

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 322/91
T.A. No.

199

DATE OF DECISION 10.1.1992

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| <u>Shri V.S. Bisaria</u> | <u>Petitioner Applicant</u> |
| <u>Shri J.S. Bali, Sr. Advocate with xxxxxx</u> | <u>Advocate for the Petitioner(s) Applicant</u> |
| <u>Shri S.S. Tiwari, Counsel</u> | |
| Versus | |
| <u>Director, C.B.I.</u> | <u>Respondent</u> |
| <u>Shri M.L. Verma</u> | <u>Advocate for the Respondent(s)</u> |

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The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. B.N. Dhoundiyal, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

(Judgement of the Bench delivered by Hon'ble
Mr. P.K. Kartha, Vice-Chairman)

The grievance of the applicant who is working as Senior Scientific Officer, Grade I in the Office of the respondents, relates to his non-consideration by the D.P.C. for promotion as Principal Scientific Officer even though he fulfils the requirements for the same in accordance with the relevant recruitment rules.

2. There is no dispute as regards the facts of the case. The applicant has completed five years of service in the post of Senior Scientific Officer, Grade I on 11.8.1990. According to the recruitment rules which were

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notified in 1982, the system of flexible complementing and in situ promotion shall be followed in the matter of promotion of departmental officers in the grades of Senior Scientific Officer, Grade II, Senior Scientific Officer, Grade I and Principal Scientific Officer. This is, however, subject to the following conditions:-

- (i) that the number of officers in the grade of Principal Scientific Officer shall not exceed thirty per cent of the total number of posts in the three grades of the Principal Scientific Officer, Senior Scientific Officer Grade I and Senior Scientific Officer, Grade II, and
- (ii) that the total number of officers shall not exceed the total sanctioned strength in these grades at any point of time.

3. The selection is to be made on each occasion in consultation with the Union Public Service Commission.

4. The respondents forwarded to the U.P.S.C. two names for selection to the post of Principal Scientific Officer, namely, Dr. S.R. Singh, and Shri P.S. Nayar, both of whom are senior to the applicant. As the applicant fulfils the eligibility requirements, he submits that his name should also have been sent for selection to

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the U.P.S.C. along with the above mentioned officers.

This was not done and that constitutes his grievance.

5. The respondents have stated in their counter-affidavit that there is only one sanctioned post of Principal Scientific Officer which has already been filled up and that there is no regular vacancy. However, under the scheme of in situ promotions, 9 persons can hold the posts of Principal Scientific Officer at any point of time, including the sanctioned strength of one post of Principal Scientific Officer (30 per cent of one post of Principal Scientific Officer plus 10 posts of Senior Scientific Officer, Grade I and 20 posts of Senior Scientific Officer, Grade II). At present, there are only two officers holding the posts of Principal Scientific Officer and seven more persons can be appointed to the post of Principal Scientific Officer under in situ promotions. Under in situ promotions, the actual post held by a person will get upgraded and such promotion is purely personal to the individual concerned.

6. The respondents have stated that the case of the applicant, along with other eligible officers, is already under process and a separate proposal in regard to their in situ promotion would be sent to the U.P.S.C. after completing all the required formalities.

7. We have gone through the records of the case carefully and have heard the learned counsel for both

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the parties. As the respondents have stated in their counter-affidavit that the case of the applicant along with others will also be processed for ^{promotion, &} in situ, we do not consider it appropriate to issue ^a ~~any~~ specific directions to the respondents. The respondents shall expedite the processing of the case of ^{all} ~~the~~ eligible persons for in situ promotions without any undue delay. The application is disposed of accordingly. There will be no order as to costs.

B.N. Dhoundiyal
(B.N. Dhoundiyal)
Administrative Member

P.K. Kartha
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(P.K. Kartha)
Vice-Chairman (Judl.)

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