

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Friday 7th day of December Two Thousand And Eighteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

THE HON'BLE MR. P. MADHAVAN, MEMBER (J)

O.A. 310/1617/2018

M. Radhakrishnan,
D-4, SBI Quarters
Sugarcane Breeding Institute,
Veerakeralam,
Coimbatore- 641 007.

....Applicant

(By Advocate: M/s. T. Sai Kirshnan & R)

Versus

1. The Indian Council of Agricultural Research (ICAR)
Rep. by its Director General (ICAR),
Krishi Bhawan,
New Delhi;
2. The Secretary (ICAR),
Indian Council of Agricultural Research (ICAR)
Krishi Bhawan,
New Delhi;
3. The Financial Advisor,
Indian Council of Agricultural Research (ICAR)
Krishi Bhawan,
New Delhi;
4. The Director (Finance),
Indian Council of Agricultural Research (ICAR)
Krishi Bhawan,
New Delhi;

5. The Director,
ICAR- Sugarcane Breeding Institute,
Sugarcane Post, Coimbatore- 641 007;
6. The Senior Administrative Officer (ICAR),
ICAR- Sugarcane Breeding Institute,
Sugarcane Post, Coimbatore- 641 007;
7. Dr. Bakshi Ram
The Director,
ICAR- Sugarcane Breeding Institute,
Sugarcane Post, Coimbatore- 641 007;
8. Dr. N. Thiraviyam,
Technical Officer (ICAR),
ICAR- Sugarcane Breeding Institute,
Sugarcane Post, Coimbatore- 641 007.

...Respondents

(By Advocate:)

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

Heard. Applicant has filed this OA seeking the following relief:-

"a) Direct the 1-4 respondents to implement the order dated 18.09.2018 passed by the 4th respondent thereby recalling the order dated 17.05.2018 passed by the 5th respondent, as much as it withdraws the duties and powers of the applicant as Finance and Accounts Officer in the most illegal manner and without jurisdiction:

b) Direct the 1-4 respondents to take disciplinary action as against the 7th respondent in view of wilful non compliance of the order dated 18.09.2018 of the 4th respondent."

2. It is submitted that the applicant was aggrieved by Annexure A/7 order dated 17.5.2018 by which certain duties assigned to him had been withdrawn and another person had been assigned with the duties. The applicant drew the attention of higher officials to the order following which Annexure-A/14 letter dated 18.09.2018 signed by the 4th respondent and addressed to the 5th respondent came to be issued. It was clearly mentioned in the said letter that the action taken by the 5th respondent in respect of the applicant was not in line with the instructions contained in ICAR Audit Manual. It was also outside the purview of the delegation of powers made to the Director of Institute as per Schedule-III, Delegation of powers. The higher authorities had taken a very serious view of the matter and Office Order No. A-

19(219)/Estt. dated 17.05.2018 was directed to be withdrawn with immediate effect. The duties of Finance & Accounts were to be reassigned to the applicant under intimation to the 1st respondent.

3. Learned counsel for the applicant would submit that having issued the Annexure-A14 letter dated 18.09.2018, it was incumbent on the respondents 1 to 4 to have enforced it against the 5th respondent. Their failure to do so was violative of the rights of the applicant, it is contended. Accordingly, the applicant has approached this Tribunal for necessary direction to them.

4. We have considered the matter. It appears that certain functions of the applicant were withdrawn by Annexure-A7 order dated 17.05.2018, to which the 4th respondent had objected in terms of Annexure-A/14 letter dated 18.09.2018. It is entirely for the respondents 1 to 4 to enforce the provisions of the Audit Manual and ensure that the work of 5th respondent institute was carried on in accordance with the provisions contained therein. Prima facie, we do not consider this a fit case for interference by this Tribunal as a mere change in work distribution within an organization could not be a matter of grievance before the Tribunal.

5. The applicant has neither been transferred out nor have any proceedings been initiated against him. As the matter pertains to the 5th respondent Institution and 4th respondent has taken an adverse view of the change, it is for the 4th respondent take the matter to its

logical conclusion, in exercise of his powers and in accordance with procedure laid down in the relevant rules after considering reply, if any from the 5th respondent.

6. As there is no cause of action that warrants interference by this Tribunal, the OA is dismissed as misconceived. No costs.

(P. MADHAVAN)
MEMBER (J)

(R. RAMANUJAM)
MEMBER (A)

07.12.2018

Asvs.