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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.2576/1999

New Delhi, this the 21st day of March, 2001

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)

1. Sh. Chander Bhan,
S/o Sh. Jage Ram,
R/o 22, Adarsh Nagar,
Sonapat (Haryana)
2. Sh. Harcharan Singh,
S/o Shri Khem Singh,
R/o V & P.O. Danakaur,
Distt. Bulandshahar (UP).

Both working as STAs, Central Road Research
Institute, Delhi-Mathura Road, New Delhi-110020.

..... APPLICANTS

(By Shri M.K. Gupta, Advocate)

VERSUS

1. Council of Scientific & Industrial Research
Through its Director General,
Anusandhan Bhawan,
Rafi Marg, New Delhi-110001.
2. Central Road Research Institute
Through its Director
PO: CRRI, Delhi-Mathura Road,
New Delhi-110020.

..... RESPONDENTS

(None for the respondents)

O R D E R (ORAL)

Shri Govindan S. Tampi, Member (A):

By this application, the two applicants seek quashing of the impugned order dated 23.7.1999 where under their representation dated 18/3/1999, for getting the benefit of Faster Track Promotion under NRAS being extended, was rejected as, according to the respondents' the request was not covered under the extant guide-lines on the subject.

2. Heard Shri M.K. Gupta, learned counsel appearing for the applicants. None was present for the

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respondents' side inspite of notice. We are, in the circumstances, proceeding to dispose of the OA in terms of Rule 16 of the (CAT Procedure) Rules, 1987 on merit.

3. The applicants who joined the Central Road Research Institute (CRRI), an institute affiliated with the Council of Scientific and Industrial Research (CSIR), but attached to the Ministry of Surface Transport in January/June, 1979, as Field Assistants in the Project Road User Cost Study in India (RUCS), were promoted to the higher grade of Rs.380-640 in 1980, with all the other benefits. In March, 1984, on the termination of the project, they were adjusted against supernumerary posts created for that specific purpose. Subsequently in July 1987, they were given option for absorption in CRRI under CSIR and by the order dated 14.7.1987, they were appointed as Sr. Laboratory Assistant (Grade-VII) (SLA) w.e.f. 1.4.1984, and thereafter absorbed as SLA and Technician Grade-VI on 18.2.1988 w.e.f. 16.9.1987. On respondents' deciding to grant the benefit of service rendered before 1.4.1984, the applicants were given assessment promotion vide orders of 1994 and 1992 respectively under New Recruitment & Assessment Scheme (NRAS) and subsequently under MANAS to Group-II (4). Further, under NRAS, there was procedure for normal assessment for those having a specific period and Faster Track Assessment for those who had a specified qualification for selection to higher grade. Having joined before 31.12.1981 and having the higher qualification of MA in Economics, equivalent to M.Sc., they were eligible for Faster Track Assessment, which was

denied to them. The revised assessment scheme MANAS began in 1988 and revised in 1992, provided for earlier assessment to those who acquired qualification after joining, which was also denied to them. This was really surprising, as they had been given the benefit of entire service.

4. According to Shri M.K. Gupta, learned counsel for the applicants, as by virtue of their qualification at the stage of initial appointment itself they were entitled to have the benefit of both the normal and faster track assessments. They were persons originally recruited in 1980 for a project, but were adjusted against supernumerary posts created for the specific purpose in March/April, 1984. Hence their representations resulting in the impugned letter of 23.7.1999. Their appeal against the same has brought the response, that it was already covered by the contents of CSIR's letters of 11.11.1986 and 9.7.1999, which have not been communicated to them. Applicants in the circumstances seek the intervention of the Tribunal to render them justice.

5. In their detailed reply, the respondents point out that the applicants have no case as the benefit of Faster Track Assessment was available to only those who were in regular service as on 31.12.1981 and the applicants were only working against project posts and shadow posts created thereafter to adjust them but with no duties attached. Their appointment on 29.12.1980 was

not regular and their regularisation had taken place only in 1987, though w.e.f. 1.4.1984. The main response from the respondents is in the para 'N' ^{of their country} which reads as under:

"PARA-N : In reply to para N it is denied that the applicants have been treated differently and in an arbitrary manner by the Respondents. It is submitted that the applicants No.1 & 2 were appointed as Field Assistant on 18.1.1979 and 19.6.1979 respectively in RUCS project. That the qualifications of Masters degree in Economics is treated as equivalent to M.Sc. under the provision of Para 0.4.3 of the NRAS for the reason that the post graduate degree in economics has full relevance in the area of work engaged by the applicants. The benefit of Faster Track promotion under NRAS was not admissible to the applicants as their appointments were made in the RUCS project as Field Assistants which were temporary posts and were not on the regular establishment. That the concerned employees were not in a regular service of CRRI as on 31.12.1981 or factually selected against the regular advertised posts. The benefit of Faster Track was admissible to those who were in regular service as on 31.12.1981 or had actually be selected against the regular post but could not join due to pre-appointment formalities regarding verification of character and antecedents and medical examination. It is admitted that NRAS has been substituted by Merit & Normal Assessment Scheme w.e.f. 1.4.88 and revised w.e.f. 1.4.92."

6. In view of the fact that the benefit of the Faster Track Promotion is admissible only to those who were in regular service as on 31.12.1981 or those who had actually been selected against the regular post, but could not join due to pre-appointment formalities regarding verification of character & antecedents etc. And ^{as} the applicants did not fall in this category and the benefit was not available to the applicants.

7. Rebutting the above, Shri Gupta invites our attention to the proceedings of the CSIR No. 16 (150)

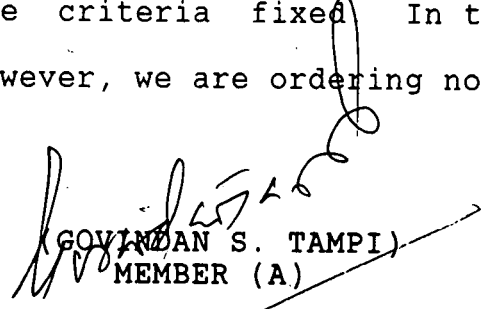
68-E.II (Pt.II) dated 13.1.1981, on the Report of the Committee constituted to look into the question of linking of the technical assistance programmes with overall plans and resources and absorption of staff employed in externally funded projects/schemes. It is clearly mentioned that their sponsored programmes should be accepted/undertaken on a selective basis in consonance with the approved objectives, goals and charter of the concerned Laboratory/Institute, be in the areas and fields of study of the regular activities of the Institute, form part of the total plans of the laboratory, be included in the annual/five year plans of the Institute and be of a major benefit to the country. It is evident, therefore, that during January, 1981 itself the process of regularisation of the project employees had started. Therefore, the averments of the respondents that unless those persons ~~who~~ were on regular service with CSRI as on 31.12.1981 they would fall outside the purview of the scheme, was wrong, states Shri Gupta. There is no reason, therefore, to continue to discriminate the applicants in the matter of assessment which is available to all others in the Organisation, according to Shri Gupta.

8. We have very carefully considered the matter and examined in depth the records brought on record, more so as we did not have the assistance of the counsel from the respondents side. It is not disputed that the two applicants had joined the CRRI on a project called RUCS in 1979 and were appointed in 1980 after a regular selection process. Though the ~~project~~ ^{project} ~~process~~ came to an end in

March, 1984, they were adjusted against supernumerary posts created for the purpose as a prelude to their absorption. They have also been working in their jobs continuously and without any break from 1980. The fact they have been adjusted against some shadow posts and thereafter against the supernumerary posts from March, 1984, does not detract from the fact that since 1980, they have been with the same organisation and on absorption they have been given the benefit of their previous service. The respondents have also given them the benefit of normal assessment but has declined them the benefit of faster track assessment. The only reason for denying the benefit to the applicants, according to the respondents, is that they were not regular employees of the CRRI as on 31.12.1981 or actually selected against the regular advertised posts. According to them, the appointments held by them in 1979 and 1980 were not regular jobs, though they were academically qualified. We are not convinced. Applicants' having joined the CRRI in 1979 and having thereafter been appointed on promotion after due process of selection in 1980, even though against a project job, and having been kept on the respective jobs all these years thereafter, without any break and admittedly qualified academically for the job, ^{from the very beginning itself,} cannot be denied the benefits of Faster Track Assessment on the hyper technical plea that their service before 1984 was not regular. The argument of the respondents that for sometime the applicants were only working against shadow posts without any assigned duties also has no basis and does not merit acceptance. Proceedings of the CSIR of 13.1.1981, on the report of the Committee

constituted for looking into the question of linking the technical assistance programmes with overall plans and resources and absorption of the staff employed in externally funded projects/schemes also make it evident that the project in as far as they are in consonance with the approved objectives, goals and charter of the Laboratory/Institute, would be continuous and on-going processes. Therefore, the project undertaken by CRRI in 1979 to which the applicants who formally appointed in 1980, has for all intents and purposes given the applicants regularisation of their assignments. They are, therefore, correctly entitled to the benefits flowing therefrom, one of which is the Faster Track Assessment for career advancement.. It cannot be denied to them. The impugned order dated 23.7.1999 which seeks to do so has, therefore, to be set aside.

9. In the result, the application succeeds and is accordingly allowed. The impugned order is quashed and set aside and the respondents are directed to consider the case of the applicants for Faster Track Assessment for promotion and take decision thereon as per the criteria fixed. In the circumstances of the case, however, we are ordering no costs.


(GOVINDAN S. TAMPI)
MEMBER (A)


(ASHOK AGARWAL)
CHAIRMAN

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