

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
AHMEDABAD BENCH

**O.A.NO.** 105/1992  
~~**E.A.NO.**~~

DATE OF DECISION 19.1.99

B.A. Brahmbhatt Petitioner

Mr. M.S.Trivedi Advocate for the Petitioner [s]  
Versus

Union of India & another Respondent

Mr. B.N. Doctor Advocate for the Respondent [s]

CORAM

The Hon'ble Mr. V.Ramakrishnan, Vice Chairman

The Hon'ble Mr. P.C.Kannan, Member (J)

**JUDGMENT**

- 1, Whether Reporters of Local papers may be allowed to see the Judgment ? *no*
- 2, To be referred to the Reporter or not ? *no*
- 3, Whether their Lordships wish to see the fair copy of the Judgment ?
- 4, Whether it needs to be circulated to other Benches of the Tribunal ? *no*

B.A.Brahmbhatt  
Office Clerk A, DECU:AO  
Space Applications Centre  
Jodhpur Ahmedabad-380 056

Petitioner

Advocate: Mr. M.S.Trivedi

Versus

1. Union of India  
(to be served through the  
Chairman, ISRO and the  
Secretary Govt.of India,  
(Department of Space)  
Cauvery Bhavan, Bangalore,  
Karnataka.
2. The Director  
Space Application Centre  
ISRO, Jodhpur Tekro,  
Ahmedabad.

Respondents

Advocate Mr. B.N.Doctor

ORAL ORDER  
IN  
O.A.No.105/1992

Dated 19<sup>th</sup> Jany. 1999

Per Hon'ble Mr. V.Ramakrishnan, Vice Chairman:

We have heard Mr. Trivedi for the applicant and Mr. Doctor for the respondents.

2. The applicant is an employee of Indian Space Research Organisation and was earlier governed by the Physical Research Laboratory Rules (PRL

mm

Rules) and service conditions. He has approached this Tribunal seeking a direction to the respondents to review his case every three years for promotion, as per the old terms and afford the petitioner all such benefits from the due date such as increments, pay fixation, promotion and seniority etc. on the basis of such three yearly review.

3. A number of employees who were earlier governed by the Physical Research Laboratory Rules and service conditions became regular employees of the Central Government with effect from 1<sup>st</sup> April 1975 when ISRO was made a Government Department. They were given an option to retain the terms of employment available to them as per the old rules or to be governed by the revised terms which are the same as the Central Government Rules. Some of the persons who had opted for the old terms had approached the Gujarat High Court in 1981 contending that the fact that they had opted for the old terms did not mean that earlier benefits like house building advance, leave encashment on retirement, liberalised earned leave rules, medical treatment, scooter and car advances etc. should be frozen as at the level which obtained in 1975 without any improvement, keeping in view the increase in the cost of living. This case was transferred to the Tribunal on the constitution of the Central Administrative Tribunal and numbered as TA/177 of 1986. This was disposed of by the Tribunal on

52

22.5.87 with the direction <sup>to</sup> of the respondents to allow the old optees to continue to retain terms and conditions applicable on 1.4.1975 making suitable revisions therein to take into account the changes in prices and other relevant conditions. There was also a further direction that so far as promotion policy, HRA, TA, CCA, DA and retirement benefits are concerned, the question of providing a suitable increase since 1975 may also be examined, although it is not necessary that such increases be identical with that given to employees who have opted for new conditions. The order of the Department to give effect to the Tribunal's directions are dated 19<sup>th</sup>/25<sup>th</sup> February 1988, a part of the Annexure A-4 to the present O.A. We also notice that there was a Contempt Petition No.31/88 which was disposed of by the Tribunal on 2.4.90 stating that the department had since issued certain orders and that there has been substantial compliance of the directions of the Tribunal. A copy of this order is at Annexure R- VIII to the reply statement of the respondents.

4. The present applicant had initially opted for the old terms. He exercised an option to come over to the terms applicable to the new entrants and this was allowed with effect from April 1, 1988. This order is attached as Annexure A-4. It will be clear from this order that prior to 1.4.88 the applicant would be governed by the old terms.

✓



Mr. Trivedi submits that as the applicant is governed in terms of the old rules upto 1<sup>st</sup> April 1988, he is entitled to the benefits of the standing orders and subsidiary rules of the P.R.L. Ahmedabad particularly to S.O.51 which regulates promotion. The S.O. 51(A) reads as follows:-

“ Each employee's total performance will be evaluated annually in a confidential report, the form of which shall be approved by the Director. These reports will be for the period from 1<sup>st</sup> January to 31<sup>st</sup> December and the area chairman/sectional heads will send the reports by the 31<sup>st</sup> January of the following year to the Administrative Officer. The cases of all the employees will be reviewed every three years to ascertain whether they deserve special consideration for outstanding work. These considerations can be either additional increments in the same grade or promotion to a higher grade and would always be subject to the availability of appropriate funds”.

Mr.Trivedi says that the applicant's case should have been reviewed every three years from 1975 upto 1988 and he should have been given promotion/advance increments if found fit.

4. The respondents resist the O.A. In para 9 of the reply statement it is stated :

“9. With regard to para 5, it is submitted that the applicant has already exercised option to come over to new terms with effect from 1.4.88 duly declaring that he has clearly understood the conditions of service under the “old and the “new terms” in exercising his option. The applicant is no more governed by the terms and conditons applicable to the old entrants. Presuming that he has not opted for new terms w.e.f. 1.4.88, even then in terms of his earlier option to continue in the reconstituted ISRO as a Government servant while electing the terms and conditions applicable to old entrants, he is governed by the set of rules which are applicable in common to both old and new entrants in matters like appointment/promotion as set out in Part ‘A’ of

57

Annexure-I to the printed Memorandum issued to employees at the time of governmentalisation of ISRO and which have been accepted by him in writing while exercising option to elect term applicable to old entrants. Further there exists no different set of rules or norms for the "old" term optees alone in the matter of promotion. This application is, therefore, thoroughly misconceived and the grievances are illusory and untenable."

It is also contended that there is a quota for promotion on merit by taking a written examination and interview and the applicant has not made any effort to get promotion under the merit quota.

6. We have carefully gone through the submissions of both the sides.

The main ground in support of the O.A. is that as the applicant had opted for the old terms upto 1<sup>st</sup> April 1988 he had an automatic right to be considered for promotion every three years and if his performance was considered outstanding, he should have been given either promotion or advance increments. Mr. Trivedi also refers to the memorandum which has spelt out the terms and conditions of persons who are working under the ISRO prior to 1.4.75. This is at Annexure A-1 to the O.A. He refers to Annexure -1 part 'A' of the memorandum particularly Sr.No.2 which deals with the fixation of pay, special pay etc. Mr. Trivedi contends that the fixation of pay, special pay etc. should be taken to include promotion or grant of advance increments and as there was a scheme for grant of such increments under the P.R.L. Rules, the applicant is eligible to be considered for such a benefit.

✓


We find that the memorandum enclosed with the notice dated 3<sup>rd</sup> January 1975 of ISRO (Annexure A-1) deals with the question of options. Para 2 of the memorandum reads as follows:-

'2. Officers and staff of the existing Indian Space Research Organisation willing to accept service in ISRO reconstituted as a Government organisation, i.e., those who are willing to serve as Government servants with effect from 1.4.1975 will be appointed to identical posts in the new organisation. They will have the option to retain the existing terms and conditions or to elect a new set of terms and conditions full details of which are set down in paragraph 5 below'.

Para 5.1 reads as follows:

"5.1. Employees who declare their willingness to accept Government service and who are provided posts in the new organisation will continue to be entitled to their existing scales of pay and allowances including dearness pay, dearness allowance, CCA, HRA, OTA, TA.etc. subject to changes or amendments made by Government from time to time and the regulation of pay and allowances will be governed by Government rules relating thereto as amended from time to time. They will be governed by the Conduct and Disciplinary Rules applicable to the Department of Space.

As regards benefits such as leave, retirement benefits, leave travel concessions, medical benefits, conveyance allowances, conveyance advances, transport facilities, festival advances, children's educational concessions, building advances etc., new entrants shall be governed by the terms (outlined in Column 4 of Part B and column 3 of Part C of Annexure 1) based on the relevant Government rules or orders in force from time to time which would ~~include~~ pensionary benefits in force under Government rules. The term 'new entrants' includes-

- 
- (i) personnel recruited afresh on or after 1-4-1975.
  - (ii) Employees recruited by the existing ISRO who may be offered fresh appointments on or after 1.4.1975 in the reconstituted ISRO on the basis of selection by open advertisement'.




Para 5.2 provides that employees serving at the relevant time in ISRO willing to join the reconstituted ISRO will be given an option to retain their existing terms as on 31.3.75 as outlined in Column 3 of Part B of Annexure -I or elect the terms admissible to new entrants.

Para 5.3 states as follows:-

"5.3. To enable employees willing to serve as Government servants in the reconstituted ISRO to decide whether they should elect to retain their old terms or opt for the terms applicable to new entrants, comparative statements outlining in brief the benefits/concessions under the aforesaid terms are enclosed (Annexure-I).

Annexure -1 to the Memorandum consists of two parts- Part A and Part B. As can be seen from Para 5.2 of the Memorandum, an option to retain existing terms is available only in respect of benefits under Part-B. These are: 1) special concessions while on temporary duty or on temporary transfer 2) leave rules including encashment of leave 3) retirement benefits 4) leave travel concession 5) medical facilities 6) conveyance allowance 7) conveyance advance 8) transport and 9) Festival advance. So far as the pay scales and rules regarding fixation of pay, special pay etc. are concerned, these are not in Part B but in Part A and these are common to old and new entrants. That means, the Central Government Rules will equally apply to old entrants electing the old ISRO terms on the one hand and the new entrants and old entrants electing Central Government terms on the other. Even if it is contended that fixation of pay will include advance increments, these are governed by the service rules applicable to the department from time to time and there is no provision in the D.O.S. rules for a three year review <sup>for these categories</sup>. This has been highlighted in reply statement of the respondents. We therefore find that under the memorandum as at Annexure-I there is no





automatic entitlement for employees electing the old terms under the Physical Research Laboratory Rules for review every three years for being given advance increments or promotion to the next higher grade. We also notice that the issues involved before the Tribunal in TA/177 /86 were somewhat different as the grievance then related to freezing of certain benefits like H.B.A., scooter advance to the old entrants at the old rates and the Tribunal rightly observed that there is need for increase in the quantum of such benefits keeping in view the cost of living. This has been implemented by the department as at Annexure A-4, by the Memorandum dated 19/25 Feb. 1988 which improves the facility in respect of leave, retirement benefits, L.T.C., medical facilities, conveyance allowance, festival advance, children education allowance and deposit linked Insurance Scheme. There has been no provision with regard to promotion as the relevant rules for promotion will be the Central Government Rules irrespective of whether the employee opts for the old terms or the new terms. The applicant when he has exercised this option to come over to the revised terms with effect from 1.4.88 has indicated that he has clearly understood the conditions of service under the old and new terms in exercising his option and cannot now seek to raise the question of promotion in respect of which there is no distinction between the two categories of optees.

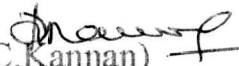
7. While the applicant is not entitled to the relief sought for namely a review every three years, we are informed that he continues to be an office clerk Grade-A even today after having put in 18 years of service. Mr. Doctor tells us that this is not the only case and a number of employees are also stagnating at this level. This is also borne out from the reply statement particularly para 10 thereof where it is submitted that there are a number of employees who have rendered ten to eighteen years of service in

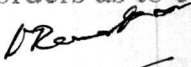
the Grade of Office Clerk-A who could not promoted to the grade of Office Clerk-B due to non availability of posts and the applicant's case is not an isolated one. This obviously is not a satisfactory state of affairs. In various Central Government departments a scheme has been prepared to ensure that a person gets at least two promotions in the course of his service career. In our view, ISRO should do well to look in to this aspect again and to ensure that fit candidates are given advancement in their career instead of being made to stagnate for two decades and more at the same level. This will not only be in the interest of the employees but also result in raising the morale in the organisation. We expect that the respondents will look into this question with adequate care and take such action as they deem appropriate.

We also note from para 10 that the applicant was empanelled at Sr.No.15 for promotion in the seniority quota in the D.P.C. held on 29.8.91 and such panel is valid for a period of 18 months. Some out of the said panel have already been promoted against the vacancies. However, the applicant could not be promoted during the currency of the panel. This reply statement was filed in 1992. Even after a lapse of six years the applicant continues to remain in the same grade. Mr. Doctor at this stage informs us that the applicant was again considered and was empanelled in 1997. The fact however remains that he has not been promoted to the next higher grade.

8. Subject to the observations in the above para we hold that the applicant is not entitled to the relief sought for in the present O.A.

9. The O.A. is disposed of as above without any orders as to costs.

  
(P.C.Kannan)  
Member (J)

  
(V.Ramakrishnan)  
Vice Chairman

PMR

Date	Office Report	ORDER
13/2/95		<p>M.A. may be placed for orders on 25/4/95.</p> <p>(K.Ramamoorthy) Member (A)</p> <p>(N.B.Patel) Vice Chairman</p> <p>ssh*</p>
25-4-95	<p>Notice issued on 24-7-98 RPM received from R-1, 2, 3 20/8/98</p>	<p><u>M.A.477/94</u></p> <p>Mr.Yajnik does not press the M.A. M.A. stands disposed of.</p> <p>(K.Ramamoorthy) Member (A)</p> <p>(N.B.Patel) Vice Chairman</p> <p>ssh*</p>
21.08.98	<p>Notice issued on 27-8-98 RPM received 23/4/98</p>	<p>Mr. M.S. Trivedi files Vakalatnama for the applicant in place of Mr. Yagnik who has given his 'No Objection'.</p> <p>Mr. Kureshi's term as Standing counsel has come to an end. Respondents to make alternative arrangements. Adjourned to 24.09.98.</p> <p>(Laxman Jha) Member (J)</p> <p>(V. Ramakrishnan) Vice Chairman</p> <p>hki</p>

Date

Office Report

ORDER

24.9.98

At the request of both sides,  
adjourned to 3.11.1998.

*DN*  
(P.C. Kannan)  
Member (J)

*M*  
(V. Ramakrishnan)  
Vice Chairman

vtc.

03.11.98

Both sides absent. Adjourned to

19.11.98.

*DN*  
(P.C. Kannan)  
Member (J)

*M*  
(V. Ramakrishnan)  
Vice Chairman

hki

19.11.98

Mr. Doctor says that he will be entering  
appearance in place of Mr. Ravani who will retire.  
Mr. Trivedi is not present. Adjourned to  
19.01.99.

*DN*  
(P.C. Kannan)  
Member (J)

*M*  
(V. Ramakrishnan)  
Vice Chairman

hki

19.01.99

both the sides.  
e Heard/ Oral Order dictated  
in the open court.

*DN*  
(P.C. Kannan)  
Member (J)

*M*  
(V. Ramakrishnan)  
Vice Chairman

pmr



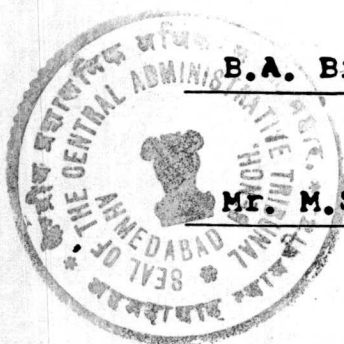
CAT/J/13

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

**O.A.NO.** 105/1992

~~**P.A.NO.**~~

**DATE OF DECISION** 19.1.99



**B.A. Brahmhatt**

**Petitioner**

**Mr. M.S.Trivedi**

**Advocate for the Petitioner [s]**

**Versus**

**Union of India & another**

**Respondent**

**Mr. B.N. Doctor**

**Advocate for the Respondent [s]**

**CORAM**

**The Hon'ble Mr.**

**V.Ramakrishnan, Vice Chairman**

**The Hon'ble Mr.**

**P.C.Kannan, Member (J)**

**JUDGMENT**

B.A.Brahmbhatt  
Office Clerk A. DECU:AO  
Space Applications Centre  
Jodhpur Ahmedabad-380 056

Petitioner

Advocate: Mr. M.S.Trivedi

Versus

1. Union of India  
(to be served through the  
Chairman. ISRO and the  
Secretary Govt.of India.  
(Department of Space)  
Cauvery Bhavan. Bangalore.  
Karnataka.  
The Director  
Space Application Centre  
ISRO. Jodhpur Tekro.  
Ahmedabad.

Respondents

Advocate Mr. B.N.Doctor

ORAL ORDER  
IN  
O.A.No.105 1992

Dated 19<sup>th</sup> Jany. 1999

Per Hon'ble Mr. V.Ramakrishnan. Vice Chairman:

We have heard Mr. Trivedi for the applicant and Mr. Doctor for the respondents.

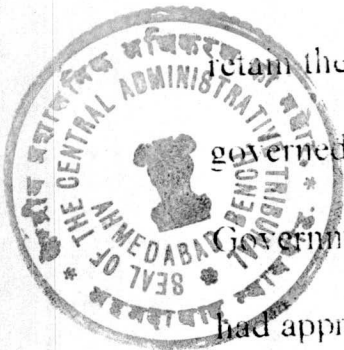
2. The applicant is an employee of Indian Space Research Organisation and was earlier governed by the Physical Research Laboratory Rules (PRL.

Rules) and service conditions. He has approached this Tribunal seeking a direction to the respondents to review his case every three years for promotion, as per the old terms and afford the petitioner all such benefits from the due date such as increments, pay fixation, promotion and seniority etc. on the basis of such three yearly review.

3. A number of employees who were earlier governed by the Physical Research Laboratory Rules and service conditions became regular employees of the Central Government with effect from 1<sup>st</sup> April 1975 when ISRO was made a Government Department. They were given an option to

remain the terms of employment available to them as per the old rules or to be governed by the revised terms which are the same as the Central Government Rules. Some of the persons who had opted for the old terms had approached the Gujarat High Court in 1981 contending that the fact that

they had opted for the old terms did not mean that earlier benefits like house building advance, leave encashment on retirement, liberalised earned leave rules, medical treatment, scooter and car advances etc. should be frozen as at the level which obtained in 1975 without any improvement, keeping in view the increase in the cost of living. This case was transferred to the Tribunal on the constitution of the Central Administrative Tribunal and numbered as TA 177 of 1986. This was disposed of by the Tribunal on



22.5.87 with the direction <sup>to</sup> ~~at~~ the respondents to allow the old optees to continue to retain terms and conditions applicable on 1.4.1975 making suitable revisions therein to take into account the changes in prices and other relevant conditions. There was also a further direction that so far as promotion policy, HRA, TA, CCA, DA and retirement benefits are concerned, the question of providing a suitable increase since 1975 may also be examined, although it is not necessary that such increases be identical with that given to employees who have opted for new conditions. The order of the Department to give effect to the Tribunal's directions are dated 16<sup>th</sup> 25<sup>th</sup> February 1988, a part of the Annexure A-4 to the present O.A. We also notice that there was a Contempt Petition No.31/88 which was disposed of by the Tribunal on 2.4.90 stating that the department had since issued certain orders and that there has been substantial compliance of the directions of the Tribunal. A copy of this order is at Annexure R- VIII to the reply statement of the respondents.

4. The present applicant had initially opted for the old terms. He exercised an option to come over to the terms applicable to the new entrants and this was allowed with effect from April 1, 1988. This order is attached as Annexure A-4. It will be clear from this order that prior to 1.4.88 the applicant would be governed by the old terms



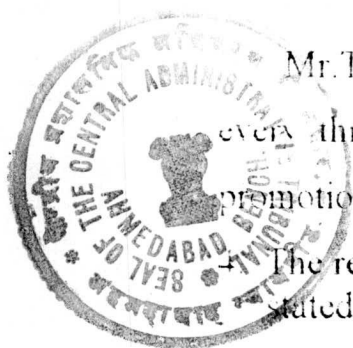
Mr. Trivedi submits that as the applicant is governed in terms of the old rules upto 1<sup>st</sup> April 1988, he is entitled to the benefits of the standing orders and subsidiary rules of the P.R.I. Ahmedabad particularly to S.O.51 which regulates promotion. The S.O. 51(A) reads as follows:-

" Each employee's total performance will be evaluated annually in a confidential report, the form of which shall be approved by the Director. These reports will be for the period from 1<sup>st</sup> January to 31<sup>st</sup> December and the area chairman sectional heads will send the reports by the 31<sup>st</sup> January of the following year to the Administrative Officer. The cases of all the employees will be reviewed every three years to ascertain whether they deserve special consideration for outstanding work. These considerations can be either additional increments in the same grade or promotion to a higher grade and would always be subject to the availability of appropriate funds"

Mr. Trivedi says that the applicant's case should have been reviewed every three years from 1975 upto 1988 and he should have been given promotion advance increments if found fit.


The respondents resist the O.A. In para 9 of the reply statement it is stated :

"9. With regard to para 5, it is submitted that the applicant has already exercised option to come over to new terms with effect from 1.4.88 duly declaring that he has clearly understood the conditions of service under the "old and the "new terms" in exercising his option. The applicant is no more governed by the terms and conditons applicable to the old entrants. Presuming that he has not opted for new terms, w.e.f. 1.4.88, even then in terms of his earlier option to continue in the reconstituted ISRO as a Government servant while electing the terms and conditions applicable to old entrants, he is governed by the set of rules which are applicable in common to both old and new entrants in matters like appointment promotion as set out in Part 'A' of



Annexure-I to the printed Memorandum issued to employees at the time of governmentalisation of ISRO and which have been accepted by him in writing while exercising option to elect term applicable to old entrants. Further there exists no different set of rules or norms for the "old" term optees alone in the matter of promotion. This application is, therefore, thoroughly misconceived and the grievances are illusory and untenable.

It is also contended that there is a quota for promotion on merit by taking a written examination and interview and the applicant has not made any effort to get promotion under the merit quota.

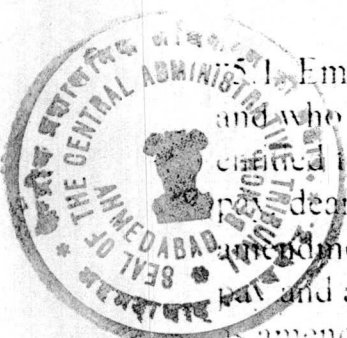


We have carefully gone through the submissions of both the sides. The main ground in support of the O.A. is that as the applicant had opted for the old terms upto 1<sup>st</sup> April 1988 he had an automatic right to be considered for promotion every three years and if his performance was considered outstanding, he should have been given either promotion or advance increments. Mr. Trivedi also refers to the memorandum which has spelt out the terms and conditions of persons who are working under the ISRO prior to 1.4.75. This is at Annexure A-1 to the O.A. He refers to Annexure - I part 'A' of the memorandum particularly Sr.No.2 which deals with the fixation of pay, special pay etc. Mr. Trivedi contends that the fixation of pay, special pay etc. should be taken to include promotion or grant of advance increments and as there was a scheme for grant of such increments under the P.R.I. Rules, the applicant is eligible to be considered for such a benefit.

We find that the memorandum enclosed with the notice dated 3<sup>rd</sup> January 1975 of ISRO (Annexure A-1) deals with the question of options. Para 2 of the memorandum reads as follows:-

2. Officers and staff of the existing Indian Space Research Organisation willing to accept service in ISRO reconstituted as a Government organisation, i.e., those who are willing to serve as Government servants, with effect from 1.4.1975 will be appointed to identical posts in the new organisation. They will have the option to retain the existing terms and conditions or to elect a new set of terms and conditions full details of which are set down in paragraph 5 below.

Para 5.1 reads as follows:



5.1 Employees who declare their willingness to accept Government service and who are provided posts in the new organisation will continue to be entitled to their existing scales of pay and allowances including dearness pay, dearness allowance, CCA, HRA, OTA, TA etc. subject to changes or amendments made by Government from time to time and the regulation of pay and allowances will be governed by Government rules relating thereto as amended from time to time. They will be governed by the Conduct and Disciplinary Rules applicable to the Department of Space.


As regards benefits such as leave, retirement benefits, leave travel concessions, medical benefits, conveyance allowances, conveyance advances, transport facilities, festival advances, children's educational concessions, building advances etc., new entrants shall be governed by the terms outlined in Column 4 of Part B and column 3 of Part C of Annexure 1) based on the relevant Government rules or orders in force from time to time which would ~~include~~ pensionary benefits in force under Government rules. The term 'new entrants' includes-

- (i) personnel recruited afresh on or after 1-4-1975.
- (ii) Employees recruited by the existing ISRO who may be offered fresh appointments on or after 1.4.1975 in the reconstituted ISRO on the basis of selection by open advertisement.

Para 5.2 provides that employees serving at the relevant time in ISRO willing to join the reconstituted ISRO will be given an option to retain their existing terms as on 31.3.75 as outlined in Column 3 of Part B of Annexure I or elect the terms admissible to new entrants.

Para 5.3 states as follows:-

5.3 To enable employees willing to serve as Government servants in the reconstituted ISRO to decide whether they should elect to retain their old terms or opt for the terms applicable to new entrants, comparative statements outlining in brief the benefits concessions under the aforesaid terms are enclosed (Annexure-I).



Annexure -1 to the Memorandum consists of two parts- Part A and Part B. As can be seen from Para 5.2 of the Memorandum, an option to retain existing terms is available only in respect of benefits under Part-B. These are: 1) special concessions while on temporary duty or on temporary transfer 2) leave rules including encashment of leave 3) retirement benefits 4) leave travel concession 5) medical facilities 6) conveyance allowance 7) conveyance advance 8) transport and 9) Festival advance. So far as the pay scales and rules regarding fixation of pay, special pay etc. are concerned, these are not in Part B but in Part A and these are common to old and new entrants. That means, the Central Government Rules will equally apply to old entrants electing the old ISRO terms on the one hand and the new entrants and old entrants electing Central Government terms on the other. Even if it is contended that fixation of pay will include advance increments, these are governed by the service rules applicable to the department from time to time and there is no provision in the D.O.S. rules for a three year review <sup>for these categories</sup>. This has been highlighted in reply statement of the respondents. We therefore find that under the memorandum as at Annexure-I there is no



automatic entitlement for employees electing the old terms under the Physical Research Laboratory Rules for review every three years for being given advance increments or promotion to the next higher grade. We also notice that the issues involved before the Tribunal in TA 177/86 were somewhat different as the grievance then related to freezing of certain benefits like H.B.A., scooter advance to the old entrants at the old rates and the Tribunal rightly observed that there is need for increase in the quantum of such benefits keeping in view the cost of living. This has been implemented by the department as at Annexure A-4. by the Memorandum dated 19/25 Feb. 1988 which improves the facility in respect of leave, retirement benefits, L.T.C., medical facilities, conveyance allowance,

festival advance, children education allowance and deposit linked Insurance Scheme. There has been no provision with regard to promotion as the

relevant rules for promotion will be the Central Government Rules

in respect of whether the employee opts for the old terms or the new terms

The applicant when he has exercised this option to come over to the revised terms with effect from 1-4-88 has indicated that he has clearly understood the conditions of service under the old and new terms in exercising his option and cannot now seek to raise the question of promotion in respect of which there is no distinction between the two categories of optees.

7 While the applicant is not entitled to the relief sought for namely a review every three years, we are informed that he continues to be an office clerk Grade-A even today after having put in 18 years of service. Mr. Doctor tells us that this is not the only case and a number of employees are also stagnating at this level. This is also borne out from the reply statement particularly para 10 thereof where it is submitted that there are a number of employees who have rendered ten to eighteen years of service in



the Grade of Office Clerk-A who could not promoted to the grade of Office Clerk-B due to non availability of posts and the applicant's case is not an isolated one. This obviously is not a satisfactory state of affairs. In various Central Government departments a scheme has been prepared to ensure that a person gets at least two promotions in the course of his service career. In our view ISRO should do well to look in to this aspect again and to ensure that its candidates are given advancement in their career instead of being made to stagnate for two decades and more at the same level. This will not only be in the interest of the employees but also result in raising the morale in the organisation. We expect that the respondents will look into this question with adequate care and take such action as they deem appropriate.

We also note from para 10 that the applicant was empanelled at Sr.No.15 for promotion in the seniority quota in the D.P.C. held on 29.8.91 and such panel is valid for a period of 18 months. Some out of the said panel have already been promoted against the vacancies. However, the applicant could not be promoted during the currency of the panel. This reply statement was filed in 1992. Even after a lapse of six years the applicant continues to remain in the same grade. Mr. Doctor at this stage informs us that the applicant was again considered and was empanelled in 1997. The fact however remains that he has not been promoted to the next higher grade.

8 Subject to the observations in the above para we hold that the applicant is not entitled to the relief sought for in the present O.A.

9 The O.A is disposed of as above without any orders as to costs.

(P.C.Kannan)  
Member (I)

sd/

15-02-99

15/2/99

(V.Ramakrishnan)  
Vice Chairman

sd/

PMR

Section Officer (I)  
Central Administrative Tribunal  
Bangalore Bench