

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

LIBRARY

No. O.A. 680 of 2019

Date of order: 20.11.2019

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

G.S. Reddy,
Son of late Venkata Reddy,
Aged about - 60 years,
By occupation - Ex-Principal Scientist of
Central Mechanical Engineering
Research Institute (CMERI),
Durgapur (Under the Council of
Scientific & Industrial Research),
Office at - M.G. Avenue,
Durgapur - 713 209
Resided at Q.No. - D-2/7-1, CMERI Colony,
P.O. - R.E College,
Durgapur - 713 209
And presently staying at Flat No. 303,
Supriya Estates, Prashanth Hills,
P.O Chitrapuri Colony,
Raidurgam, Rangareddy District,
Telangana - 500104.

..... Applicant.

Versus

1. The Union of India,
Service through the Secretary,
Department of Science & Technology,
Government of India,
Technology Bhawan,
New Mehrauli Road,
New Delhi - 110 016.
2. Director General,
Council of Scientific and Industrial Research (CSIR),
Anusandhan Bhawan, 2, Rafi Marg,
New Delhi - 110 001.
3. Vice President CSIR,
Department of Science & Technology,
Technology Bhavan,
New Mehrauli Road,
New Delhi - 110 016.
4. The Joint Secretary (Admn.),
Council of Scientific and Industrial Research (CSIR),
Anusandhan Bhawan, 2, Rafi Marg,
New Delhi - 110 001.

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5. The Director,
Central Mechanical Engineering
Research Institute (CMERI),
Durgapur, M.G. Avenue,
Durgapur - 713209.
6. The Administrative Officer,
Central Mechanical Engineering
Research Institute (CMERI),
Durgapur, M.G. Avenue,
Durgapur - 713 209
7. Professor Ashutosh Sharma,
Secretary to the Government of India,
Department of Science and Technology,
Technology Bhavan,
New Mehrauli Road,
New Delhi - 110 016.
8. Dr. Girish Sahni,
Ex -Director General,
Council of Scientific and Industrial Research (CSIR),
Anusandhan Bhawan, 2, Rafi Marg,
New Delhi - 110 001.
9. Shri. Major Rana Vikram Singh,
Chief Vigilance Officer (CVO),
Anusandhan Bhawan, 2, Rafi Marg,
New Delhi - 110001.
10. Prof. Harish Hirani,
Director,
Central Mechanical Engineering
Research Institute (CMERI),
Durgapur, M.G. Avenue,
Durgapur - 713 209.
11. Dr. S. Majumder,
Chief Scientist (CMERI) (Retired),
B-89, B.C. Pal Sarani,
Sector 2A, Bidhan Nagar,
Durgapur - 713 212.
12. Dr. Partha Bhattacharjee,
Senior Principal Scientist,
Central Mechanical Engineering
Research Institute (CMERI),
Durgapur, M.G. Avenue,
Durgapur - 713 209.
13. Dr. Avik Chatterjee,
Senior Principal Scientist and Inquiry Officer (I.O),
Central Mechanical Engineering
Research Institute (CMERI),
Durgapur, M.G. Avenue,
Durgapur - 713 209.



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14. Shri Jay Shankar Sharan,
Presenting Officer (P.O),
Central Mechanical Engineering
Research Institute (CMERI),
Durgapur, M.G. Avenue,
Durgapur 713 209.

15. Shri Mukund Sahai,
Controller of Administration,
(COA) National Botanical Research Institute (NBRI),
No. 436, Ranapratap Marg, Lucknow,
Uttar Pradesh - 226 001.

..... Respondents

For the Applicant : Mr. M.K. Ray Chaudhury, Counsel

For the Respondents : Mr. M.K. Chaturvedi, Counsel



ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached this Tribunal in second stage litigation under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

- "a) Let there be a DIRECTION to set aside the order of removal issued by the respondent No. 5 vide the Office Memorandum No. CMERI/V/04/2017. Vig dated 9th March 2018 which grossly violates the principles of natural justice;
- b) Let there be a DIRECTION to set aside the Office Memorandum No. 17-01(02)/13/2016/HR-III dated 08.11.2018, whereby the respondents rejected the appeal dated 12.03.2018 made by the applicant against the penalty of 'removal from service', imposed upon him;
- c) Let there be a direction specifically upon the respondent Nos. 2 and 4 to immediately release all kinds of retirement benefits to the applicant;
- d) A direction upon the respondents to release the due/withheld salary of the applicant with interest immediately;
- e) A direction upon the respondents to evaluate the APAR/PMS submitted by your applicant since 2003 till date as per CSIR rules and consider for promotion to Chief Scientist Gr-IV(6) in the year 2013;
- f) A direction upon the respondents to give adequate compensation for the harassment and damages to the reputation of the applicant which occurred by the arbitrary acts of the respondents;
- g) Suitable punishment to the respondents specifically 10 to 14 for misuse of their official position for personal gains by causing harassment of a principal scientist in different way and deprive him of his legitimate promotion, salary and all his service benefits and causing mental agony and subjecting him to

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severe financial crisis and forcing him to postpone all his retirement plans at the fag end of his service period;

h) Direction in the nature of certiorari do issue upon the respondent authorities directing them to produce the entire records of the case;

i) Costs and incidental charges to this application to be borne by the respondents;

j) And/or to pass such other or further order or orders, direction or directions as Your Lordships may deem fit and proper."

2. Heard both Id. Counsel, examined documents on record.

3. The earlier O.A. No. 628 of 2018 preferred by the applicant was disposed of on 12.6.2018 directing the respondent No. 2, namely, the appellate authority to treat the pending appeal of the applicant dated 12.3.2018 as a comprehensive representation and to consider and dispose of the same within a period of three months from the date of receipt of a copy of the Tribunal's order (annexure A-5 to the O.A.).

4. It transpires from the consequent speaking order dated 8.11.2018 (Annexure A-7 to the O.A.) that the said appellate authority did not agree to interfere with the penalty of "removal from service" imposed upon the applicant by the disciplinary authority.

5. The applicant preferred another petition to the successor Director General, CSIR. As the office of the DG, CSIR is the disciplinary authority in case of the applicant, settled principles of governance rules that such authority cannot function as an appellate authority in case of the applicant.

6. Ld. Counsel for the respondents would argue that although there are statutory provisions for preferring a Revision Petition to the concerned respondent authority, the applicant has not preferred the same. Further, present DG, CSIR cannot function as an appellate authority to his predecessor in office, who was the disciplinary authority, imposing the penalty of removal from service upon the applicant.



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7. Accordingly, as urged by his Ld. Counsel, we would accord the applicant liberty to prefer a Revision Petition to the concerned respondent authority within a period of four weeks from the date of receipt of a copy of this order, and, in the event such Revision Petition is preferred, the concerned respondent authority shall decide on the same in accordance with law, and, convey his decision to the applicant herein in the form of a reasoned and speaking order, within a further period of 8 weeks thereafter.

8. With these directions, the O.A. is disposed of. No costs.



(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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