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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH, JODHPUR

Date of Order: 26/6/2007

O.A. No. 294/99

S.K. Srivastava S/o Late Shri Shyam Sunder Lal Srivastava, aged 41 years, S.O/B, Heavy Water Plant, Kota (Via Chittorgarh) Rawatbhata, Resident of G-10, Heavy Water Plant Colony, Rawatbhata, Kota.

APPLICANT.

VERSUS

1. Union of India-Through The Chief Secretary, Department of Atomic Energy, O.Y.C. Building, C.S.M. Marg, Mumbai - 400 009.
2. Chief Executive Officer, Heavy Water Board, 5th Floor, Vikram Sarabhai Bhawan, Anushakti Nagar, Mumbai.
3. The Administrative Officer, Heavy Water Plant, Rawatbhata, Kota (Via Chittorgarh).



RESPONDENTS.

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Mr. Geeteshwar Yadv, Adv., Brief holder for

Mr. R.S. Saluja, Counsel for the applicant.

Mr. Vinit Mathur, Counsel for the respondents.

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Hon'ble Mr. A.K. Misra, Judicial Member.

Hon'ble Mr. A.P. Nagrath, Administrative Member.

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ORDER

(per Hon'ble Mr. A.K. Misra)

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The applicant had filed this OA with the prayer ..

that the respondents be directed to consider the applicant's case for promotion to S.O. 'C' as the applicant has put in five years of service. It is also prayed by the applicant that if the post of S.O. 'C' are filled without considering the applicant, then the respondents be directed to consider the case of the applicant for promotional post of S.O. 'C' retrospectively on and from the date of promotions are affected and the applicant became due for the same. It was also prayed by the applicant that the case of the applicant be directed to be considered on account of acquiring higher qualification.

2. Show cause notice of the OA was issued to the respondents who have filed their detailed reply to which no rejoinder has been filed. It is stated by the respondents that the applicant joined the Heavy Water Plant, Kota as Category-I Trainee on 1.5.80 for a period of one year. Later on he was absorbed in department on 1.5.81 as Scientific Assistant 'A'. In due course of time he was given promotions on the post of Scientific Assistant 'D' in the year 1986, Scientific Assistant 'C' in the year 1990 and Scientific Officer/S.B. in August 1994. During the course of service the applicant acquired degree of ANIE in the year 1992. Soon after the acquisition of additional qualification by the applicant he was considered for the post of Scientific Officer S.C./S.B. w.e.f. 1.8.93. The Standing Screening Committee after interviewing the applicant did not find him suitable for promotion. Thereafter the applicant was promoted to the grade of Scientific Officer S.B. w.e.f. 1.8.94 as per the norms. It is further stated by the respondents that the case of the applicant was con-

sidered for further promotion in the year 1998 and in the year 1999 for the post of Scientific Officer/C. But the case of the applicant was not recommended for the said promotion as the Standing Screening Committee did not find him fit ~~xxx~~ fulfilling all the norms for further promotion. It is stated by the respondents that the applicant would be again considered for further promotion in August 2000 by the Standing Screening Committee as per norms. It is stated by the respondents that as per the merit promotion scheme the candidates are considered and accorded further promotion as per their performance, achievements and managerial capacity. As and when due the applicant was considered and as and when he was found suitable on the basis of fulfilment of norms promotion was accorded to him. The applicant cannot claim to be promoted on the basis of his seniority or acquiring additional qualification. All what he can claim is consideration of his candidature for further promotion which has been duly considered by the Standing Screening Committee. Therefore, the claim of the applicant that he has completed five years on the post of S.O. 'B' and is entitled to be promoted as S.O. 'C' is baseless and deserves to be rejected. The OA has no merits and the same ~~xxx~~ deserves to be dismissed.

3. We have heard the learned counsel for the parties and have gone through the case file.

4. From the merit promotion scheme Annexure R/1 it appears that Scientific promotions to an individual could be accorded on the basis of his confidential report, outstanding abilities, achievements, managerial experience and coming out successfully in the interview, before the Standing Screening Committee. There is nothing in the merit

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promotion scheme that promotions are required to be accorded on the basis of years of working on a particular post. Therefore the claim of the applicant that he has completed five years on the post of S.O. 'B' and is entitled to be promoted as S.O. 'C' is devoid of any merits. Earlier this Tribunal had rendered an order on 22.12.2000 in OA No.259/97 in which after discussing the scheme and the contentions of such claimant for higher promotion it was held that a person can be promoted to the next higher post on being found suitable. Whether a person to be promoted on the post of S.O.-S.B or S.O.-S.C would necessarily depend upon the suitability as assessed by the selection committee, and no person can claim as of right to be promoted from the lower post to the higher post. This order was subsequently followed in other cases by this Tribunal. This Tribunal is consistently of the view that the candidature of an individual on acquisition of additional qualification ~~is~~ is required to be considered for the next promotional post and on being found suitable by the Standing Screening Committee, such individual is to be promoted to the next higher scale on the basis of achievements, performance and fulfilment of other qualifications as laid down in the guidelines. Therefore, the seniority or acquisition of additional qualification alone would not entitle an individual to claim as of right promotion to the next higher stage, which in substance the applicant is claiming in the instant case. The same view was followed by us in another OA No.273/99 decided today. We have no reason to disagree with the ~~xxxxxx~~ view taken earlier by us on the same point. In an earlier order rendered in OA No.259/97 decided on 22.12.2000, it was held that as per the guidelines a person may be promoted to a post of SO-SB or SO-SC as found suitable. It was also observed

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that no person has got the right to be promoted from the post of Scientific Assistant 'D' to Scientific Officer 'B' or 'C'. Detailed reasons are given in that order about such consideration by the committee and its recommendation according to suitability under the Merit Promotion Scheme. Those reasons are not required to be repeated again by us. It would suffice to mention in brief that suitability as per the performance and achievements of a candidate are the prime considerations for further promotion and not his seniority and acquisition of additional qualification. For the reasons mentioned in the aforesaid order and as per foregoing discussion, we are of the opinion that the case of the applicant bears no merit and deserves to be rejected.



5. In view of the above the claim of the applicant for the promotion on the post of S.O. 'C' is devoid of any merits and the OA is therefore required to be dismissed. The OA is therefore dismissed, parties are left to bear their own costs.

Ampt

A.K.P. Nagrath)
Admn. Member

26.6.2001.

(A.K. Misra)
Judl. Member

A.K.