

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/01429/2014

HYDERABAD, this the 10th day of December, 2020



**Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member**

Jagadam Siddhardha Kumar S/o J.Bheemanna,
Aged about 51 years, Occ : Scientist- 'C',
Central Ground Water Board, Southern Region,
GSI Post, Bandlaguda, Hyderabad-500068.

...Applicant

(By Advocate : Mr.K.Phani Raj)

Vs.

1. The Union of India rep. by the Secretary,
Ministry of Water Resources, Shram Shakti Bhavan,
Rafi Marg, New Delhi – 110 001.
2. The Secretary,
Department of Personnel & Training, Lok Nayak Bhawan,
Khan Market, New Delhi – 110003.
3. The Union Public Service Commission rep. by its Secretary,
Dholpur House Shahjahan Road, New Delhi-110001.
4. The Chairman, Central Ground Water Board,
Ministry of Water Resources, Bhujal Bhavan,
NH-IV, New CGO Complex, Faridabad-122001.
5. The Director (Admn), Central Water Board,
Bhujal Bhavan, NH-IV, Faridabad.
6. The Regional Director, Central Ground Water Board,
Southern Region, Opp GSI Complex, Bandlagunda,
Hyderabad – 500068.Respondents

(By Advocate: Mrs. K. Rajitha, Sr. CGSC)

ORAL ORDER
(As per Hon'ble Mr.B.V.Sudhakar, Administrative Member)

Through Video Conferencing:



2. The OA is filed in regard to promotion of the applicant from Scientist B to Scientist C Grade under Flexible Complimentary Scheme (for short “FCS”).
3. Brief facts of the case are that the applicant joined the respondents organisation as Scientist B in 1992 and he is eligible to be considered for the post of Scientist C in 1998 under FCS. However, applicant was promoted as scientist C for the panel year 2002 instead of 1998 and hence, OA 949 of 2013 was filed, which was allowed, but the respondents are not implementing the Tribunal order, though the order has not been stayed and hence the OA.
4. The contentions of the applicant that there was delay in Assessment Board meeting under FCS due to various court cases and therefore the promotion to Scientist C grade was delayed. However, in the later years respondents conducted the Assessment Board meeting and ante dated the promotions to Scientist C grade of the juniors, peers, promotees in Scientist B grade but not the applicant. The applicant has cited the judgments of different benches of this Tribunal and the superior judicial fora in support of his contentions. Despite many representations and the court orders the respondents promoted the applicant to Scientist Grade C for the panel year 2002 and are not ante dating the applicant's promotion to 1998 in Scientist

C grade. Applicant alleges he has been discriminated despite being eligible. Promotions are to be granted under FCS irrespective of the availability of the vacancies in the respective grade. Orders of the Tribunal in OA 949/2013 which favour the applicant, have not been implemented.



5. Respondents state in their reply statement that in respect of the applicant the Assessment Board did meet in June 2009 and found him unfit for the assessment years 1998, 1999, 2000, 2001 and fit for the year 2002. Hence applicant was promoted to Scientist C grade for the panel year 2002 vide orders dated 24.7.2009. Aggrieved applicant filed OA 949/2013 which was allowed and the same was challenged before the Hon'ble High Court in WP no. 16273 of 2014 which is pending adjudication.

6. Heard both the counsel and perused the pleadings on record.

7. The issue is about antedating the promotion of the applicant to Scientist grade C to the year 1998. Applicant claims that he has been discriminated by granting the benefit to his juniors, peers and even to those promoted to Scientist B grade from the feeder cadre. Respondents state that the Assessment Board constituted under FCS found him fit for the panel year 2002 and not for the previous years. Applicant filed OA 949/2013 for not antedating the promotion to Scientist 'C' grade and it was allowed. However, respondents have filed W.P 16273 in 2014 before the Hon'ble High Court and it is pending adjudication. As the matter is under adjudication by the Hon'ble High Court, the respondents are directed to

provide relief sought subject to the decision of the Hon'ble High Court in the writ petition cited.

With the above direction, the OA is disposed of with no order as to

costs.



(B.V.SUDHAKAR)

ADMINISTRATIVE MEMBER

(ASHISH KALIA)

JUDICIAL MEMBER

evr