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Central Administrative Tribunal  
Principal Bench

O.A. 1377/2001

New Delhi this the 4th day of June, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J).  
Hon'ble Shri S.A.T. Rizvi, Member(A).

Dr. Sunita V. Auluck,  
W/o Shri Vinay Auluck,  
Addl. Director/Scientist 'SF',  
Min. of Environment and Forests,  
Govt. of India, Paryavaran Bhawan,  
B Block, CGO Complex,  
Lodhi Road,  
New Delhi-110 003.

... Applicant.

(By Advocate Shri Jagat Singh)

Versus

Union of India through

1. The Secretary,  
Ministry of Environment and  
Forests, New Delhi,  
Min of Environment and Forests,  
Govt. of India, Paryavaran Bhawan,  
B Block, CGO Complex,  
Lodhi Road, New Delhi-110 003.
2. The Secretary,  
Ministry of Personnel, Public  
Grievances and Pensions,  
North Block, Central Secretariat,  
New Delhi-110001. ... Respondents.

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J).

This case was further heard on 1.6.2001 when the applicant was also present. As pointed out in our order dated 30.5.2001, there are multiple reliefs prayed for in the O.A. Apart from that, the relief prayed for by the applicant as contained in Paragraph 9 of the O.A. is also vague. Learned counsel has submitted that the main prayer of the applicant is that the amendments or various O.Ms/Rules issued by Respondents 1 and 2 should not be

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applied with retrospective effect so as to adversely affect the applicant as she was previously qualified for promotion under the then existing Rules when she was recruited. Our attention was also drawn to the letter dated 19.2.2001 issued by Respondent No.1, that is the Ministry of Environment and Forests with reference to the representation made by the applicant for promotion under the Flexible Complementing Scheme (FCS). In this letter, it has been stated, inter alia, that the Department of Personnel and Training have stated that if a person becomes ineligible for promotion in terms of the provisions of the modified FCS, he/she shall have to seek further promotion under the Dynamic ACP, applicable to holders of isolated posts and that her case would have to be regulated accordingly. It is further stated that the DOP&T had advised the Ministry that as there being no exhaustive list of disciplines covered under 'Natural Sciences' each case of doubtful category has to be referred to the DST for advice. Accordingly, they have intimated the applicant that her case has been sent to the DST along with certain other cases for advice, which is awaited. The applicant who is present in person, has submitted that her main grievance is with regard to her non-promotion to higher grade.

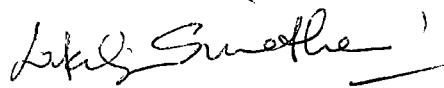
2. This case has been filed in May, 2001 and as mentioned above, it came for hearing on 30.5.2001.

3. In the above facts and circumstances of the case, we are of the view that considering the fact that the applicant's grievance is under consideration by the

respondents themselves, as evident from their letter dated 19.2.2001 and the other relevant facts mentioned above, the O.A. is premature. <sup>as</sup> However, we hope that the respondents shall take <sup>an</sup> appropriate decision in the matter within a reasonable time and in any case within two months from the date of receipt of a copy of this order. In the circumstances, thereafter, if the applicant's grievance survives, liberty is granted to her to take such proceedings as may be advised in accordance with law.



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



(Smt. Lakshmi Swaminathan)  
Vice Chairman(J)

'SRD'