

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA 1680/1995

New Delhi, this 24th day of May, 1995.

Hon'ble Shri B.K. Singh, Member(A)
Hon'ble Dr. A.Vedavalli, Member(J)

Shri G.S. Khorana
24C, Pocket B
Siddhartha Extn., New Delhi-14

.. Applicant

By Shri M.K. Gupta, Advocate

Vs.

1. Director General
CSIR
Anusandhan Bhavan
Rafi Marg, New Delhi-1
2. Director
CRRI
Mathura Road, New Delhi-20

.. Respondents

By Shri V.K. Rao, Advocate

ORDER

Hon'ble Shri B.K. Singh

This OA has been filed against the order dated 7.6.94 of the Respondent No.2, whereby the applicant's date of assessment for promotion to the next higher grade has been changed from 1.2.81 to 27.11.81. The appeal filed against the order dated 7.6.94 has also been rejected vide OM dated 5.6.95.

2. The admitted facts are these. The applicant was holding the post of Junior Engineer(Special Grade) in the pay scale of Rs.500-850(Pre-revised) with effect from 27.11.75 and he was subsequently promoted to the Selection Grade in the pay scale of Rs.550-900(pre-revised) w.e.f. 1.6.78.



3. As per the decision contained in CSIR letter dated 8.2.94, the service rendered by the Jr. Engineer (Rs.500-850 or Rs.550-900 - pre-revised) shall be counted for the purpose of assessment under New Recruitment and Assessment Scheme (NRAS in short) for promotion to the next higher grade of Rs.650-1200 (pre-revised) - Rs.2000-3500 (revised).

4. It is also admitted that there was a DE which resulted in the imposition of penalty resulting in loss of one increment for one year without cumulative effect w.e.f. 5.6.82 and as per CSIR letter dated 11.3.85, he was considered for assessment w.e.f. 5.6.83 to the next grade of Rs.650-1200 and was recommended for the same by the Assessment Committee on 26.5.85. This penalty was subsequently modified to that of 'Censure' and the increment withheld from 5.6.82 for a period of one year was subsequently restored vide CSIR letter dated 26.11.82, making him eligible for assessment from his due date i.e. 27.11.81 instead of 5.6.83. It is stated by the respondents themselves that the penalty of 'censure' is not a bar for promotion.

5. The reliefs sought for by the applicant in this are:-

- (i) To quash the memo dated 7.6.94; and
- (ii) To direct the respondents to pre-pone the date of promotion of the applicant to the next higher grade of Rs.2000-3500 under NRAS w.e.f. 1.2.81 with all consequential benefits.

6. On notice, the respondents filed their reply contesting the application and grant of reliefs prayed for. Heard the learned counsel for the parties and perused the records of the case.

7. The entire argument ~~advanced~~ by the rival parties centre round Col.4 of Table V(A) page 93 of NRAS. It is admitted by both the parties that 6 years service is required for promotion to the next grade of Rs.650-1200. It is not disputed that the applicant was holding the pay scale of Rs.500-850 w.e.f. 27.11.75 and Rs.550-900 w.e.f. 1.7.78. If we compute the total period in the both the scales, the applicant's 6 years approved service will be completed only on 27.11.81 making him eligible for consideration for promotion from 27.11.81 and therefore his claim for promotion from 1.2.81 does not appear to be justified and can not be sustained in the eyes of law. This has nothing to do with the penalty imposed on him. The learned counsel for the applicant referred to the NOTE below the Table and argued that it prescribes the modality of calculation of the no. of years under Col.4. His contention that the entire service rendered from the date of appointment has to be taken can not be accepted because it refers to Special Grade, if any, including all periods of leave i.e. extraordinary leave etc. This can not be interpreted as to mean the entire service period being counted for purpose of considering ^{it} for promotion to the next higher grade. It is true that he joined as Overseer w.e.f. 7.2.62 and was placed in the pay of scale of Rs.500-850 only w.e.f. 27.11.75. After placement in this scale, only the designation was changed i.e. Jr. Engineer(Civil).

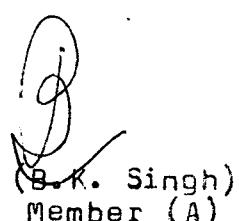
It is not denied by the respondents that because of stagnation, 27 posts of Jr. Engineer(Special Grade) were created in the pay scale of Rs.550-900 w.e.f. 1.6.78 and the applicant was also placed in this scale w.e.f. 1.7.78. Thus, the period can not be counted as argued by the ld. counsel for the applicant w.e.f. 1962. It is to be counted w.e.f. 27.11.75 only and thus he completed 6 years only on 26.11.81 and became eligible for consideration for promotion under NRAS w.e.f. 27.11.81. Therefore, his plea for pre-poning the date of assessment promotion to 1.2.81 can not be accepted.

8. It is not denied that the OM dated 10.2.84 was issued to the applicant wherein inadvertently the date '1.2.81' was mentioned but subsequently the interview fixed for 14.6.84 was postponed and he was informed vide letter dated 19.7.94 that he became eligible for assessment promotion only from 27.11.81 and not from 1.2.81. There is substance in what the learned counsel for the respondents argued that it was inadvertently mentioned as '1.2.81' instead of 27.11.81.

9. Therefore, the relief sought for preponing the date of consideration for promotion under NRAS from 27.11.81 to 1.2.81 can not be accepted. The application fails and is, therefore, dismissed but without any order as to costs.



(Dr. A. Vedavalli)
Member (J)



(B.K. Singh)
Member (A)

/gtv/