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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH : JODHPUR

Date of order : 9.2.2001

O.A. No. 82/1998

1. Heavy Water Supervisors' Association, through its Secretary - Mr. S.K. Jain, son of Mr. S.C. Jain, aged 40 years, Scientific Assistant 'D', Production Station, Heavy Water Plant (Kota), Rawatbhata: resident of Block No. 30, Quarter No.175, Heavy Water Plant (Kota) Colony, Rawatbhata, via Kota (Raj.)
2. A.K. Rana son of Mr. Mohan Singh, aged 38 years, Scientific Assistant 'D', Production Section, Heavy Water Plant (Kota), Rawatbhata: resident of Block No. 5, Quarter No. 27, Heavy Water Plant (Kota) Colony, Rawatbhata, via Kota (Raj.)

... Applicants.

v e r s u s

1. Union of India through the Secretary to the Department of Atomic Energy, Old Yatch Club, Chhatrapati Shivaji Marg, Mumbai.
2. The Chief Executive Officer, Heavy Water Board, 5th Floor, Vikram Sarabhai Bhawan, Anu Shakti Nagar, Mumbai.
3. The Administrative Officer, Heavy Water Plant (Kota), Rawatbhata, via Kota (Raj.)
4. The General Manager, Heavy Water Plant (Kota), Rawatbhata, Via Kota (Raj.).

... Respondents.

Mr. R.S. Safuja, Counsel for the applicants.

Mr. Vinit Mathur, Counsel for the respondents.

CORAM:

Hon'ble Mr. B.S. Raikote, Vice Chairman

Hon'ble Mr. Gopal Singh, Administrative Member

: O R D E R :

(Per Hon'ble Mr. Justice B.S. Raikote)

This application is filed by Heavy Water Supervisors' Associati

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as applicant No.1, and Shri A.K. Rana as applicant No.2. Their common prayer in this application is to restrain the respondents from proceeding as per instructions dated 2.8.83, by declaring the same illegal. They have also prayed for a direction to consider the members of the applicant- Association and the applicant No.2, for promotion/upgradation in corresponding grades from Scientific Assistant's cadre to Scientific Officer's cadre.

2. Heard the learned counsel for the parties.

3. It is not in dispute that the impugned proceedings dated 2.8.83 has been upheld by Hon'ble the Supreme Court vide judgement/order dated 26.4.88 in SLP No. 11353 of 1987 (C.A. No. 808 of 1988 - The Secretary, Department of Atomic Energy, Bombay & Anr. vs. C. Bhaskara Sarma & Ors.), by upholding the view taken by the Madras Bench of C.A.T., according to which the said policy was valid, and setting aside the judgement/order of the Hyderabad Bench of the Tribunal (SLP No. 13787 of 1987 - C.A. No. 809 of 1988, P.R. Kannan & Ors.), according to which the said policy was invalid. The respondents have contended that the policy and also the judgement of Hon'ble the Supreme Court, are being implemented in respect of each case on its own merit. In fact, the effect of the "Merit Promotion Scheme" and the method of promotion on the basis of the guidelines stipulated in the "Merit Promotion Scheme", we had an occasion to consider in another O.A. No. 259/97 vide judgement/order dated 22.12.2000, and accordingly, we held that in terms of the Merit Promotion Scheme, the Scientific Assistants are required to be considered for promotion simultaneously for two different streams, one for technical stream and other for scientific stream. According to the Scheme, the Screening Committee assesses the individual as to the suitability, experience and research work either to the technical stream or to the scientific stream, and his promotion is recommended <sup>to</sup> either of these categories, depending upon the suitability as assessed by the



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Committee, for a particular post. Therefore, no person can claim that he should be promoted for scientific stream or technical stream, as a matter of right. We have also relied upon the judgement of Hon'ble the Supreme Court passed in Civil Appeal No. 808 of 1988, and held that the persons are entitled to be promoted according to such directions of Hon'ble the Supreme Court. Having regard to these circumstances, we find that this matter stands fully covered by our judgement/order dated 22.12.2000, passed in OA No. 259/97. The learned counsel for the respondents submits that the law declared by Hon'ble the Supreme Court are and the policy enunciated by the department/being consistently followed. If that is so, in our considered opinion, the general directions, as prayed for by the applicants in this case, cannot be granted. In this view of the matter, the applicants are not entitled to any relief in this case. Accordingly, we pass the order as under:-

"Application is dismissed. But in the circumstances, without costs."

  
(GOPAL SINGH)  
Adm. Member

  
(JUSTICE B.S. RAIKOTE)  
Vice Chairman

cvr.

Copy of order dated 13-2-2001 along with MACB  
Sent to Counsel for Appnt vide no 75  
del 21-2-2001

Part II and III destroyed  
in my presence on 21-3-07  
under the supervision of  
section officer ( ) as per  
order dated 19-12-07

Section Officer (Records)

Copy received  
K.S. Gill  
15/2  
per V.K. Mathur