

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2134/2001

New Delhi, this the 12th day of August, 2001

Hon'ble Shri Kuldip Singh, Member(J)
Hon'ble Shri M.P. Singh, Member(A)

Vinod Kumar Mallick
G-177, Nanak Pura
New Delhi

.. Applicant

(By Shri M.K. Gupta, Advocate)

versus

1. Director General
Council of Scientific & Industrial Research
Anusandhan Bhawan, New Delhi
2. Joint Secretary (Admn.)
Council of Scientific & Industrial Research
Anusandhan Bhawan, New Delhi .. Respondents

(Shri Shanker Anand, proxy for Shri V.K. Rao,
Advocate)

ORDER (S.M.P.)

Shri M.P. Singh, Member(A)

By the present OA, applicant has challenged the validity of OM dated 22.6.2001 whereby respondents have rejected his request for placement in Group III w.e.f. 1.2.1981.

2. Briefly stated, the applicant joined service as Junior Draughtsman in CSIR on 1.12.67, the pay scale of which revised to Rs.380-560 w.e.f. 1.1.1973. Respondent-CSIR introduced a promotional Scheme called as Normal Recruitment & Assessment Scheme (NRAS) vide circular dated 2.11.81, making it operative w.e.f. 1.2.1981. All the scientific and technical staff upto the level of Group D were categorised in the group/grade as the qualification possessed and prescribed in NRAS and they were required to be considered for assessment promotion for the next higher scale/grade. As per CSIR circulated 26.4.1984, for the purpose of assessment

promotion of technical staff in Group III (Rs.425-700), a Bachelor's degree in Science or 3-year diploma in Engineering or equivalent is the prescribed qualification. Since only 2-year diploma course in Draftsmanship was in existence, CSIR approved relaxation of requirement of 3-year diploma in favour of existing Sr. Draftsmen having a 2-year diploma/certificate in Draftsmanship for assessment promotion scheme in Gr.III. It was clarified by a circular dated 17.4.1986 that National Trade Certificate/Diploma in Draftsmen (Civil)/Diploma in Craftsmen (Draftsmen)(Civil) obtained after one-and-half years academic study followed by 6 months inplant training has been treated and considered as possessing a diploma/certificate in Draftsmen of 2-year duration and thus officials having the same have also been made eligible for assessment promotion in Group III in terms of CSIR OM dated 26.4.84. (13)

3. According to the applicant, though he possesses two year diploma in draftsmanship and had been in receipt of scale of Rs.380-560, he was placed in Group II instead of Group III. He was promoted to the scale of Rs.425-7000 w.e.f. 1.2.81 which was the highest grade in Group II at the time of introduction of NRAS. He made representation in July, 1988 that his date of assessment should be 1.2.1986 instead of 1.2.1988 and he should be assessed in Group III w.e.f. 1.2.81. Draftsmen who were in the scale of Rs.330-560 and 380-640 prior to 1.1.73 have been brought over to the new scale of Rs.425-700 notionally w.e.f. 1.1.73 and actually w.e.f. 1.9.86. As such he is deemed to be in the scale of Rs.425-700 as on 1.2.81 when the NRAS came into operation and therefore entitled to the benefit of assessment to the next higher grade.

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He made a representation on 27.2.89 to place him in Group III w.e.f. 1.2.81. He was informed vide Memo dated 6.3.1989 that he was assessed to the pre-revised scale of pay of Rs.425-700 w.e.f. 1.2.81 in Group II(4) and his further assessment will be processed in Group II as per Valluri/Thyagarajan Committee Report. He made further representation on 21.12.95. He was informed by order dated 31.3.97 that on the basis of Assessment Board's meeting dated 26.3.97, he has been placed in the scale of Rs.2000-3500 w.e.f. 1.2.1996. The grievance of the applicant is that officials who were holding the same educational qualifications and performing the same nature of job and responsibilities as that of applicant and who were in the pay scale of Rs.425-700 as on 1.2.1981 were placed in Group III which enabled them to get the scale of Rs.12000-16500 while the same has been denied to him. He has therefore prayed that the OM dated 22.6.2001 be quashed and set aside with a direction to the respondents to consider him for induction into Group III in terms of NRAS with all consequential benefits.

4. Respondents in their reply have stated that NRAS, as evolved on 1.2.81,, provided benefit of faster track assessment for movement from one group to another for the staff in position as on 1.2.81 and those who were recruited/acquired requisite qualification upto 31.12.81 for entry level position for the next higher groups. For assessment to the next higher group, besides minimum qualification pay scale at the maximum of the scale is an essential requirement. Promotion in the next group depends on the educational qualification besides being in the relevant pay scale. Applicant, though was possessing the minimum qualification, did not hold the requisite pay

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scale as was required for promotion and therefore he was not considered for induction to Group III. Circular dated 26.4.84 is applicable to Senior Draftsmen in the scale of Rs.425-700 while the applicant was a junior draftsman in the pay scale of Rs.380-640. Applicant was assessed for promotion under NRAS to the grade of Rs.425-700 in grade II(5) w.e.f. 1.2.81 but he was not eligible for placement in Gr.III at that time and he was informed accordingly on 22.7.88. Though the applicant had the requisite qualification he was rightly placed on the combined criteria of qualification and pay scale in the Group II(3) and assessed to the grade of Rs.425-700 w.e.f. 1.2.81 under NRAS.

5. Heard the learned counsel for the rival contesting parties and considered the pleadings.

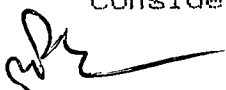
6. During the course of the arguments, the learned counsel for the applicant has drawn our attention to the circular dated 26.5.1988 by which it was decided by DG, CSIR that draftsman who were in the pay scale of Rs.205-280 prior to 1.1.73 and were placed in the scale of Rs.330-560/380-640 be given the scale of Rs.425-700 notionally from 1.1.73 and actually from 1.9.87 in pursuance of Ministry of Finance OM dated 11.9.87. He has also drawn our attention to the circulars dated 26.4.84 and 17.4.86 by which a person who has obtained his National Trade Certificate/Diploma in Draftsmen (Civil)/Diploma in Craftsmen (Draftsmen)(Civil) obtained after one-and-half years academic study followed by 6 months inplant training has been considered as possessing a diploma/certificate in Draftsmen of 2-year duration and thus will be made eligible for assessment promotion in

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Group III. As the applicant was in the scale of Rs.425-700 as on 1.2.81 and satisfied the educational qualification, he was eligible for assessment promotion scheme in Group III.

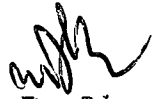
7. On the other hand, respondents' counsel would submit that the applicant though possessing the relevant qualification was not in the pay scale of Rs.425-700 as was required by the NRAS. The circular dated 17.4.86 is not applicable in applicant's case as he was only a junior draftsman in the pay scale of Rs.360-640. The criteria adopted under NRAS was pay scale along with qualifications and not only qualifications as contested by the applicant. He was correctly placed on the combined criteria of qualification and pay scale in Gr.II (3) and assessed to the Gr.II (4) in the grade of Rs.425-700 w.e.f. 1.2.1981 under NRAS.

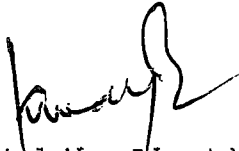
8. We are unable to agree with the aforesaid contentions of the respondents for the foregoing reasons. It is not in dispute that the draftsman who were in the pay scales of Rs.330-560/380-640 were given revised scale of Rs.425-700 notionally from 1.1.73 and actually from 1.1.1987 in pursuance of Ministry of Finance OM dated 11.9.1987. Respondent-CSIR have themselves stated in the impugned OM dated 22.6.2001 that the applicant was promoted by way of assessment promotion to the scale of Rs.425-7000 w.e.f. 1.2.1981. Even the clarificatory letter dated 17.4.,1986 issued by CSIR makes it clear that the persons who have obtained their National Trade Certificate/Diploma after one-and-half years academic study followed by 6 months inplant training will be considered as possessing a diploma/certificate in



Draftsmen of 2-year duration and will thus be eligible for assessment promotion in Group III in terms of CSIR letter dated 26.4.1984. Therefore the stand taken by the respondents that the applicant was not holding the pay scale of Rs.425-700 at the relevant time for induction into Group III is not tenable and deserves to be rejected.

9. In this view of the matter, the present OA is allowed and the impugned OM dated 22.6.2001 is quashed and set aside. Respondents are directed to consider the case of applicant for induction in Group III in terms of circulars dated 26.4.84, 17.4.86 and 26.5.88 and grant him all consequential benefits flowing from such induction. This shall be done within a period of three months from the date of receipt of a copy of this order. No costs.


(M.P. Singh)
Member(A)


(Kuldip Singh)
Member(J)

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