

Central Administrative Tribunal, Principal Bench

Original Application No.967 of 1994

New Delhi, this the 4th day of August, 1999

Hon'ble Mr. Justice D.N. Baruah, Vice Chairman  
Hon'ble Mr. N. Sahu, Member (Admnv)

Shri Vinod Kumar  
Son of Shri T.N. Sharma  
resident of 16, Civil Lines,  
Roorkee (U.P.) and working  
as Scientist 'C' in the  
Central Building Research  
Institute, Roorkee (U.P.) ..... Applicant

(By Advocate - Shri K.N. Bahuguna)

Versus

1. Director General,  
Council of Scientific &  
Industrial Research,  
"ANUSANDHAN BHAVAN"  
Rafi Marg,  
New Delhi-110001
2. Director,  
Central Building Research Institute,  
Roorkee, U.P. .... Respondents

(By Advocate - Shri V.K. Rao)

O R D E R (Oral)

By Baruah, J.-

The applicant is aggrieved by the decision of the respondents in not giving him merit assessment promotion to the next higher grade of Group IV(3) Scientist E.I with effect from 1.2.90 under Merit and Normal Assessment Scheme (in short "MANAS"). Therefore he seeks a direction to the respondents to issue forthwith the merit assessment promotion for the said year with consequential benefits. Further he prays for other reliefs which he is entitled to under the facts and circumstances of the case.

2. The applicant was appointed Senior Scientific Assistant in the grade of 550-900. As per

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relevant rules, for next promotion to Scientist 'B' in the grade of 700-1300, he must complete five years of service with degree in M.Sc. besides his pay in the grade of 550-900 must be Rs.700/-. He qualified the same and was placed in the next grade with effect from 1.2.81. For next promotion to the post of Scientist 'C', there should be assessment and five years experience in the grade of Scientist 'B'. Accordingly on 1.2.86, he was put in the grade of Scientist 'C'. As per rules, for normal placement to the next grade, five years service should be complete but for meritorious Scientists, on completion of three years service, an officer who secures 225 marks, is considered for assessment to the grade of Scientist E.I. The applicant was chosen for meritorious assessment but on assessment, he was not found suitable for giving the grade of Scientist E.I. on completion of three years service i.e. with effect from 1.2.89. Accordingly the authority put him for the second assessment in 1990. In that year also, he was not found suitable. Ultimately, on normal assessment, the applicant was found suitable in 1991 and accordingly he was placed in the grade of Scientist E.I. According to the applicant as he was chosen for meritorious assessment on completion of three years service, there was no reason for denying him the placement. In the O.A. the applicant has stated that as per rules, he was entitled for five bonus marks for each completed year and this was not given and in all probability this was the reason why the applicant was not placed in the grade of Scientist E.I. Feeling aggrieved, the applicant submitted

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representations dated 5.5.93 and 6.8.93 (Annexures A-4 and A-6). Both the representations were rejected by Annexure A-8 with the following observations:-

"With reference to your letter No.76(81)2/ET/91 dated 20.9.1993 on the above subject, I am directed to state that experience marks are not admissible for merit assessment under MANAS."

3. Respondents have filed the counter. We have heard both the sides.

4. Shri Bahuguna submits that when the applicant was chosen for merit assessment, there was no reason to deny him the placement in the grade of Scientist E.I. The decision to put him in the meritorious assessment is itself sufficient that he deserved the placement. However, without any reason this was denied. Besides he submits that he was not awarded five bonus marks which he was entitled to for each year.

5. Shri Rao on the other hand submits that decision to consider the applicant for meritorious assessment is not sufficient. After that also, the authority is to make an assessment and in that assessment, the applicant was not found suitable. Therefore he was directed to be considered in the second assessment. There was nothing wrong in it. He further submits that in the second assessment also, the applicant was not found suitable. Besides Shri Rao submits that the claim of five bonus marks was not applicable to the applicant because he claims meritorious assessment and this is available only in

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the case of normal assessment. On hearing the counsel for both the parties, it is to be seen whether the case of the applicant was properly rejected or not.

6. Shri Rao has produced a copy of the Merit and Normal Assessment Scheme for Scientific and Technical Staff. He has drawn our attention at page 24 of the said book where the procedure for assessment is referred. We quote below the relevant provisions as under:-

"6.2.1 For second and subsequent assessments, upto 5 marks will be awarded for each year of experience (to reach the minimum prescribed for eligibility) in the interview marks, provided the APAR for that year is satisfactory. Marks will be given on this account only for a maximum period of 3 years.

6.2.2 For normal assessment from Grade III(2) to III(3), III(3) to III(4) and IV(3) to IV(4), suitable bonus marks be added to enable them to reach the prescribed threshold if 60% marks have been obtained in peer review and interview (combined) provided their CRs/APARs, as applicable, are better than good. Similarly, those who obtain more than 60% marks in peer review and interview (combined) and CRs/APARs, as applicable, are graded as 'good' may also be given suitable bonus marks to reach the prescribed threshold. For the second and subsequent chances these bonus marks will be admissible if, after totalling peer review marks, APAR marks and interview marks including experience marks as may be awarded under Para 6.2.1, the total exceeds 60.

6.2.3 The bonus marks will be applicable in normal assessments for 1988-89 and 1989-90 only. Thereafter provisions in paras 6.2.1 and 6.2.2 above, will be reviewed along with thresholds."

7. From the above provisions, we find that the bonus marks are not available in the case of merit assessment. Even assuming these bonus marks are awarded, then also the applicant was not eligible for

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getting the placement on merit in view of the fact that he was not entitled to for the same as in that event also he would not have acquired 300 marks. He was considered on the fourth year also and found not suitable for placement on merit basis. On normal basis he was found fit and given the placement in the grade of Scientist E.I.

8. In view of the above discussion, we find no merit in this O.A. and it is accordingly dismissed.

No costs.



(N. Sahu)  
Member (Admnv)



(D.N. Baruah)  
Vice Chairman

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