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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.201 OF 2004

New Delhi, this the 4th day of August, 2004

HON^{BLE} SHRI SHANKER RAJU, MEMBER (J)
HON^{BLE} SHRI S.K. NAIK, MEMBER (A)

Mr. Anil Sharma
S/o late Shri V.P. Sharma
R/o J-03, MBSA, Maharani Bagh, New Delhi
Presently working as Technical Officer-B
in CSIR
2, Rafi Marg, New Delhi.

.....Applicant

(By Advocate : Ms.Jasvinder Kaur)

Versus

1. Council of Scientific & Industrial Research,
Through Director General CSIR
at : 2 Rafi Marg, New Delhi.
2. Joint Secretary Administration
Council of Scientific & Industrial Research,
at: 2 Rafi Marg, New Delhi.

.....Respondents

(By Advocate : Shri V.K. Rao)

ORDER (ORAL)

SHRI SHANKER RAJU, MEMBER (J):-

Applicant impugns respondents' order dated 4/9.7.2003 rejecting his request for promotion under Fast Track Promotion Scheme.

2. Briefly stated facts are that the applicant on an offer of deputation from CSIR on 3.10.1981 joined as Junior Scientific Assistant on foreign deputation in October, 1981. The applicant was relieved from ADRDE, Agra Cantt. on 1.1.1982. The period of deputation was extended thrice, lastly upto 31.1.1984. The applicant was appointed as a Junior Technical Assistant though applicant was assessed for promotion in terms of Merit And Normal Assessment Scheme (for short "MANAS"), the Fast Track

Promotion Scheme was introduced in CSIR under the New Recruitment Rules and Assessment Scheme (for short "NRRAS") effecting from 1.2.1981. Applicant seeks counting of deputation period towards eligibility in terms of CSIR decision dated 29.8.1984 and also contended that cut off date of 31.12.1981 has been down away by Para 2.3.4 of revised MANAS.

3. Learned counsel of applicant contends that denial of Fast Track Promotion Scheme and counting of service of deputation is arbitrary and is violative of Article 14 of the Constitution of India.

4. On the other hand, respondents' learned counsel Shri V.K. Rao contended that applicant was not in the rolls of respondents on 31.12.1981, as he was appointed on substantive post and only on 31.1.1984 he was in the rolls of respondents as per the appointment letter, which clearly indicates that the past service should not be counted for any purposes. Applicant's earlier service, by way of indulgence, has been treated for normal assessment promotion by the respondents. But for Fast Track Promotion, as the applicant has not fulfilled the eligibility criteria and was not on the rolls of CSIR on 31.12.1981, the claim is not sustainable in law.

h 5. As regards counting of deputation service is concerned, it is contended by the learned counsel of the respondents that the applicant since 1984 had

not pressed his claim, as such one who sleeps over his right losses remedy as well and this relief is barred by laches.

6. In the rejoinder, the applicant has reiterated his pleas taken in the OA.

7. We have given thoroughful consideration to the rival contentions of the parties and have perused the material on record.

8. As regards counting of deputation period of service is concerned, as the applicant has not taken appropriate steps at the right time, i.e., after his appointment on 31.1.1984 and mere making repeated representation would not extend the period of limitation. The decision of the Constitutional Bench of the Apex Court in the case of State of M.P. Vs. S.S. Rathore, AIR 1990 SC 10 supports the above view. Moreover, an employee who sleeps over his right and does not exercise it losses his remedy. This relief of the applicant is barred by laches.

9. As regards Fast Track Promotion Scheme is concerned, the applicant admittedly had been given promotion on the basis of normal assessment scheme and the Fast Track Promotion Scheme reduces eligibility period of two years. However, this applies on a condition precedent of existence of an employee on the rolls of CSIR on 31.12.1981. Admittedly, having been

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appointed on 31.1.1984, the applicant was not in the rolls of CSIR of 31.12.1981. The removal of cut of date, i.e., 31.12.1981 in para 2.3.4 of revised MANAS is related to the cut of date in the MANAS but no such deletion has taken place in respect of Fast Track Promotion Scheme. Accordingly, as the applicant was not eligible in terms of Fast Track Promotion Scheme, he is not entitled to any relief.

10. In the result, finding this OA as bereft of any merit is accordingly dismissed. No costs.

S.K. Naik
(S.K. NAIK)
MEMBER (A)

S. Raju
(SHANKER RAJU)
MEMBER (J)

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