

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 452/99

New Delhi: Dated, this the 14<sup>th</sup> day of MAY, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A).

HON'BLE DR. A. VEDAVALI, MEMBER (J)

Jung Bahadur,  
S/o Shri Dashrath,  
R/o House No. 608,  
Vigyan Sadan,  
Sector 10 R.K. Puram,  
New Delhi-22

....Applicant.

(By Advocate: Shri A.K. Behra)

Versus

1. Union of India  
through  
Secretary,  
Department of Ocean Development,  
Mahasagar Bhawan, Block No. 12,  
CGO Complex Lodhi Road,  
New Delhi-3.

2. Secretary,  
Department of Ocean Development,  
Mahasagar Bhawan, Block No. 12,  
CGO Complex, Lodhi Road,  
New Delhi-3

3. Director (Administration),  
Department of Ocean Development,  
Mahasagar Bhawan, Block No. 12,  
CGO Complex, Lodhi Road,  
New Delhi-3.

.....Respondents.

(By Advocate: Shri PH Ramchandani)

ORDER

S.R. Adige, VC(A):

Applicant impugns respondents' letter dated 7.10.98 (Annexure-A1) and seeks promotion as Principal Scientific Officer (Rs. 3700-5000 pre revised) from the date of his eligibility.

2. Heard both sides.

3. Admittedly Sr. Scientific Officers with five years qualifying service are eligible for consideration for insitu promotion as Principal Scientific Officer under the Flexible Complementing Scheme, by which the post itself gets upgraded as personal to the successful candidates. Applicant was assessed by a duly

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constituted Assessment Board (of which 50% were outside eminent Scientists) on 28.2.97, and after considering his qualification, performance, merit, ACRs and personal discussions, the Assessment Board did not find him fit for promotion. He was again considered along with 2 other officers the following year, and the Assessment Board which met on 22.5.98, found only 1 candidate Dr. Wakdikar (who happens to be junior to applicant) fit for promotion.

4. We have perused applicant's ACRs for the relevant period, but we note that the promotions are based not merely on the ACRs, but also personal discussion, in which, the Assessment Board interacts with the candidate to recommend whether he is fit for promotion or not. The Assessment Board consists of senior officials, 50% of whom are eminent Scientists from outside. Applicant has not been able to establish bias on the part of Assessment Board, particularly in view of the fact that in the Assessment Board meeting held on 22.5.98, applicant was not the only person who was not recommended for promotion.

5. In this connection, we are informed that to ensure a measure of uniformity by DP & T's OM dated 10.11.98 (copy taken on record) certain criteria for considering promotions under FCS was laid down, and in the background of the same, applicant's candidature was considered again, and this time he was promoted.

6. The Tribunal cannot sit in appeal over the recommendations of the Assessment Board in its meeting held on 28.2.97 and on 22.5.98. The Assessment Board was a high powered body, 50% of whom were eminent scientists drawn from outside, and the recommendations for promotion

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were based not merely on CRs, but after personal discussion with the candidates. In the 1998 assessment, applicant was not the only one not recommended for promotion.

7. In the light of the above, the DA warrants no interference. It is dismissed. No costs.

*A. V. Veda Valli*  
( DR. A. VEDAVALLI )  
MEMBER (J)

*S. R. Adige*  
( S. R. ADIGE )  
VICE CHAIRMAN (A)

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