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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI

O.A. No. 649/91

New Delhi, dated the 18th July, 1995

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

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

Shri R.L. Ghai,
C/o Indian Institute of Petroleum,
Mohkampur, Dehradun-5.
(None appeared)

.. APPLICANT

VERSUS

The Director General,
Council of Scientific & Industrial Research,
Rafi Marg, New Delhi.
(None appeared)

.. RESPONDENTS

ORDER (ORAL)

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

In this application Shri R.L. Ghai, Asstt. Engineer, Indian Institute of Petroleum, Dehradun under CSIR, New Delhi has prayed for "all the promotion under erstwhile by law 71(b) w.e.f. 1.3.77 and thereafter". Which bye law this refers to, has not been indicated.

2. The applicant's case is that he was appointed as Senior Tech. Asstt. (STA) which according to him is classified as Technical Post on 1.3.67, and was promoted as Scientist AI with effect from 1.3.72 under the CSIR erstwhile assessment Scheme 71(b). On completion of five years service as Scientist AI and being a technical employee of CSIR he was entitled for promotion to the next grade w.e.f. 1.3.77 under erstwhile Scheme 71(b), but the Respondents have not promoted him compelling him to file this O.A.

3. The Respondents in their reply have contested the O.A. and have firstly stated that the application is time barred and hit by limitation as the applicant is impugning the order

1.3.77

dated 16.6.87 (Appendix III) by filing this U.A. in 1991 and the promotion itself is claimed from 1977 which puts it beyond the Tribunal's jurisdiction. It has also been averred in the reply that the applicant is not entitled to promotion under Bye law 71(b) of the erstwhile assessment Scheme, as the same is applicable only to Scientific/Technical staff, engaged in Research work and not to other categories of staff. The respondents state that as per Bye Law 57 there were four categories of staff with the respondents viz. Scientific, Technical, Administrative and Auxiliary Technical. In the fourth category were involved civil engineers and architectural personnel who were mainly engaged for the purpose of construction and maintenance of the building and were not engaged in Scientific Work. Therefore, they were not covered under Bye Law 71(b). The respondents further state that in 1979, although the Governing Body categorised engineering staff as Technical they specifically stipulated that they would not be eligible for assessment under Bye Law 71(b). The respondents state that although the applicant was holding the designation of Scientist AI w.e.f. 1.3.72 till the date of redesignation of the post on functional basis on 10th February, 1981, he was engaged in Civil Engineering work and not in Scientific Work and hence was not eligible for promotion under Bye Law 71(b).

4. The applicant has filed a rejoinder in which he has denied the contents of the reply and reiterated the contents of the U.A.

5. None appeared either for the applicant or for the respondents when the this case was called out. We, therefore,

thought it fit to dispose it of on the basis of the available materials on record.

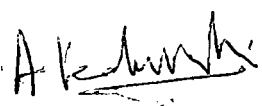
6. The relevant Bye Law 71(b)(ii) reads as follows:

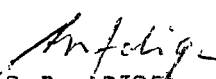
Bye Law 71(b)(ii)

"the merit of officers of the rank of a Junior Scientific Officer/Junior Technical Officer and Senior Scientific Officer Gr. II/Sr. Technical Officer Gr. II engaged in scientific work may be assessed for promotion to the next higher grade, after every five years of the appointment of the officer concerned against that post. Such assessment will also be made after completing one year's service at the maximum of the scale of pay of his grade."

7. A plain reading of this Bye Law makes it clear that the employee has to be engaged in Scientific Work to qualify for assessment for promotion. In fact the Hon'ble Supreme Court in CSIR and another Vs. K.G.S. Bhatt and another 1989 Lab 16(2010) has also ~~expressed~~^{affirmed} this view. No doubt in that case the Hon'ble Supreme Court did not interfere with the Tribunal's decision granting relief to respondent Shri K.G.S. Bhatt (who was a Civil Engineer) under that bye law, but the legal principles that one who is "engaged in the Scientific Work" alone entitled to the benefit of the bye law, was upheld by them, and as there are no materials for us to hold that the applicant was engaged in Scientific Work, we do not find ourselves able to grant the relief prayed for by him.

8. This O.A. therefore fails and is dismissed. No costs.


(DR. A. VEDAVALLI)
Member (J)


(S.R. ADIGE)
Member (A)

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