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Central Administrative Tribunal  
Principal Bench

New Delhi, dated this the 13<sup>th</sup> February, ~~January~~, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

1. O.A. No. 236 of 1999

S/Shri

1. P.N. Singh,  
Scientist 'B'  
(Jr. Hydrogeologist),  
Central Ground Water Board,  
Jamnagar House, New Delhi-110001.
2. P. Srinivasan,  
Scientist 'B',  
CGWB, Northern Region, Bhopal.
3. A.K. Jain,  
Scientist 'B', CGWB,  
Central Chattisgarh Region, Raipur
4. M.L. Parmar,  
Scientist 'B'  
North Central Region, Bhopal.
5. Devkaran Rai,  
Scientist 'B', CGWB,  
North Central Region,  
Bhopal.
6. S.K. Verma,  
Scientist 'B'  
CGWB, North Central Region,  
Bhopal.
7. Rajpal Singh,  
Scientist 'B'  
CGWB, State Unit Office,  
Bareilly, U.P.
8. K. Arumugam,  
Dy. Director (Hydrology),  
National Waeter Development Agency,  
New Delhi.
9. K.J. Anandha Kumar,  
Dy. Director (Hydro.),  
National Water Development Agency,  
New Delhi.
10. Smt. Pushpa Lata Jain,  
Scientist (B',  
CGWB, Central Region,  
Nagpur.

.. Applicants

(By Advocate: Shri M.K. Gupta)

Versus

1. Union of India through  
its Secretary,  
Ministry of Water Resources,  
Shram Shakti Bhawan,  
Rafi Marg,  
New Delhi-110001.
2. Central Ground Water Board  
through its Chairman,  
NH-IV, Faridabad-121001.
3. Union Public Service Commission  
through its Secretary,  
Shahjahan Road,  
New Delhi-110011.

.. Respondents

(By Advocate: Shri A.K. Bhardwaj)

2. O.A. No. 469 of 1999

S/Shri

1. Jawed Raza,  
Scientist 'B',  
Central Ground Water Board,  
Faridabad.
2. Prakash Ramchandra Gupta,  
Scientist 'B',  
CGWB, West Central Region,  
Ahmedabad-38008.
3. Arun Bhikaji Kawade,  
Scientist 'B',  
CGWB,  
Maharashtra State Unit,  
Pune-411006.

.. Applicants

(By Advocate: Shri M.K. Gupta)

Versus

1. Union of India through  
the Secretary,  
Ministry of Water Resources,  
Shram Shakti Bhawan,  
New Delhi-110001.
2. Central Ground Water Board  
through its Chairman,  
NH-IV, Faridabad-121001.
3. Union Public Service Commission  
through its Secretary,  
Shahjahan Road,  
New Delhi-110011.

.. Respondents

(By Advocate: Shri A.K. Bhardwaj)

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ORDER

S.R. ADIGE, VC (A)

This common order will dispose of both these O.As.

2. In both these O.As applicants challenge respondents' action in not considering them for promotion to the post of Scientist 'D' for which the meeting of the Assessment Board was being held from 27th January to 5th February, 1999. They seek extension of the benefits granted to applicants in O.A. No. 886/96 (Ernakulam) and O.A. No. 60/96 (Jaipur) and promote them to posts of Scientists 'C' and 'D' from the dates their juniors were promoted with all consequential benefits.

3. The case of the applicants in both O.As is that they are working as Scientists 'D' (Junior Hydrogeologists) in the offices of Respondents 1 and 2 and their different branches, or are on deputation to National Water Development Agency which is a society registered under the Societies Registration Act. While some of the applicants were directly recruited as Assistant Hydrogeologists in 1981-86 others were promoted as Assistant Hydrogeologists in November-December, 1982.

4. Applicants further aver that certain benefits had been granted to the applicants in O.A. No. 60/96 by CAT, Jaipur Bench vide order dated

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12.2.98, pursuant to which those applicants should have been considered for promotion as Scientists 'D' under the Flexible Complementary Scheme by the Assessment Board in its meeting which was scheduled for 27th January to 5th February, 1999, but finding that their names were not in the list of candidates eligible for such consideration those applicants sought a direction from CAT (Jaipur) Bench that their names should also be considered for promotion as Scientists D vide O.A. No. 68/99 and the CAT, Jaipur Bench by its order dated 12.1.99 directed respondents to consider the names of those applicants on a provisional basis.

5. It is stated further that based upon that order dated 12.1.99 the CAT (Chandigarh) Bench, (Lucknow) Bench and (Principal) Bench in their orders dated 25.1.99; 25.1.99 and 2.2.99 in O.A. No. 68/99; 17/99 and 231/99 respectively also directed respondents to consider the applicants therein for the post of Scientist 'D'.

6. It is stated that the officials who have filed the aforesaid cases are junior to applicants in the seniority list of Assistant Hydrogeologists dated 1.1.96.

7. Applicants aver that as per Recruitment Rules notified on 6.6.87 (Annexure A-3) Assistant Hydrogeologists with three years regular service are eligible for promotion as Scientists B (Junior Hydrogeologists); Scientists B with five years of

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~~regular service are eligible for promotion as~~  
~~Scientists C; and Scientists C with five years~~  
regular service is eligible for promotion as  
Scientist D. It is alleged that no yearly regular  
DPCs were held for promotion for various years right  
from the post of Scientist B onwards as a result of  
which applicants have been made to suffer in their  
official career.

8. Applicants further assert that by order  
dated 30.6.95 (Annexure A-W) certain Asst.  
Hydrogeologists including some of the applicants were  
promoted as Scientists B (Junior Hydrogeologists).  
As some of the officials were not satisfied with the  
eligibility list for appointment as Scientist C  
published on 25.10.95, two of them namely Dr. M.N.  
Khan and Shri I.K. Sharma filed O.A. No. 60/96 in  
CAT, Jaipur Bench, which was allowed vide order dated  
12.1.98 (Annexure A-5) with the direction to hold  
review DPC/Board of Assessment to consider their  
cases for promotion as Scientist C and to grant them  
promotion with effect from the date other persons  
mentioned in the aforesaid eligibility list dated  
25.10.95 had been granted promotion with all  
consequential benefits. Applicants assert that the  
aforesaid order dated 12.2.98 is an order in rem. It  
is asserted that a similar order was issued by CAT  
(Ernakulam) Bench on 14.8.97 allowing O.A. No.  
886/95.

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9. Applicants assert that after coming to know of the order dated 12.1.99 of CAT, Jaipur Bench and dated 25.1.99 of CAT, Chandigarh Bench they made representations to respondents, but it did not yield any fruitful result, they were compelled to file this O.A.

10. We note that by interim orders passed in both O.As on 2.2.99 and 1.3.99 respondents were directed to provisionally consider the cases of the applicants for promotion as Scientist D and keep the result in sealed cover till further orders.

11. Respondents in their reply challenge the O.A. They state that the O.A. is barred by limitation, and on merits assert that applicants who have all joined as Scientists B between 1995-97, and some just on ad hoc basis, have not even put in the requisite five years regular service as Scientist B for consideration for promotion as Scientist C, let alone Scientists D. In their reply they had stated that the CAT (Jaipur) Bench's order dated 12.2.98 in O.A. No. 60/96 had been challenged in Rajasthan High Court. It had also been stated that apart from O.A. No. 60/96 atleast six O.As have been filed in different Benches of the Tribunal for promotion to the grade of Scientist C for which interviews were fixed by UPSC on 27.5.99, which has been postponed till a clear picture emerges in regard to the number of officers to be considered based on directions of various CAT/Court orders. It is also stated that

based on the CAT (Jaipur) Bench order dated 12.1.99 in O.A. No. 429/95 other Benches of the Tribunal have also given similar directions.

12. Applicants have filed rejoinder in which he has enclosed a copy of the Rajasthan High Court's order dated 25.2.2000 upholding the CAT (Jaipur) Bench's order dated 12.2.98 in O.A. No. 60/96.

13. Heard both sides.

14. Applicants' claim for consideration for promotion as Scientist 'D' for which the meeting of the Board of Assessment was held in January/February, 1999 can succeed if they have five years regular service as Scientist 'C' on that date. It means that they should have been promoted as Scientist 'C' on regular basis on or before January/February, 1994, which in turn means that they should have been promoted as Scientist 'B' (Junior Hydrogeologists) on regular basis on or before January/February, 1989.

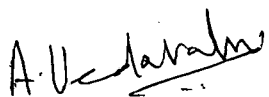
15. In the background of respondents' own assertion that based upon the directions of various CAT/Court orders they are waiting for a clear picture to emerge in regard to the number of officers to be considered for promotion to the grade of Scientist 'C', we dispose of these two O.As with a direction to respondents that if pursuant to those orders, persons junior to the applicants in these two O.As are promoted as Scientist 'C' on regular basis, the

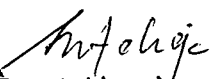
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claims of the applicants in these two O.As should also be considered for promotion as Scientist C w.e.f. the date their juniors were so promoted, in accordance with rules, instructions and judicial pronouncement and thereafter, in the event of their being so promoted on regular basis as Scientist 'C', their claims for further promotion as Scientist 'D' w.e.f. January-February, 1999 should be examined in accordance with rules, instructions and judicial pronouncements on the subject. No costs.

16. The two O.As are disposed of in terms of Para 15 above.

17. Let a copy of this order be placed in each case record.

  
(Dr. A. Vedavalli)  
Member (J)

  
(S.R. Adige)  
Vice Chairman (A)

Karthik