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CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR.

Date, of Order : 11-07-2001

O.A. No. 157/1998.

S. C. Bhardwaj s/o Shri R. L. Bhardwaj, by Caste Brahmin, r/o Rampur, Distt. Buland Sahar. (At present posted as Scientific Officer (Engineer), SO/SB, at RAPP (Rajasthan Atomic Power Project 3 & 4), Rawat Bhata, Kota (Raj.) Viya-Chittorgarh.

APPLICANT.

VERSUS

1. Union of India through the Chairman, Atomic Energy Commission, Secretary to the Govt. of India, Department of Atomic Energy, Anushakti Bhawan, CSM Marg, Mumbai 400037.
2. The Chairman cum Managing Director, Nuclear Power Corporation Limited, World Trade Centre, 16th Floor, Cuffe Parade, Mumbai 400005.
3. The Project Director (RAPP 3 & 4), Rawat Bhata, Kota (Rajasthan).

RESPONDENTS..

Mr. Hemant Shrimalee, counsel for the Applicant.
Mr. Arun Bhanwari, counsel for the Respondents.

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Hon'ble Mr. Justice B. S. Raikote, Vice Chairman.
Hon'ble Mr. Gopal Singh, Administrative Member.

ORDER

(per Hon'ble Mr. Gopal Singh)

In this application under Section 19 of the Administrative Tribunals Act, 1985, applicant S. C. Bhardwaj has prayed for a direction to the respondents directing them to consider and keep all promotions to the applicant on the post of SA/SB, SO/SC and SO/SD from the dates when one Shri Laxmi Narayan was promoted or from the date when promotions became due to the applicant or from the dates when his juniors were promoted and assign him seniority accordingly.

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2. Applicant's case is that he was appointed as Chargehand(Electrical) on 17.06.1976 in the respondents department. In the year 1978, some of the colleagues of the applicant who had joined the service alongwith him, were called for interview for promotion to the next higher post, but the applicant was not called for. The applicant was called for interview and was promoted to the post of Scientific Assistant 'B' on 01.05.1980. Similarly, the applicant was not called for interview for the higher post in the year 1984 when it was due but was called for interview in the year 1986 and was promoted as Scientific Assistant 'C' on 01.05.1986. Thus, the applicant has lost the seniority since many of his juniors have been promoted to higher grades ignoring his claim. Hence the prayer.



3. In the counter, it has been stated by the respondents that the respondent department has adopted an unique non-vacancy based scheme in the matter of promotion of its personnel in scientific and technical grades, based on the need to develop a cadre of competent scientists and technologists. This scheme is known as the Merit promotion Scheme. In accordance with the 'Merit promotion Scheme', promotions are made from one grade to another higher grade not on the basis of vacancies but on the basis of development and work of the individual scientific research/technical personnel. Under the scheme, a scientific officer/engineer or any other technical person deserving promotion because of the merit of his work is never denied promotion for want of vacancy. A suitable post is always created at the level required for accommodating the promotion.

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while creating such post, the lower post vacated by the person concerned is abolished automatically. One important aspect of the Merit Promotion Scheme is that the seniority of an individual officer is not a criterion. Generally, a list of those candidates arranged with respect to the number of years they have spent in a particular grade, is made available to the 'Screening Committee'. Based on the grading obtained in Annual Confidential Report and personal interview, the brighter candidates pass through every grade in the shortest possible time to reach higher levels before their colleagues who may have joined before him or along with him. Therefore, the normal concepts of seniority and inter-se seniority do not apply to the promotion policy for scientific and technical personnel in the Respondent's organisation. In these circumstances, the respondents have submitted that the application is devoid of any merit and is liable to be dismissed.

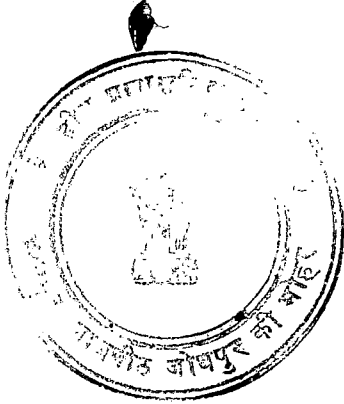


4. We have heard the learned counsel for the parties and perused the records of the case carefully.


5. The Merit promotion Scheme is continuing in the respondents department for about last 40 years and has been successful in identifying the talented Scientists and technologists. As has been pointed out by the respondents the Scheme does not operate seniority wise, all the eligible candidates in a cadre are placed in the zone of consideration and the work and performance of all these candidates in the zone of consideration is evaluated by the Screening Committee and necessary recommendations are made by

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the Screening Committee for their further promotion to higher grades. As has been pointed out, promotion to higher grades is dependent upon merit, it is not necessary that all senior candidates should get promotion to the higher grades before a junior is promoted. The applicant in the instant case is seeking promotion at par to the promotion given to his juniors. We are firmly of the view that this principle of seniority does not apply in Merit Promotion Scheme. In the light of above discussion, we do not find any merit in this application and the same deserves to be dismissed.



6. The OA is accordingly dismissed, with no order as to costs.


(GOPAL SINGH)
Admn. Member


(JUSTICE B.S. RAIKOTE)
Vice Chairman

P. / C.

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