

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA-2469/98

New Delhi this the 24th day of November, 1999.

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE-CHAIRMAN
HON'BLE MRS. SHANTA SHASTRY, MEMBER (A)

Shri Trilochan Singh,
Son of late Shri Kirpa Singh,
R/o 326/39B, Kendriya Vihar,
Sector 51,
Noida (UP)

...Applicant

(By Advocate Shri K.N. Bahuguna)

-Versus-

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

2. Prof. R.N. Biswas,
Director,
Central Electronics Engg.
Research Institute (CEERI)
Pilani (Rajasthan)-333031.

3. Shri P.K. Chakraborty,
Technical Officer (E-II),
Central Electronics Engg.
Research Institute,
CSIR Complex, NPL Campus,
New Delhi.

...Respondents

(By Advocate Shri Kapil Sharma)

ORDER

By Reddy, J.-

Bye-law 71(b) of the Council of Scientific & Industrial Research (CSIR) pertains to Assessment and Promotion Scheme for career development of the Technical employees working in various Laboratories and Institutions under the CSIR in the country. The scheme envisages the work done by the incumbent during the last five years on which the said incumbent was actually engaged.

2. The applicant was assessed and promoted to the next higher grade of Industrial Liaison Officer E-I. Thereafter he became eligible for assessment/promotion to the grade of Industrial Liaison Officer E-II w.e.f. 22.2.97. But the grievance of the applicant is that the respondents with the sole motive to favour respondent No.3, ^{saw that} the Assessment Committee was fed with incorrect details of work done by R-3 and thus denied rightful promotion to the applicant. The O.A. is, therefore, filed to quash the promotion of R-3 and direct the respondents to promote the applicant to the post of Industrial Liaison Officer (E-II) w.e.f. 22.2.97. It is contended by the learned counsel for the applicant that the respondents have not properly assessed the work done by the applicant and wrongfully promoted R-3. (9)

3. In the counter-affidavit, it has, however, been stated that the assessment was properly done by the Expert Committee and that after assessment the Expert Committee awarded the applicant 27 marks for performance in the interview, 38.60 marks for CR/APAR and 5 marks for experience on second chance. The total marks awarded to him works out to 68.60 which is short of the prescribed threshold of 70 marks. Therefore, the Expert Committee did not recommend him for promotion. The allegation that the R-3 has not done work during the period of assessment but was deliberately shown to have worked under a project was denied. The learned counsel for the respondents, therefore, contends that the Expert Committee having assessed the applicant in accordance

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(3)

with bye-law 71 (b), the same cannot be reviewed in this
OA.

4. We are inclined to agree with the contention of the learned counsel for the respondents. In view of the above submissions made in the counter-affidavit, the allegation made by the applicant that he was not properly assessed appears to be wholly unfounded. Once an Expert Committee assessed the applicant it is not open for us to either find fault with the assessment or review it by another committee unless mala fides are established against the said Committee. No other arguments have been advanced before us. There are, therefore, no merits in the OA. O.A., therefore, fails and is dismissed. No costs.

Shanta F
(Smt. Shanta Shastry)
Member (A)

'San.'

V. Rajagopala Reddy
(V. Rajagopala Reddy)
Vice-Chairman(J)