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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1109/2002

New Delhi this the 29th day of April, 2002.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI S.A.T.RIZVI, MEMBER (A)

K.Kamal (Dr)

R/o D-11A, MIG Central Govt.Flats

G-8 Area, Rajouri Garden

New Delhi-110064.

..... Applicant

(By Advocate Shri G.K.Aggarwal)

-versus-

1. Union of India
Through Secretary
Deptt.of Scientific & Industrial
Research, Rafi Marg,
New Delhi - 110 001.
2. The Interview Committee (through its
Chairman) for Flexible Complementing Scheme
Assessment of Sc-F (Director) for Sc-G
scheduled for 04.05.2002 (for DSIR) or any
other date the meeting might be postponed to,
through: Secy, DSIR,
Rafi Marg,
New Delhi-110001. ... Respondents

O R D E R (ORAL)

S.A.T.Rizvi:-

After working as Scientist E in the DRDO during the period from May 1977 to March 1997, applicant came to be appointed on a selection post *by way of direct recruitment* as Scientist F in the department of Scientific and Industrial Research with effect from 31.3.1997. He was confirmed as Scientist F in the department of Scientific and Industrial Research with effect from 31.3.1998. On *the* Flexible Complementing Scheme

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(FCS) being introduced with effect from 9.11.1998 whereunder it is possible to secure promotion to the next higher grade of Scientist G, the respondents have initiated ^{the} ~~the~~ processes ^{for} ~~for~~ promotion to the ^{post of} Scientist G and have called a number of candidates for interview to be held on 4.5.2002. Applicant has not been called for interview though he fulfils all the qualifications laid down in the relevant rules. Hence the present OA. Aggrieved by the aforesaid action, the applicant has filed a representation on 19.4.2002 at Annexure A/4 with a request that he be called for interview on 4.5.2002. No response thereto is forthcoming.

2. In the present OA, the applicant has raised an issue about the validity of his ACR for the period from 1.4.1997 to 31.12.1997. He had during the said period worked under Dr.V.V.Subba Rao, who retired from service before he could enter his remarks in applicant's ACR for the said period. During the subsequent period of three months of the same Financial Year, namely 1997-98, the applicant worked under one Dr.Jagdeesh Singh who has duly recorded his remarks in applicant's ACR but these related ^{to the} ~~to~~ entire Financial Year 1997-98 instead of being limited to the period of three months. Aforesaid ACR was taken as valid for the entire year and, on that basis, the applicant was confirmed. However, now belatedly after a lapse of

5 years, a fresh ACR form has been supplied to the applicant for completion of his ACR for the aforesaid period of 9 months and it is understood that the said form on being completed by the applicant was forwarded to Dr.V.V.Subba Rao who is supposed to have entered his remarks in the applicant's ACR for the said period and has sent the same to the department. The applicant apprehends that in taking a decision for calling him for interview for the post of Scientist G, aforesaid ACR written by Dr.V.V.Subba Rao will be taken into account and thereby his legitimate interest will suffer. This, according to the learned counsel, is the reason why the applicant has not been called for interview to be held on 4.5.2002.

3. Having regard to the submissions made by the learned counsel and the aforesaid facts and circumstances, we find that it will be in order as well as just to dispose of the present OA at this very stage without issuing notices with a direction to the respondents to consider the aforesaid representation dated 19.4.2002 and pass a reasoned and speaking order thereon^{or by} having regard also to the aforesaid grievance relating to ACR entry for 1997-98 and the other submissions made in the OA within a maximum period of two months from the date of receipt of a copy of this order. We direct

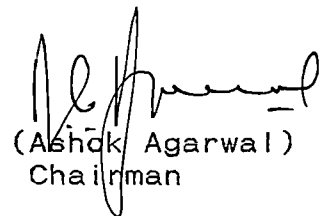
accordingly. We also direct the respondents to provisionally admit the applicant for interview slated for 4.5.2002. However, the result of selection made on the basis of the aforesaid interview will be subject to ~~such~~^{a such} orders as may be passed by the respondents on the applicant's representation etc. as directed.

4. Present OA is disposed of in the aforestated terms.

Issue dasti.



(S.A.T. Rizvi)
Member (A)


(Ashok Agarwal)
Chairman

/sns/