. The application is accordingly disposed of. No order as to costs.


(G. L. SANGLYINE)
ADMINISTRATIVE MEMBER


(D. N. BARUAH)
VICE-CHAIRMAN