



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 3629/2015

M.A. No. 3295/2015

New Delhi, this the 2nd day of March, 2020

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)

1. Vivek Mohan Gupta

Scientist-E

44 years (DOB:19.08.1971)

s/o Shri Kashi Mohan Gupta

R/o Wildflower-Villa, B-60/S-1 (2nd Floor),

DLF Dilshad Extn. II, Ghaziabad-201005, U.P.

Posted at; Department of Electronics and IT
(Eeity), Electronics

Niketan, 6 CGO complex, Lodi Road, New Delhi-
110003.

2. Renu Buddhiraja

Scientist- G

54 Years (DOB: 05.10.1960)

w/o Shri Amitabh Budhiraja

R/o H.NO. J-3/183,, RAJOURI GARDEN,

NEW DELHI

Posted at:

Department of Electronics and IT(DeitY),

Electronics Niketan, 6 CGO Complex,

Lodi Road, New Delhi-110003

3 (Mrs.) Neeraja Atri

Scientist- G

57 Years (DOB: 17.01.1958)

D/o Prof. O.P.Varshney

W/o Mr. Nagesh Chandra Atri

239, Malwa Singh Block,

Asiad Games Village Complex,

Khel Gaon Marg, New Delhi-110049



Posted at:
Department of Electronics and IT(DeitY),
Electronics Niketan, 6 CGO Complex,
Lodi Road, New Delhi-110003

4. **Anil Kumar Balani**
Scientist- G
Aged about 57 years
S/o Sh. SK Ballani
R/o D-II-363, Vinay Marg,
Chanaky Puri, New Delhi-110021

Posted at:
Electronics Regional Test Laboratory (North), Delhi
Department of Electronics and Information
Technology,
Standardization, Testing and Quality Certification
Directorate, 6, C.G.O. Complex, Electronics
Niketan, New Delhi - 110020

5. **C.S. Bisht**
Scientist- G
Aged about 56 years
S/o Late Sh. J. S Bisht
R/o House B-4/134, First Floor, Paschim Vihar,
New Delhi-110063

Posted at:
Electronics Regional Test Laboratory (North),
STQC Directorate,
Department of Electronics and Information
Technology, (DeitY)
S- Block, Okhla Industrial Are,
Phase-II, New Delhi-110020.

- 6 **Prafulla Kumar**
Scientist- F
Aged about 53 years
S/o Sh. Paras Nath
R/o D2/43, Road No. 1 Andrewsganj,
New Delhi-110049
Posted at:



Electronics Regional Test Laboratory (North), Delhi
Department of Electronics and Information
Technology,
Standardization, Testing and Quality Certification
Directorate, 6, C.G.O. Complex, Electronics
Niketan,
New Delhi - 110020

7. **Dipak Singh**

Scientist- F

Aged about 56 years

S/o Late Sh. Raghubir Singh

R/o Flat no. 70B, Jyoti Apartment,

Sector 14 Extension,

Rohini, Delhi-110085.

Posted at:

Electronics Regional Test Laboratory (North), Delhi
Department of Electronics and Information
Technology, Standardization, Testing and Quality
Certification Directorate,
6, C.G.O. Complex, Electronics Niketan,
New Delhi – 110020

8. **ANIL KUMAR PIPAL**

Scientist-F

51 Years (DOB: 03.09.1964)

s/o Shri Om Prakash Pipal

R/o M-11, Andrews Ganj Extn, Near Hudco Place,
New Delhi-49

Posted at: Department of Electronics and IT
(DeitY), Electronics

Niketan, 6 CGO Complex, Lodi Road,
New Delhi 110009

9. **TARA SHANKER**

Scientist-F

54 Years (DOB: 01-01-1961)

s/o Late Shri Bhawani Shanker

r/o Flat No. Z-15, Type-IV(Spl),

Hudco Place Extension, Andrewsganj,
New Delhi-110049

Posted at:



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Technology (DeitY), Electronics Niketan,
6 CGO Complex, Lodi
Road, New Delhi-110003

10. **Pravin R Chandekar**

Scientist-F
52 Years (DOB: 11.10.1963)
s/o Sh. Ramdas J Chandekar
r/o J-5, Andrews Ganj Ext,
New Delhi-110023
Posted at:
Department of Electronics & IT,
Electronics Niketan,
6 CGO Complex New Delhi

11. **SUDHIR KUMAR MARWAHA**

Scientist-P
50 Years (DOB: 10-01-1965)
S/o Late Shri Baldev Raj
r/o Flat No. 408, A5/B, SFS, Paschim Vihar,
New Delhi-110063
Posted at:
Department of Electronics and Information
Technology (DeitY), Electronics Niketan,
6 CGO Complex, Lodi
Road, New Delhi-110003

12. **Uma Chauhan**

Scientist-F
51 Years (DOB: 28.12.1963)
D/o Late Sh. S.S. Verma
R/o Tower 2, Flat No 404, CWG Village,
New Delhi-110018
Posted at: Department of Electronics and IT
(DeitY), Electronics
Niketan, 6 CGO Complex, Lodi Road,
New Delhi-110003

13. **Anil Sagar**

Scientist-F
43 Years (DOB: 20.05.1972)
S/o Late Shri Piare Lal



r/o 87-B, Radhey Shyam Park, P.O. Krishna Nagar,
Delhi-1 110051
Posted at: Department of Electronics and IT (DeitY), Electronics
Niketan, 6 CGO Complex, Lodi Road,
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14. **Asha Nangia**

Scientist-F
48 Years (DOB: 20.07.1967)
D/o Shri Ram Prakash
Ro 2-B, Ground Floor, Sector 30-33,
Indraprastha Colony,
Sector 30-33, Faridabad,
Haryana, Pin code: 121003
Posted at: Department of Electronics and IT (DeitY), Electronics
Niketan, 6 CGO Complex, Lodi Road,
New Delhi-110003

15. **Prakash Motwani**

Scientist-F
50 Years (DOB: 21.01.1965)
s/o Late K. M. Motwani
r/o Block-Z, House No -29, Type IV Special,
HUDCO Place Extension
New Delhi-110049
Posted at: Electronics Regional Test Laboratory (North), STQC Dte, DeitY, S-Block, Okhla Industrial Area Phase II, New Delhi 110020

16. **Vivek Kashyap**

Scientist-F
47 Years (DOB: 13.02.1968)
s/o Late Shanti Swaroop Kashyap
r/o w-11, Hudco Place Extension, Andrews Ganj
New Delhi-110049

Posted at: Electronics Regional Test Laboratory (North), STQC Dte, DeitY, S Block, Okhla Industrial Area, Phase -I New Delhi – 110020



17. **Vipan Kumar Mittal**
 Scientist-F
 51 Years (DOB: 20.09.1958)
 s/o Sh. Ram Prashad
 r/o Flat No. 255 (2 Floor), Pocket - K, Sarita Vihar,
 New Delhi-110076
 Posted at: Electronics Regional Test Laboratory
 (North), STQC,
 Department of Electronics and T(DeitY), S-Block,
 Okhla
 Industrial Area, Phase - I1, New Delhi-110020

18. **Aashish Banati**
 Scientist-F
 49 Years (DOB: 09.07.1966)
 s/o O.P. Banati
 r/o D-154 Sector 27 NOIDA 201301
 Posted at: (STQC Har Room 3061), Electronics
 Regional Test Laboratory (North), STQC Dte, DeitY,
 S-Block, Okhla Industrial
 Area Phase II, New Delhi – 110020

19. **Anil Kumar Kaushik**
 Scientist-E
 56 Years (DOB: 29.12.1958)
 s/o Late Dr. J. P. Kaushik
 r/o L-30, 3rd Floor, Laxmi Nagar
 Delhi 110092
 Posted at: Department of Electronics and IT(DeitY),
 Electronics
 Niketan, 6 CGO Complex, Lodi Road, New Delhi-
 110003

20. **Deepak Sharma**
 Scientist-E
 56 years (DOB: 17.3.1961)
 S/o Shri Madan lal Sharma
 R/o C-134, Anand Vihar Delhi-92.

 Posted Department of Electronics and IT
 (DeitY), Electronics Niketan,
 6 CGO Complex, Lodi Road,
 New Delhi – 110003.



21. **Shivcharan Singh**
Scientist-E
54 years (DOB: 16.11.1961)
S/o Phool Singh
R/o Flat No. D-602, Vidisha Apartment 79,- IP
Extension, Delhi- 110092.
Posted at: Department of Electronics and IT
(DeitY), Electronics Niketan,
6 CGO Complex, Lodi Road,
New Delhi- 110003.
22. **DVLN Rao**
Scientist-E
57 years (DOB: 26.2.1959)
S/o DV NARSIMHA RAO
R/O Flat No. 1209, Sector 12,
RK Puram 22
Posted at: Department of Electronics and IT
(DeitY), Electronics Niketan, 6 CGO
Complex, Lodi Road, New Delhi- 110003.
23. **Somnath Chandra**
Scientist-E
46 Years (DOB: 04.05.1969)
S/O Late Shri Sanatan Chandra
R/o Flat No. 1253, Type 4S, Sector-12, R.K.
Puram, New Delhi- 110022.
Posted at Department of Electronics and IT
(DeitY), Electronics Niketan,
6 CGO Complex, Lodi Road,
New Delhi -110003.
24. **Punyabrata Ghatak**
Scientist-E
44 years (DOB: 30.09.1970)
S/o Late P.N. Ghatak,
R/o D-303 M.S. Apartments, Nivedita Kunj,
R.K. Puram, Sector-10,
New Delhi- 110022
Posted at: Department of Electronics and IT
(DeitY), Electronics Niketan, 6 CGO Complex,
Lodi Road, New Delhi- 110003



25. **Sanjay Kumar Vyas**

Scientist-E

44 years (DOB: 16.11.1970 S/o Late R.S. Vyas
R/o Flat No. 108 (2nd Floor), Pocket/ Block –
MG-1, Vikaspuri,
New Delhi-110018.

Posted at: Department of Electronics and IT
(DeitY), Electronics Niketan,
6 CGO Complex, Lodi Road,
New Delhi- 110003

26. **T. Santhosh**

Scientist-E

41 Years (DOB: 11.09.1974)

S/o Late M. THAMPY

R/O B- 831, Panchvati Apartments, Vikaspuri,
New Delhi- 110018.

Posted at: Department of Electronics and IT
(DeitY), Electronics Niketan,
6 CGO Complex, Lodi Road,
New Delhi- 110003

27. **Subodh V. Akulwar**

Scientist-E

47 Years (DOB: 15:02.1968

S/o Late Sh. Vasantrao Akulwar

R/o Flat No. 57, DDA MIG, Sector -14,
Pocket-B, Dwarka, New Delhi- 110075.

Posted at: Indian Computer Emergency
Response Team (CERT-IN), Department of
Electronics and IT(DeitY), Electronics Niketan,
6 CGO Complex, Lodi Road, New Delhi-
110003

28. **Rekha Grover**

Scientist-E

41 years (DOB: 12.12.1973)

d/o K.R. Grover

r/o 12 C, OCS Apartments, Mayur Vihar
Phase-I, Delhi- 110091

Posted at: Department of Electronics and IT
(DeitY), Electronics Niketan, 6 CGO Complex,

Lodi Road, New Delhi- 110003



29. **Samavedam Satyanadha Sarma**
Scientist-E
46 Years (DOB: 07.06.1969)
S/o Late SAMAVEDAM SRIRAMA MURTY
R/O Flat No. 313 (2nd Floor), Asia House,
Kasturba Gandhi Marg, New Delhi- 110001
Posted at: Department of Electronics and IT
(DeitY), Electronics Niketan, 6 CGO Complex,
Lodi Road, New Delhi- 110003
30. **Omveer Singh**
Scientist 'E'
55 years (DOB: 15/8/1960)
S/o Sh. Bishamber Singh
R/o 1093/7/SF, Gurudwara Road,
Basai Darapur, New Delhi-110015.
Posted at : Department of Electronics and IT
(DeitY), Electronics Niketan, 6 CGO Complex,
New Delhi- 110003.
31. **Ajay Lakra**
Scientist-E
44 years (DOB: 10.10.1970)
S/o Late B.Y. Lakra
R/o Flat No. B-205, M.S. Apartment, K.G.
Marg, New Delhi- 110001.
Posted at: Department of Electronics and IT
(DeitY), Electronics Niketan, 6 CGO Complex,
Lodi Road, New Delhi- 110003
32. **Davindor Kiumar Kalra**
Scientist-D
56 Years (DOB 31-05-1959)
Late ML. Kalra
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Delhi-110065
Posted at Department of Electronics and
IT(DeitY), Electronics Niketan, 6 CGO
Complex, Lodi Road, New Delhi-
110003



33. **BR Jarodiya**
 Scientist-D
 52 Years (DOB: 06.09.1963)
 s/o Late C. Singh
 r/o Plot No.660, Flat No. 301(2 Floor), Shalimar
 Garden
 Extension-1 Sahibabad, Ghaziabad, 201005,
 U.P
 Posted at: Department of Electronics and
 IT(DeitY). STOC Directorate, Electronics
 Niketan, 6 CGO Complex, Lodi Road,
 New Delhi-110003
34. **Kamini Malik**
 Scientist-D
 51 Years (DOB: 04-09-1964)
 d/o Late Sh. B.L.Adalakha
 r/o FC-76, Tagore Garden,
 New Delhi-110027
 Posted at: Department of Electronics and
 IT(DeitY). Electronics Niketan, 6 CGO
 Complex, Lodi Road, New Delhi-110003
35. **Pankaj Sharma**
 Scientist-D
 44 Years (DOB: 15.07.1976)
 s/o Gyan Prakash Sharma
 r/o B-44 Mansarovar
 Park, G.T.Road, Shahdara
 Delhi 1100332
 Fosted at CERT-in Decartment of Electronics
 and IT(DeitY).
 Electronics Niketan 6 CGO Complex, Lodi
 Road, New Deini-110003
36. **Y.S. Tanwar**
 Ex Scientist D
 60 Years (DOB 14 05 1955)
 Sio Late Shn CS Tamwar
 o House No 187, Block 23, Lodhi Colony.New
 Delhi 110003
 Posted was at Department of Electronics and
 IT(DeitY),



Electronics Niketan, 6 CGO Complex, Lodi Road, New Delhi

37. **Shankar Das**

Scientist C

51 Years (DOB. 17.07.1964)

S/o Late Shri K. R Das

R/o House No. B-106, Sector-52

NOIDA-201307

Posted at Department of Electronics and IT(DeitY), Electronics

Niketan 6 CGO Complex. Lodi Road, New Delhi-110003

38. **Ashim Kumar Das**

Scientist- C

54 Years (DOB: 02/01/1961)

s/o Late LB. Das

r/o Flat No. 29D, Block E4, Udyog Vihar

Sector-82, NOIDA -201304

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Complex, Lodi Road, New Delhi-110003

39. **Ruchi Gola**

Scientist-C

32 Years (DOB 07.07.1983)

s/o R. K. Gola

R/o House No 212, Jawahar Colony, Near Holy Child Public school Road.

Gali opposite in front of Kid carnival play school, NIT Faridabad-121005

Posted at: Department of Electronics and IT(DeitY), Electronics Niketan, 6 CGO

Complex. Lodi Road, New Delhi-110003

40. **Bhupendra Singh Awasya**

Scientist-C

30 Years (DOB: 16.02.1985)

s/o Tilok Singh Awasya

r/o SB-201, Block 9A, Transit Flats, Hudco

Place Extn., New Delhi – 110049

Posted at: Indian Computer Emergency



Response Team (ICERT), Department
of Electronics Information
Technology (DeitY), 6 CGO Complex New Delhi

41. **Mohd Akram Khan**
Scientist-C
32 Years (DOB: 15.01.1983)
s/o Mohd Halim Khan
r/o SB-202, Block 10C, Transit Flats, Hudco
Place Extn, New Delhi -110049
Posted at: Indian Computer Emergency
Response Team (ICERT), Department of
Electronics and Information
Technology (DeitY), 6 CGO Complex New Delhi
– 110003
42. **Sani Abhilash G I**
Scientist-C
31 Years (DOB: 20.03.1984)
S/o GOPALA KRISHNAN NAIR
r/o SB-201, Block 10C, Transit Flats, Hudco
Place Extn., New Delhi - 110049
Posted at: Indian Computer Emergency
Response Team (ICERT), Department of
Electronics, and Information Technology
(DeitY), 6 CGO Complex New Delhi.
43. **Ashutosh Bahuguna**
Scientist-C
31 Years (DOB: 16.01.1984)
s/o Kewal Kishore Bahuguna
r/o SB 103 Block 9B Hudco Place Extension
Andrews Gan),
New Delhi-110049
Posted at: Indian Computer Emergency
Response Team (ICERT), Department of
Electronics and Information
Technology (DeitY), 6 CGO Complex New Delhi.
44. **Noorul Ameen. A**
Scientist-C
33 Years (DOB: 04.01.1982)
S/o ABDUL RAHUMAN KUNJU



r/o SB-201, Block 10D, Transit Flats, Hudco
Place Exxtn.,
New Delhi - 110049
Posted at: Indian Computer Emergency
Response Team (ICERT), Department of
Electronics and Information
Technology (DeitY), 6 CGO Complex New Delhi.

45. **Krishna Kumar B**
Scientist-C
38 Years (DOB: 5.01.1977)
s/o Balakrishnan K
r/o SB-201, Block 1B, Transit Flats, Hudco
Place Extn., New Delhi -110049
Posted at: Indian Computer Emergency
Response Team (ICERT), Department of
Electronics and Information
Technology (DeitY), 6 CGO Complex New Delhi.
46. **Vaddi Venkateswara Rao**
Scientist-C
35 Years (DOB: 10.04.1980)
S/o V Nageswara Rao
13, Temple Road, Jangpura,
New Delhi-110014
Posted at: CERT-In, DeitY, Electronics
Niketan, 6, CGO Complex, New Delhi-110003
47. **Navneet**
Scientist-C
35 Years (DOB 10.07 1980)
S/o Sh Yogendra Kumar
60/17 Gyan Lok Colony Near Income Tax
Office Bulandshahr 203001
Posted at: CERT-In, DeitY, Electronics
Niketan, 6, CGO Complex, New Delhi-110003
48. **Daya Kishore Joseph Lakra**
Scientist-C
50 Years (DOB: 30-06-1965)
d/o Late Sh. Pascal Lakra
r/o A-102, Sagar Apartments. C-58/15, Sector
-62, NOIDA - 201301 (UP)



Posted at :Department of Electronics and
IT(DeitY), Electronics Niketan, 6 CGO
Complex, Lodi Road, New Delhi-110003

49. **Bhupendra Kumar**

Scientist C'

53 Years (DOB: 18.08.1962)

S/o Late Shri Y.S. Yadav

r/o C-74, Sector-9, Vijay Nagar, Ghaziabad,
U.P. 201009

Posted at: Department of Electronics
and IT(DeitY) Electronics Niketan, 6 CGO
Complex, Lodi Road, New Delhi-
110003

50. **Vijay Pal Singh**

Scientist-B

52 Years (DOB: 10.01.1963)

S/O Sh. R. P. Singh

R/O Qr. No. 67/15 Sector-I Pushp Vihar,
New Delhi-110017

Posted at: Department of Electronics and IT
(DeitY) Electronics Niketan, 6 CGO Complex,
Lodi Road, New Del-110003.

... Applicants

(By Advocate: Shri R.K. Kapoor)

Versus

1. Union of India, through the
Cabinet Secretary,
Cabinet Secretariat, Government of India
New Delhi-111004.
2. Department of Electronics and Information &
Technology
Through its Secretary,
Electronics Niketan, 6, CGO Complex,
Lodhi Road, New Delhi – 110 003.



3. Standardization Testing & Quality Certification Directorate
Through its Director General
Electronics Niketan, 6, CGO Complex,
Lodhi Road, New Delhi – 110 003.
4. Indian Computer Emergency Response Team (CERT-In)
Through its Director General
Electronics Niketan, 6, CGO Complex,
Lodhi Road, New Delhi – 110 003.
5. The Secretary,
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)
Govt. of India, New Delhi.

.. Respondents

(By Advocate : Shri Rajesh Katyal)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman

The applicants are working as Scientists of different grades, in the Department of Electronics and IT, the 2nd respondent herein. The Government introduced the Flexible Complimenting Scheme (FCS) for promotion of Scientists from one category to another. The grievance of the applicants is that though they were eligible to be promoted to the next higher category on a particular date, the respondents delayed



it and in view of that, they are entitled to be paid the difference of pay or arrears from the date on which they became due for promotion. In Annexure A-1, they have furnished the particulars of the alleged delay in promotions. Reliance is also placed on certain judgments of the Hon'ble Supreme Court and Delhi High Court.

2. Respondents filed a detailed counter affidavit. It is stated that the promotion under FCS is not automatic, and is subject to evaluation of scientific knowledge of the concerned Scientists, and it is only after the prescribed procedure is followed, that a scientist can be extended the benefit of FCS. It is also stated that the judgment of this Tribunal in S.K. Murti's case is with reference to a substantially different set of facts, and that the applicants are covered by an OM, which deals with the promotions, that took place before 2002.

3. There is no representation for the applicants and since it is one of the oldest cases, we have perused the



record and heard Shri Rajesh Katyal, learned counsel for the respondents.

4. The question as to whether a Scientist is entitled to be extended the benefit of notional promotion, from the date on which he became eligible to be considered, is pending consideration before the Hon'ble Supreme Court in Civil Appeal No.6359/2016. Taking note of the same, recently we have also disposed of O.A. No.1873/2013 (Dr. Ashok Kumar & Ors. vs. UOI & Ors.), leaving it open to the applicants therein, to work out their remedies, depending upon the outcome of the Civil Appeal No.6359/2016.

5. We, therefore, dispose of this O.A., leaving it open to the applicants to work out their remedies, depending upon the outcome of Civil Appeal No.6359/2016. There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/jyoti/