

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD



OA/021/01075/2019
Date of Order : 13-12-2019

Between :

B.Rajendra Kumar S/o V.Babu Rao,
Aged 56 years, Section Officer (Stores & Purchase),
Centre for Cellular & Molecular Biology,
Uppal Road, Habsiguda, Hyderabad-7.Applicant

And

1. Union of India,
Council of Scientific & Industrial Research,
Rep by its Director General,
Anusandhan Bhavan, No.2, Rafi Marg,
New Delhi - 110 001.

2. Joint Secretary (Admn.),
Council of Scientific & Industrial Research,
Anusandhan Bhavan, No.2, Rafi Marg,
New Delhi - 110 001.

3. Centre for Cellular & Molecular Biology,
Rep by its Director, Habsiguda, Hyderabad.Respondents

Counsel for the Applicant : Dr.P.B.VijayKumar

Counsel for the Respondents : Mrs.K.Udaya Sri, SC for CSIR

OA/021/01075/2019

CORAM :

THE HON'BLE MRS.NAINI JAYASEELAN : ADMINISTRATIVE MEMBER



(Oral Order per Hon'ble Mrs.Naini Jayaseelan, Administrative Member)

Dr. P. B. Vijay Kumar, learned counsel for the applicant and Mr. Sudheer representing Mrs. K. Udaya Sri, learned Standing Counsel for CCMB are present and heard.

2. Dr.P.B.Vijay Kumar, learned counsel for the applicant argues that the applicant was promoted as Section Officer on 05.11.2011 after he joined as Stores and Purchase Assistant Gr. I on 29.04.1994. The applicant successfully completed probation period by 2012. However, as per extant Recruitment Rules, eight years of service in the Section Officer Grade is the eligibility criteria for consideration for the post of Stores & Purchase Officer – Gr.I.

3. Learned counsel or the applicant argues that the applicant's earlier representation has been rejected vide letter No.3-3(b)/2019-E1, dated 30.10.2019 wherein reliance was placed on the DoP&T OM No. AB-14017/12/97-Estt(RR), dated 24.09.1997 relating to seniority in a particular cadre. However, during arguments, the counsel for the applicant cited DoP&T OM dated 25.03.1996 wherein it is stated as under :

“ Where juniors who have completed their qualifying / eligibility



service are being considered for promotion, their seniors would also be considered provided they are not short of the requisite qualifying / eligibility service by more than half of such qualifying / eligibility service or two years, whichever is less, and have successfully completed their probation period for promotion to the next higher grade along with their juniors who have already completed such qualifying / eligibility service.”

4. Counsel for the Respondents opposed the contention of the counsel for the applicant by stating that the candidature of the applicant has been rightly rejected based on the DoP&T Office Memorandum dated 24.09.1997 since the applicant had not completed eight years of qualifying service as Section Officer (S&P) as on the cut-off date of eligibility ie by 01.01.2019.
5. As interviews are scheduled to be held on 16.12.2019 from 02.00 pm onwards, as per the letter dated 20.11.2019, for the post of Stores & Purchase Officer Gr.I and in view of the fact that the second representation of the applicant dated 23.10.2019 has still not been disposed-of, the Respondents department is directed to dispose of the said representation and also by treating this OA also as a representation, in accordance with the extant guidelines and pass a final order before conducting the scheduled interviews.
6. Original Application is disposed of accordingly at the admission

stage without going into merits of the case.



7. No order as to costs.

(NAINI JAYASEELAN)
ADMINISTRATIVE MEMBER

Dated : 13th December, 2019.

Dictated in Open Court.

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