

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00759/2016

DATED THIS THE 20th DAY OF FEBRUARY 2017

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI RUDHRA GANGADHARAN, MEMBER(A)

GS.Ravindra,
S/o G.Suryanarayana Rao,
Aged about 60 years,
Working as Assistant Director,
National Institute for Miners' Health,
Marikuppam Post, KGF 563 119.
Kolar District,
and Residing at No.88, 2nd Cross,
BSK III Stage, III phase,
5th Block,Bengaluru 560 085.

.....Applicant

(By M/S Subba Rao & Co)

Vs.

1.The Union of India,
represented by its Secretary,
Ministry of Mines,
No.A-320,Shastri Bhavan,
Rajendra Prasad Road,
New Delhi - 110 001 .

2.National Institute for Miners' Health,
Rep. by its Director,
C/o JNARDDC Campus,
Opp. Wadi Police Station, Wadi-Post,
Amravathi Road,Nagpur 440 023.

3.The Administrative Officer,
National Institute for Miners' Health,
C/o JNARDDC Campus,
Opp. Wadi Police Station, Wadi-Post,
Amravathi Road,Nagpur 440 023.

4.Dr.Rajanarayan Tiwari,
Director,
National Institute for Miners' Health,
C/o JNARDDC Campus,

Opp. Wadi Police Station, Wadi-Post,
Amravathi Road, Nagpur 440 023.

5. Sri Rajkumar,
Administrative Officer,
National Institute for Miners Health,
C/o JNARDDC Campus,
Opp. Wadi Police Station, Wadi-Post,
Amravathi Road, Nagpur 440 023.

6. Dr. Sarang Dhatrak,
Vigilance Officer,
National Institute for Miners Health,
C/o JNARDDC Campus,
Opp. Wadi Police Station, Wadi-Post,
Amravathi Road, Nagpur 440 023.

....Respondents

(By Shri. M.V. Rao, Senior Panel Counsel)

O R D E R (ORAL)

HON'BLE DR. K.B. SURESH, MEMBER(J)

1. This matter which is corollary to the proceedings of the Hon'ble High Court of Karnataka in Bangalore in WP.No.43718/2001 dated 29.5.2015. The findings made by the Hon'ble High Court of Karnataka will also be considered as part of this order including the proceedings in CCC.No.499/2008 dated 2.3.2010.

2. We have found that a reply was filed without the signature or the seal of the respondents as well as the learned counsel. In fact, the learned counsel was informed earlier on to file a proper reply. Even though respondent-1 had informed the respondent-2 that the 2nd respondent must take responsibility of the litigation, both being different entities, even though under the same jurisdictional fact, it cannot be possible for the 2nd respondent to represent the

government which acts under the sovereign powers under the constitution. 2nd respondent as a different individual, under article 12 cannot be requested to represent respondent-1, even though respondent-1 has chosen for it.

3. Stranger is the case of other party respondents who have played a role in the whole proceedings. Apparently, it appears that respondent-6 was reported on by the applicant when he was a junior officer under him. Later he was transferred to KGF and thereafter came back and was able to get two promotions. Probably there may be a ground enough for it but that for this case that is not relevant. **But the question is can a junior officer be the reason, for prejudice to be caused to the senior officer on the basis of the junior's report? From the case it does not appear to be relevant and acceptable that the junior should be in a position to prejudice the senior officer.** If, at all enquiry is especially in the nature of vigilance, an enquiry could have been initiated. This must be with the juncture of the concerned and must be headed by an officer not below the rank of the concerned officer. It is different that when under criminal laws of the land the Police or the CBI investigate and sometimes junior officer do investigation. But, this is a different organization wherein the hierarchy is always present in the same organization and to break the hierarchy by a junior against the senior may not be desirable in greater public interest. Therefore, necessarily the value of the report stands diminished. It appears at a particular

stage and in that the representation at annexure A-26 has been filed before the Secretary, Government of India, Ministry of Mines who is also the Chairman of National Institute for Miners Health at New Delhi who being the jurisdictional authority to settle this matter as also the Chairman of the body . We think that it will be appropriate to direct the Secretary, Government of India, Ministry of Mines to dispose of annexure A-26 & 27 representation in the light of our observation made above and **judgement of Hon'ble High Court of Karnataka as well as Hon'ble High Court on two occasions as stated above**, within a period of 2 months time by a speaking order. OA is, therefore, disposed of. Copy of this order to be issued to Shri.M.V.Rao, Senior Panel Counsel to take up the matter with the Secretary. OA is disposed of . No order as to costs.

(RUDHRA GANGADHARAN)
MEMBER(A)

(DR. K.B. SURESH)
MEMBER(J)

bk.

