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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.524/2001

New Delhi, this the 1st day of the January, 2002-

HON'BLE MR. M.P.SINGH, MEMBER (A)
HON'BLE MR. SHANKER RAJU, MEMBER (J)

Mr. Vajendra Joshi, Son of Lt. Shri Raghavendra Rao Joshi, aged about 49 years, Resident of F-43, CSIR Scientist Apartments Ashram Chowk, Maharani Bagh New Delhi-65, presently posted as Librarian, National Institute of Science Technology and Development Studies (NISTADS), Dr. K.S. Krishnan Road, New Delhi-110012. ... Applicant
(By Advocate: Dr. Sumant Bhardwaj)

V E R S U S


1. Council of Scientific and Industrial Research, through its Director-General, Anusandhan Bhawan, Rafi Marg, New Delhi.
2. National Institute of Science, Technology and Development Studies (NISTADS), through its Director, Dr. K.S. Krishnan Road, New Delhi-110012. ... Respondents
(By Advocate: Shri Kapil Sharma)

O R D E R

By Shri M.P. Singh, Member (A):

By filing this OA under Section 19 of the Administrative Tribunals Act, 1985, the applicant challenges the order dated 30.1.2001 whereby his representation for merit assessment under MANAS has been rejected.

2. Brief facts of the case, as stated by the applicant, are that he was appointed as Librarian under the then existing NRAS. The said NRAS was later on substituted by MANAS on 1.4.1988. It is stated by the applicant that in the impugned order dated 30.1.2001, the respondents have admitted that the provision for consideration of merit assessment under MANAS was applicable to Group III (3) to Group III (6) employees



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who possessed entry level qualification of Group IV and were engaged in R&D activities. The letter states that since the applicant does not possess the entry level qualification of Group IV, his request for merit assessment has not been agreed to by the competent authority. According to the applicant, the respondents have given merit promotion even to a Xerox Operator working in a Library or otherwise to Group (III) (3) category of employees, whereas no merit promotion has been given to the applicant, who is a qualified Librarian, engaged in R&D and is an employee in the category of Group (III) (4). It is also alleged by the applicant that the respondents place some of the librarians in Group (IV) category in some CSIR Laboratories including NPL and INSDOC, whereas they place some librarians in other laboratories in the category of Group III employees. Therefore, the respondents did not apply the same yardstick to all its employees and discriminated against the applicant.

3. The applicant has also stated that he passed his B.Sc (Botany and Zoology), in 1971, B.Lib.Sc. in 1973 and M.A. (Economics) in 1980. Further, he has received Associateship in Information Science, awarded by INSDOC, New Delhi for the year 1985-87 after completing the formal training period of one year and submission of project report in 1990. He has 28 years of professional experience of working in primere R&D and academic libraries in senior positions. He had not been considered for assessment under MANAS to the next grade, i.e., Group III (5) even though he fulfilled the

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technical criteria and even completed more than 13 years of service. The annual assessments in CSIR Laboratories are never held in time and that is true with the applicant's organization NISTADS as well.

4. On 29.8.1996, the applicant was informed about the normal assessment for the period covering 1987-92. It conspicuously did not mention about the merit assessment, which was already overdue in the case of the applicant at that relevant point of time. Again on 4.10.1996, the respondents asked applicant to submit work report for normal assessment without considering the case of the applicant for merit promotion. On 22.10.1996, the respondents informed the applicant that there is no provision for merit promotion for Group (III) (4) employees which is ipso facto contradictory to their own action of promoting Xerox Operator of Group III (3) employees on 20.6.1990.

5. Aggrieved by this he had filed an application being OA No.12/2000 which was disposed of vide Tribunal's order dated 9.11.2000 with a direction that "in the event applicant submits a self-contained representation to the respondents within two weeks from today. Thereafter respondents shall dispose of the same in accordance with rules and instructions under intimation to the applicant within two months." In pursuance of the aforesaid Tribunal's order, the applicant submitted a representation to the respondents on 27.11.2000. The respondents vide their order dated 30.1.2001 have

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rejected the representation of the applicant. Hence, the applicant has filed this OA claiming aforesaid relief.

6. The respondents in their reply have stated that Library and Information activities fall under the technical category and the Master Degree in Library and Information Science has been treated equivalent to entry level qualifications of Group IV only in respect of INSDOC keeping in view their mandate specific to the concerned areas of INSDOC and not for the employees working in Library and Information Divisions of others 39 Labs./Instts. of CSIR. This provision is duly approved by the Governing Body of CSIR, and hence, it cannot be said to be arbitrary or discriminatory or violation of Article 14 of Constitution of India. According to the respondents, the contention of the applicant that the entry level qualification of Group IV is M.A. (Economics) is not tenable, as the entry level qualification of Group IV are given in para 1.3 of Merit and Normal Assessment Scheme (MANAS) for Scientific and Technical Staff which is as under:-

"Ist class M.Sc./Ist class B.E., or
M.Tech./M.E./MBBS/M.V.Sc./M.Pharma/Ph.D. (Sc.)"

7. As per record, his self assessment report for the year 1989-90 was received on 15.7.1996 after reminding him six times that is the reason due to which, grading could be communicated to him in 1997 only. The delay in communication of APAR's grading to him occurred due to

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late submission of self assessment report by the applicant.

8. It is further stated by the respondents that the applicant was not eligible for merit promotion and hence he was requested to submit his work report for normal assessment for the year 1992-93. But he failed to give his work report which is a necessary document for the purpose of assessment and the same has not been received from him till date. The representation of the applicant dated 15.5.1998 was examined by the Local Grievance Committee which met on 19.6.1998. The Committee decided to obtain information from sister Labs of CSIR as to whether Library staff working in Group III are considered to be engaged in R&D activities for the purpose of merit assessment. Before action could be taken as per recommendation of the Local Grievance Committee, the applicant approach the Central Grievance Committee directly which was viewed seriously by the Central Grievance Committee. The matter has been examined and the applicant has been informed that he does not possess entry level qualification of Group IV and also not doing R&D work and, ^{is} therefore, not eligible for merit assessment. In view of the aforesaid submissions, the OA is without merit and is deserves to be rejected.

9. Heard both the rival contesting parties and perused the records.

10. The admitted facts in the present case are that the applicant had earlier instituted an application being OA No.12/2000 which was disposed of vide Tribunal's order dated 9.11.2000 with a direction that in the event applicant submits a self-contained representation to the respondents, the same shall be disposed of by the respondents in accordance with rules and instructions. In pursuance of the direction of the Tribunal the applicant submitted a detailed representation. The representation of the applicant has been considered but rejected by the respondents vide order dated 30.1.2001 on the ground that the applicant does not possess the entry level qualification of Group IV and also is not engaged in R&D activities. The applicant was appointed in Group III (4) position. He holds the degree of MA (Economics) and also holds Associateship in Information Science. The employees in Group III (3) to Group III (6) are eligible for merit assessment provided the incumbents possess entry level qualification of Group IV and are engaged in R&D activities. The entry level qualification of Group IV as mentioned in Para 1.3 of Merit & Normal Assessment Scheme (MANAS) for scientific and technical staff ~~is~~ as follows;

"Ist class M.Sc./Ist class B.E., or
M.Tech./M.E./MBBS/M.V.Sc./M.Pharma/Ph.D. (Sc.)"

11. Since the applicant is only M.A. in Economics and does not hold any degree mentioned above, he does not, therefore, possess the entry ^{level} qualification of Group IV. The Master degree in Library and Information Science has been considered equivalent to entry level qualification

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of Group IV only in respect of INSDOC and not for the employees working in library information divisions of other Labs./Instts. It is, therefore, quite clear that the applicant is not eligible for merit assessment under MANAS. As regard the judgement of the Tribunal (Principal Bench) dated 20.12.1999 in OA No.679/1994, the same is not applicable to the present case. The main issue involved in that OA was that the M.Sc. degree possessed by the applicant could be equated to the minimum qualification of Ist Division in M.Sc. which is an entry level qualifications for Group IV. The plea taken by the applicant that the benefit of merit promotion has been given to similarly placed persons and to the persons even not having requisite basic science degree, but the same has been denied to him, is not tenable as he cannot get the benefit of the wrong committed by the respondents in case of others.

12. For the reasons recorded above, the present OA is devoid of merit and is accordingly dismissed. No costs.

S. Raju
(SHANKER RAJU)
MEMBER (J)

M.P. Singh
(M.P. SINGH)
MEMBER(A)

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