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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1697/2000

Monday this the 11th day of March 2002

Hon'ble Shri Justice Ashok Agarwal Chairman  
Hon'ble Shri S.A.T. Rizvi Member (A)

Mrs. Vijaya Lakshmy Nair  
w/o Sh. P.S.Nair  
R/O D-3/3205, Vasant Kunj,  
New Delhi-70.

...Applicant

(By Advocate: Shri S.K.Sinha)

Versus

1. Union of India  
through the Secretary  
Government of India  
Ministry of Human Resources Development  
New Delhi

2. The Director General  
Council of Scientific and Industrial  
Research, Rafi Marg, New Delhi

...Respondents

(By Advocates: Shri V.K.Rao & Ms. A.Priyadarshini)

O R D E R (ORAL)

Hon'ble Shri S.A.T. Rizvi, M (A):

Applicant, who was appointed as Junior Technical Assistant on 21.2.1966 in the Council of Scientific & Industrial Research (CSIR), secured time bound promotions and became Scientist Grade 'B1' w.e.f. 24.2.1981. She was to be promoted as Scientist Grade 'B' ~~and~~ five years thereafter. Since she had remained on extra-ordinary leave from 3.7.1982 to 9.12.1983, she could be considered for promotion as Scientist Grade 'C' w.e.f. 2.5.1987. She has not been able to get the aforesaid promotion and has, in the meanwhile, retired from service in 1999.

2. The learned counsel appearing on behalf of the applicant submits that her claim for promotion as

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Scientist Grade 'C' was considered by the duly constituted Assessment Committee on 30.9.1996, but her claim was not accepted as the respondents had incorrectly applied the thresh-hold system in her case, though the same could not have been applied. The aforesaid threshold system came into force w.e.f. 1.10.1990, whereas her claim for promotion as Scientist Grade 'C' had matured on 2.5.1987. That the aforesaid thresh-hold system was incorrectly applied in her case, has been admitted by the respondents in their letter of 23.2.2000 which follows another letter issued by the respondents on 22.11.1999, by both of which the applicant has been asked to furnish copies of work report in respect of the relevant period.

3. The learned counsel appearing on behalf of the applicant submits that the work and conduct of the applicant had already been assessed on the basis of work reports as well as her performance during the interview when the Assessment Promotion Committee considered her claim on 30.9.1996 and, therefore, there should be no need to call for work reports afresh. Moreover, since the applicant has already retired from service, there can be no question of her being interviewed or re-assessed once again. The record considered by the Assessment Promotion Committee in 1996 should form the basis for considering her claim.

4. We have considered the submissions made and find that, in the circumstances mentioned in the preceding paragraphs, it will be in order and just as well to

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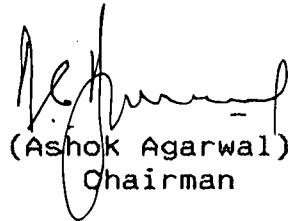
direct the respondents to consider the applicant's claim on the basis of the material placed before the Assessment Promotion Committee on 30.9.1996 together with the assessment which had then been made in respect of the applicant's work and conduct, including her performance at the interview. We direct accordingly giving the respondents two months' time to carry out the aforesaid direction and pass an appropriate order. Needless to say that if the applicant is aggrieved by the order to be passed as above, she will have the liberty to approach the Tribunal again, if so advised and in accordance with the relevant legal provisions.

5. The present OA is disposed of in the aforestated terms. No costs.



(S.A.T. Rizvi)  
Member (A)

/sunil/



(Ashok Agarwal)  
Chairman