

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A No. 180/00086/2017

Friday, this the 19th day of March, 2021.

CORAM:

**HON'BLE Mr. P. MADHAVAN, JUDICIAL MEMBER
HON'BLE Mr. K.V. EAPEN, ADMINISTRATIVE MEMBER**

Arun,
S/o. Anirudhan V.,
Residing at C22 Glen Valley, Mudavan Mughal,
Poojappura, Thiruvananthapuram – 695 012. - Applicant

[By Advocate : Mr. Nirmal V. Nair]

Versus

1. Sree Chitra Tirunal Institute for Medical Sciences and Technology (SCTIMST), Thiruvananthapuram – 695 011 represented by its President.
2. The President, Sree Chitra Tirunal Institute for Medical Sciences and Technology, Thiruvananthapuram – 695 011.
3. The Head, Biomedical Technology, SCTIMST, Poojappura, Thiruvananthapuram – 695 012.
4. The Governing Body represented by its President, Sree Chitra Tirunal Institute for Medical Sciences and Technology, Thiruvananthapuram – 695 011.
5. The Secretary,
Department of Science and Technology,
Government of India, Technology Bhavan,
New Mehrauli Road, New Delhi – 110 016. - Respondents

[By Advocates : Mr. N. Anilkumar, SCGSC for R-5
Mr. V. Sajithkumar for R-1 to 4]

The application having been heard on 19.03.2021, the Tribunal on the same day delivered the following:

O R D E R

Per: Mr. P. Madhavan, Judicial Member

The applicant filed this O.A seeking the following reliefs:-

“i. direct the respondents to publish the guidelines and criteria to be followed by the SSSC for conducting interview and recommending to the general body for promotion.

ii. direct the respondents not to proceed with Annexure A-12 before finalising and publishing the guidelines and criteria to be followed by the SSSC.

iii. Declare that the Annexure A-7 is arbitrary, irregular, malafide, illegal and therefore void.

iv. direct the respondents to strictly comply with Annexure A-8 in all the appointment and promotions.

v. quash Annexure A-7 and Annexure A-11 and direct the respondents to conduct fresh interview for the period May 2012-May 2015 after issuing proper guidelines and criteria to be followed by the SSSC. ”

2. The applicant is working as Engineer-D at the Bio-Technology Wing of the first respondent's Institute. The first respondent is an autonomous institution under the Government of India. The 2nd respondent is the Head of the first respondent institution. It is submitted that the norm of promotion of academic faculty, criteria and guidelines for the promotion existing at the All India Institute of Medical Sciences (AIIMS) are followed at the respondent institute. However, the said Scheme is implemented without issuing any guidelines or criteria for evaluating a candidate for promotion by the SSSC and which is giving way for arbitrary and illegal exercise of their discretion. The academic grade pay structure applicable to the medical faculty was also made applicable to the Scientists and Engineers without obtaining necessary mandatory permission from the concerned Ministries and the respondents unilaterally decided to waive the mandatory Phd requirement for faculty posts. Hence, he filed this Original Application.

3. Heard Mr. Nirmal V. Nair, learned counsel appearing for the applicant and Mr. N. Anilkumar, learned SCGSC for Respondent No. 5 and Mr. V. Sajithkumar, learned counsel appearing for Respondent Nos. 1 to 4.

4. When the matter came up for consideration, it appears that the applicant has filed Annexure A-18 representation, a comprehensive representation before the Competent Authority now. The counsel for the applicant submits that the applicant will be satisfied, if a direction is given to the respondents to dispose of Annexure A-18 representation within a time frame.

5. **Respondents have not filed any objection. In view of the limited submission made, the Competent Authority is directed to dispose of Annexure A-18 representation in the light of relevant rules and regulations and pass a speaking order within a period of three months from the date of receipt of a copy of this order.**

6. The O.A is disposed of as above. No order as to costs.

(Dated, 19th March, 2021.)

**(K.V. EAPEN)
ADMINISTRATIVE MEMBER**

**(P. MADHAVAN)
JUDICIAL MEMBER**

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Applicant's Annexures

Annexure A-1	-	A true copy of the order dated 01.04.2016 passed by the 1 st respondent.
Annexure A-2	-	The relevant pages of the Dr. Suresh Nair Committee Report with respect to the Biomedical Technology Wing.
Annexure A-3	-	A true copy of application dated 19.05.2016.
Annexure A-4	-	A true copy of ACR of the applicant covering the period 2012-2015.
Annexure A-5	-	True copy of report of the ISC dated 23.05.2016.
Annexure A-6	-	A true copy of the call letter dated 20.06.2016.
Annexure A-7	-	A true copy of the mark sheets obtained by the applicant.
Annexure A-8	-	A true copy of the order dated 27.02.2010.
Annexure A-9	-	A true copy of the notification dated 26.08.2015.
Annexure A-10	-	A true copy of the order dated 18.09.2015 giving relaxation from this qualification requirement for academic faculty posts.
Annexure A-11	-	A true copy of the order dated 29.11.2016.
Annexure A-12	-	A true copy of the notification dated 18.01.2017.
Annexure A-13	-	A true copy of the representation dated 18.01.2017 submitted by the applicant.
Annexure A-14	-	True copy of the Audit Report covering period from 01.04.2017-31.03.2019.
Annexure A-15	-	A true copy of the reply dated 18.01.2019 given by the 5 th respondent.
Annexure A-16	-	True copy of the letter dated 30.08.2017 by the 5 th respondent.
Annexure A-17	-	True copy of the notice dated 4.12.2019 issued by the 1 st respondent.
Annexure A-18	-	True copy of the Review Petition dated 12.03.2021 submitted by the applicant before the Chairman, Governing Body.

Annexures of Respondents

NIL
