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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 467/2000

New Delhi: this the 3<sup>rd</sup> day of November, 2000.

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

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

K. B. Nagpal,

Technical Officer 'C',  
National Institute of Science  
Communication,

Dr. K. S. Krishnan Marg,

New Delhi-12

..... Applicant

(By Advocate: Shri M. A. Krishnamurthy)

Versus

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

2. National Institute of Science,  
Communication through the  
Director Incharge,  
Dr. K. S. Krishnan Marg,  
New Delhi-12

..... Respondents

(By Advocate: Shri Kapil Sharma)

ORDER

Mr. S. R. Adige, VC (A)

Applicant impugns respondents' OM dated 3.3.2000 and seeks a direction to respondents to allow him to continue to work as Technical Officer 'C' w.e.f. 1.4.91.

2. Admittedly applicant who joined National Institute of Science Communication (which is one of the labs. affiliated to CSIR) on 30.12.77, was promoted as Technical Officer 'A' on 9.9.86 and as Technical Officer 'B' on 1.4.88. The next higher post is that of Technical

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Officer 'C'. As per applicant's own averments in para 4.2, 4.3 and 4.4 of OA, the posts of different grades of Technical Officers fall within Group III, and while the post of Technical Officer 'B' is in Group III (4), that of Technical Officer 'C' is in Group III (5). The promotions to various posts in a Group are made in accordance with Merit and Normal Assessment Scheme (MANAS), details of which are at Annexure-I from which it is seen that merit promotion is conferred to Scientists in Group IV (7) to Group IV (4) and Technical Staff in Group III (3) to III (6), Technical Staff in Group III are given merit promotion only if they have qualification for entry into Group IV, and entry level qualifications for Group IV (1) are

"1st class M.Sc./1st Class BE, or M.Tech/ME/ MBBS/M.V.Sc./M.Pharm/Ph.D (Sc)."

3. Applicant who has a BA from Kanpur University in 1978; an MA in Sociology from Meerut University in 1981; a Diploma in Printing Technology (Library) from U.P. Tech. Board in 1974; and a P.G. Diploma in Book Publishing from Delhi University in 1990, claims that he has the aforementioned entry level qualification in as much as the PG Diploma in Book Publishing is, according to him, equivalent to a PG degree in Science or other disciplines.

4. In this connection, he relies on para 1.2.4 of Annexure-I, MANAS which states that cases for equivalence of qualification may be referred to CSIR Hqs for approval before notification/consideration for assessment purposes and while taking administrative decision in respect of existing employees as on 31.12.81, guidelines suggested by Kailash Chandra Committee including other relevant factors will be kept in view.

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Reliance is also placed on para 9 (b) of the Kailash Chandra Report (Annexure-II) which, while listing the qualifications to be considered equivalent on functional basis, under the heading Printing & Production, has listed a 2yrs. PG Diploma in Book Publishing to be equivalent to a PG Degree.

5. From this it is clear that while for the functional purposes of Printing and Production, a 2 years PG Diploma in Book Publishing would be considered equivalent to a PG Degree, there is no specific averment by applicant in the OA, that his sphere of duties and responsibilities as Technical officer 'C' would be confined to Printing & Production alone. It is true that in para 3 of his rejoinder dated 25.9.2000, applicant has stated that he is in Charge of the Printing Section looking after 6 printing machines but that does not necessarily mean that throughout his tenure as Technical Officer 'C' he would be assigned the responsibility of Printing & Production alone.

6. Respondents are also on record in their reply as stating that applicant was promoted as Technical Officer 'C' by the Institute itself without reference to CSIR to determine the equivalence of applicant's qualification despite the specific requirements of para 1.2.4 of MANAS Scheme.

7. Under the circumstance, if after giving applicant an opportunity to show cause against reversion, and consideration of his reply, respondents, by impugned order dated 3.2.2000, have reverted applicant for not possessing the entry level qualifications of Group IV(1)

as prescribed by MANAS and thus not being eligible for merit promotion, it cannot be said that respondents have acted illegally, arbitrarily or improperly so as to warrant any judicial interference in this OA. However, if as applicant claims, his record has throughout been outstanding nothing contained in this order will preclude respondents themselves from considering applicants prayer for being promoted as Technical Officer 'C' sympathetically, in accordance with rules and instructions, if they are so disposed to do.

8. Subject to what has been stated in para 4 above, the OA is dismissed. No costs.

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

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

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Central  
Principal Bench, New Delhi