

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A. No. 632/2000

New Delhi: this the 17 day of APRIL, 2001. (1)

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

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

Subhash Chander Kaushal,
GH-14/505, MIG Flats,
Pashim Vihar,
New Delhi

.... Applicant.

(By Advocate: Shri R.L. Sethi

Versus

1. The Director General,
CSIR Anusandhan Bhawan,
2, Rafi Marg,
New Delhi-1

2. The Director,
Central Road Research Institute,
New Delhi: 20

.... Respondents.

(By Advocate: Shri Parveen Swarup)

ORDER

S.R.Adige, VC(A):

Applicant impugns respondents' OM dated 27.3.2000 (Annexure-A1) reverting him to his original post of Technical Assistant Grade VIII in Group III(1) in the pay scale of Rs.1400-2300 w.e.f. 15.9.93.

2. Applicant who joined respondent organisation as Junior Lab. Asstt. (Rs.110-200) w.e.f. 6.3.71, was promoted as Field Asstt. (Rs.380-640) w.e.f. 25.3.80 and was further promoted as Sr. Lab. Asstt. (Rs.380-640) w.e.f. 16.1.81. Consequent to the introduction of 'Merit & Normal Assessment Scheme' (MANAS) w.e.f. 1.2.81 applicant was placed in Group II (3) in the pay scale of Rs.1400-2300 w.e.f. 1.3.88. Meanwhile applicant had acquired a Master Degree in Economics after 31.12.81 which respondents admittedly treat as equivalent to M.Sc.

3. The Selection Committee which met on 15.9.93, after taking into account applicant's acquisition of post

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graduate degree in Economics and his other service records recommended his placement in the next higher group of Group III(1) in the scale of Rs.1400-2300 w.e.f. 15.9.1993.

4. However, applicant represented that in view, inter alia of the fact that he had already completed 5 years' service in Group II(3) in the pay scale of Rs.1400-2300, his proper placement should be in the still higher level of Group III(2) in the pay scale of 1640-2900 w.e.f. 15.9.1993.

5. This representation was favourably considered by the Consultative Mechanism in CRRI, and based upon its recommendations applicant was placed in Group III (2) in the pay scale of Rs.1640-2900 w.e.f. 15.9.1993 vide Ordinance dated 9.9.97 instead of Group III(1) in the pay scale of Rs.1400-2300.

6. Respondents state that subsequently this placement in Group III(2) in the scale of Rs.1640-2900 instead of Group III(1) in the scale of Rs.1400-2300 w.e.f. 15.9.1993 was found to be violative of CSIR's policy decision contained in their letter dated 14.12.99 because 5 years' service in Group III(1) was required for eligibility for promotion to Group III(2) which applicant did not possess on 15.9.1993. Applicant was therefore asked to show cause against reversion, and after considering his reply, respondents have rejected the same by impugned order dated 27.3.2000, giving rise to the present OA.

7. By interim order dated 19.4.2000 recoveries from applicant's salary have been stayed and this interim order has been extended from time to time.

8. Heard both sides.

9. Respondents do not deny that it is they themselves

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who placed applicant in Group III(2) in the pay scale of Rs.1640-2900 w.e.f. 15.9.93 vide OM dated 9.9.97, and at this stage of applicant's career to revert him to Group III(1) in the pay scale of Rs.1400-2300 w.e.f. 15.9.93, which would entail recovery of payments made to him from his salary, would entail considerable hardship to applicant, for no fault of his own. Such an action would be clearly unjustifiable on grounds of equity.

10. Under the circumstance the OA succeeds and is allowed to the extent that the impugned order dated 27.3.2000 is quashed and set aside. As respondents themselves concede that applicant would have acquired the eligibility qualification of 5 years' service in Group III(1) for consideration for promotion to Group III(2) on 15.9.98, respondents shall consider applicant for promotion in Group III(2) w.e.f. 15.9.98 in accordance with rules, instructions and judicial pronouncements and pass appropriate orders accordingly. There shall be no recoveries from applicant's salary consequent to his placement in Group III(2) w.e.f. 15.9.93 by respondents' order dated 9.9.97. These directions shall be implemented by respondents within 3 months from the date of receipt of a copy of this order. No costs.

A. Vedavalli
(DR. A. VEDAVALLI)
MEMBER (J)

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

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