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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.2186/2001

This the 18th day of April, 2002.

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

Jasbir Singh S/O Harbans Singh,
R/O House No. WZ-518-A,
Street No.27, 1st Floor,
Shiv Nagar, Jail Road,
New Delhi-110058.

... Applicant

(None present)

-versus-

1. Council of Scientific & Industrial Research
through its Director General,
Anusandhan Bhawan, Rafi Marg,
New Delhi.

2. Director,
Indian Institute of Petroleum,
P.O. IIP, Mohkampur,
Dehradun-248005.

... Respondents

(By Shri Shanker Anand, Advocate)

O R D E R (ORAL)

Hon'ble Shri V.K.Majotra, Member (A) :

As applicant remained unrepresented, we have proceeded to dispose of this OA on considering respective pleadings of the parties, material on record and hearing Shri Shanker Anand, learned counsel of respondents.

2. Applicant has sought benefit of assessment under Merit and Normal Assessment Scheme (MANAS) on the ground that similarly situated persons have been granted such benefits.

3. According to applicant, he was appointed as Staff Car Driver vide Annexure A-1 dated 26.9.1991. He

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received three months' in-house training in automobile maintenance and repairs at the National Physical Laboratory Workshop, New Delhi in 1994. He was inducted into the "Technical" stream as a Driver vide order dated 14.6.1996 (Annexure A-6). Applicant has stated that a similarly situated person, namely, Shri Mohar Singh Nirala, was considered and promoted by merit assessment w.e.f. 17.11.1994; however, applicant who completed seven years' stipulated service in September, 1998, was not promoted; and that his representation in this regard has not been acted upon by respondents.

4. Learned counsel of respondents stated that respondents introduced MANAS in 1988 which was an upgradation of the earlier scheme "NRAS" introduced on 1.9.1981. MANAS had features for assessment based on threshold quality criteria, uniformity in quantification of marks etc. Applicant was inducted into technical grade on 14.6.1996. According to respondents, Shri Mohar Singh Nirala was erroneously assessed to higher grade w.e.f. 17.11.1994 and has been issued a show cause notice and the process of cancellation of his orders is underway; therefore, applicant cannot be given any benefit on the basis of an erroneous promotion to Shri Mohar Singh Nirala.

5. In the rejoinder, applicant has stated that even though Shri Mohar Singh Nirala has been issued a show cause notice, no action seems to have been taken in furtherance of the above show cause notice and thus applicant should also be given the benefit of merit

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promotion scheme from 29.9.1998. In view of the fact that Shri Mohar Singh Nirala had been given an erroneous promotion, applicant cannot be given benefit of such a precedent.

6. Vide Annexure A-4 dated 24.5.1996 respondents clarified that the period of service rendered by Drivers on non-technical side would count for purpose of assessment in case they have been inducted into technical side on or before 31.8.1994, and further that the benefit of counting of service on non-technical side would not be applicable to Drivers inducted after 31.8.1994. This annexure has not been challenged by applicant. Applicant was inducted on the technical side after 31.8.1994, i.e., on 14.6.1996 and as such, he is not eligible for the benefit of counting of service on the non-technical side for purpose of assessment.

7. Having regard to the reasons recorded and discussion made above, we do not find any merit in the present OA which is dismissed accordingly. No costs.

S. Raju

(Shanker Raju)
Member (J)

V. K. Majotra

(V. K. Majotra)
Member (A)

/as/