

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.54/2001

Tuesday this the 7th day of January, 2003.

C O R A M

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

1. K.Balakrishnan
Assistant Hydrogeologist (Group 'B')
Central Ground Water Board
Kerala Region, KEDARAM,
Kesavadasapuram,
Thiruvananthapuram.
S/o K.V.Kunhiraman
Residing at Vaniyan Valap,
Kolathur P.O., Via Chengala
Kasargod District.
2. N.Vinayachandran
Scientist 'B' (Group 'A')
Central Ground Water Board
Kerala Region, KEDARAM
Kesavadasapuram,
Thiruvananthapuram.
S/o S.Narayanan
Residing at Navaneetham, Chempazhanthi P.O.
Thiruvananthapuram.
3. Sridhar S.Hegde
Scientist 'B' (Group 'A')
Central Ground Water Board
Kerala Region, KEDARAM,
Kesavadasapuram,
Thiruvananthapuram.
S/o Subray P. Hegde
Residing at AT & PO Bidrakan
Taluk - Siddapur
Dist North Kanara
Karnataka.
4. S.Piramanayagam
Assistant Hydrogeologist
(Group 'B'), Central Ground Water Board
Kerala Region, KEDARAM,
Kesavadasapuram,
Thiruvananthapuram.
S/o G.Sivasubramaniam
Residing at No.99, Sudaram Nagar
Muthaiapuram P.O.
Tuticorin, Tamil Nadu.

Applicants.

(By advocate Mr.Sasidharan Chempazhanthiyil)

Versus

1. Union of India represented by its
Secretary, Ministry of Water Resources
Shram Shakthi Bhavan, New Delhi.

2. Chairman, Central Ground Water Board
Jamnagar House, Mansingh Road
New Delhi.
3. Director, Central Ground Water Board
Kerala Region, Kesavadasapuram
Thiruvananthapuram.
4. Union Public Service Commission
represented by its Secretary
Dholpur House, Shajahan Road
New Delhi.

Respondents

(By advocate Mrs.S.Chithra, ACGSC)

The application having been heard on 7th January, 2003, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

Applicants, four in number, aggrieved by Central Ground Water Board (Scientific Group 'A' Posts) Recruitment Rules, 1995 of the first respondent dated 28.6.95 (Annexure A-2), alleging hostile discrimination against the in-service candidates, filed this Original Application seeking the following reliefs:

- i) Declare that Annexure A-2 Recruitment Rule is discriminatory in as much as it prescribes different criteria for in-service candidates and deputationists for the purpose of posting to the post of Scientist 'C' or in the alternative.
- ii) Direct the respondents to extend the applicants the same treatment as is applicable for deputationists in the matter of promotion to the post of Scientist 'C'.
- iii) Direct the respondents to consider the applicants for promotion to the post of Scientist 'C' in the next DPC for Scientist 'C' when convened.
- iv) Any other further relief or order as this Hon'ble Tribunal may deem fit and proper to meet the ends of justice.
- v) Award the cost of these proceedings.

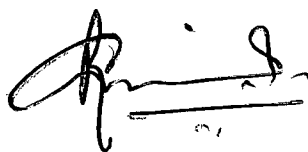
2. They advanced a number of grounds in support of the reliefs claimed by them including orders of the Benches of this Tribunal in different OAs.



3. Respondents filed reply statement resisting the claim of the applicants mainly on the ground that Flexible Complementing Scheme is not applicable to the applicants who were only Group 'B' officers and the Scheme is applicable to Group 'A' posts only.

4. Today when the OA came up for final hearing, the learned counsel for the applicants, after making submissions at length, submitted that the applicants would be satisfied if a direction is given to the second respondent to consider A-13 representations submitted by the applicants in November, 2000 and pass appropriate orders within a reasonable time as fixed by this Tribunal. He further submitted that the applicants had already participated in the Assessment Meeting as per the interim orders of this Tribunal dated 26.4.01 for promotion to the grade of Scientist 'C' in the Central Ground Water Board and that the result of the said participation should abide by the decision of the second respondent. He also submitted that the applicants may be permitted to submit a supplemental representation to the A-13 series of representations, which may also be considered by the second respondent. Learned counsel for the respondents submitted that there is no objection in adopting such a course of action.


5. In the light of the above submissions made by the counsel on both sides, this OA is disposed of permitting the applicants to make a supplemental representation to the second respondent within a period of three weeks from today. If such a representation is received, the second respondent shall consider the same and pass appropriate orders within a a period of three months from the date of receipt of the representations. The result of the participation of the applicants in the Assessment

A handwritten signature in black ink, appearing to be 'A. S.', written over a horizontal line.

Meeting pursuant to the interim directions of this Tribunal dated 26.4.2001 shall abide by the final decision of the second respondent on the representations.

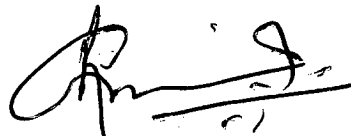
6. The Original Application is disposed of as above with no order as to costs.

Dated 7th January 2003.

A stylized, cursive signature in black ink, consisting of a large loop followed by a horizontal line.

K.V.SACHIDANANDAN
JUDICIAL MEMBER

aa.

A stylized, cursive signature in black ink, featuring a large initial 'G' followed by a horizontal line.

G.RAMAKRISHNAN
ADMINISTRATIVE MEMBER