

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 579 of 2010

Tuesday, this the 29th day of March, 2011

Hon'ble Mr. George Paracken, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member

Johnson K.A., SC 22464, DCO'A', SFD/FRS, VSSC,
Vikram Sarabhai Space Centre, Thiruvananthapuram-
695 022.

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Applicant

(By Advocate – Mr. Ajith Krishnan)

V e r s u s

1. The Director, Vikram Sarabhai Space Centre,
Thiruvananthapuram-695 022.
2. The Controller, Vikram Sarabhai Space Centre,
Thiruvananthapuram-695 022.
3. The Senior Administrative Officer, Vikram Sarabhai
Space Centre, Thiruvananthapuram-695 022.
4. Union of India, represented by Secretary,
Ministry of Space, New Delhi.

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Respondents


(By Advocate – Mr. Sunil Jacob Jose, SCGSC)

This application having been heard on 29.3.2011, the Tribunal on the same
day delivered the following:

ORDER

By Hon'ble Mr. George Paracken, Judicial Member –

The applicant joined the service of the respondents, namely, the V.S.S.C. as
a Canteen Boy on 19.8.1983. He was latter appointed as Fireman-A in 1986. He
was promoted to the post of Fireman-B in 1995. While so, he was appointed as
Driver-cum-Operator-A in the pay scale of Rs. 3200-85-4900/- without any



change in the scale of pay with effect from March, 2003. Subsequently he passed the practical test, endurance test and medical test for the promotion to the post of Driver-cum-Operator-C. According to the applicant, the respondents have denied him the promotion without any reason and he was stagnating in the same scale of pay for the last 15 years without any promotional avenues. The applicant has, therefore, made Annexure A-1 representation dated 15.3.2010 to the first respondent, namely, the Director, VSSC, Trivandrum, to recommend his case for out of turn promotion considering it as a special case.

2. The respondents in their reply statement submitted that the applicant being a member of a family evicted for the purpose of establishment of VSSC, was appointed as Canteen Boy-A, a Group-D post in VSSC on 19.8.1983 under evictee status without being sponsored through employment exchange. Subsequently, he was considered for direct recruitment to the post of Fireman-A as internal candidate as per DOS/ISRO norms and he was appointed as Fireman-A (Group-C post) w.e.f. 5.12.1986 in the then existing scale of pay of Rs. 950-1400/-. On completion of the prescribed residency period of 6 years as Fireman-A, his case was considered for promotion to the post of Fireman-B under LFCS, in the DPC meeting held on 01.04.1993. They have further submitted that the screening based on the gradings of ACR/APAR is an integral part of assessment by the DPC for consideration for grant of promotion. Those who are screened-in, will only be allowed to attend the further elements of review viz., endurance test, practical test/written test, interview etc. Since the applicant's ACR ratings were not up to the mark, he failed to meet the prescribed screening norms in the DPC meeting held on 01.04.1993 and also in subsequent DPC meeting held on

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01.04.1994. The applicant was further considered for promotion in the DPC meeting held on 01.04.1995 and was promoted to the post of Fireman-B in the then existing scale of pay of Rs.1150-25-1500/- with effect from 01.10.1995. Again, he was considered for promotion to the post of Leading Fireman-A in the review as on 01.01.1996 and was empaneled for selection placing him 4th position in the panel. Since the Fireman and Leading Fireman are falling under different levels of hierarchies, the movement from the former post to the later one was possible only if vacancies were available. As only one vacancy of Leading Fireman-A arose during the validity period of the panel, the applicant could not be promoted to the post. Therefore, the allegation of the applicant to the effect that he was denied promotion illegally is false and hence denied. They have also submitted that while working as Fireman-B in the scale of pay of Rs.3200-85-4900/- (pre-revised), the applicant applied for the direct recruitment post of DCO-A carrying same scale of pay as an internal candidate. Being successful in the selection process, he was selected and appointed as DCO-A with effect from 05.03.2003. Since Fireman-B and DCO-A are the posts having same scale of pay, his pay was fixed in terms of FR 22(1)(a)(2) and therefore, he was not entitled for any pay fixation benefit. In the meantime, the Department created a new post of Fireman-C in the scale of pay of Rs.4000-100-6000/- (pre-revised) in order to give further promotional avenues to the Fireman-B. Since the applicant had opted his career progression in DCO stream, by accepting the offer for the post of DCO-A, he became ineligible for further promotional avenues in the Fireman category. He was intimated vide offer of appointment No. VSSC/RMT/9.0/179 dated 04.03.2003 (Annexure R-3) that he would be governed by the terms and conditions of service applicable to new entrants under the relevant rules and



orders in force. As he was appointed to the post of DCO-A as a direct recruit, he was on probation for a period of one year from the date of joining the post. While applying for the post of DCO-A, the applicant was very well aware of the fact that in case of selection, he would be on probation for a period of one year and also his selection to the new post would not fetch him any monetary benefits as both the posts were in the same scale of pay. Knowing the position well, the applicant decided to accept the post of DCO-A, which was in the same pay scale as that of Fireman-B, on his own volition and for the reasons best known to him only. Respondents have further submitted that DOS has created additional promotional grades for Fire Service Personnel vide OM No. 9/1/2/2002-V dated 06.10.2005, which inter alia stipulated that those who were holding the post of DCO-A as on 06.10.2005 and completed a residency period of 6 years in the grade were eligible to be considered straight away for promotion to the post of DCO-C (without going to the post of DCO-B). Accordingly, the applicant was considered for promotion to the post of DCO-C in the scale of pay of Rs.4500-125-7000/- (pre-revised) in the review DPC held on 01.04.2009. The screening based on the ACR rating is an integral part of LFCS review. The applicant did not meet the prescribed screening norms as his ACR gradings were not up to the mark and was screened out. His case was again considered based on the revised norms as per OM dated 14.09.2009 in the DPC review as on 01.01.2010. This time, the applicant qualified the tests, but failed to secure required minimum marks in the interview. As such he was not recommended for promotion by the Departmental Promotion Committee. There is no substance in the allegation of the applicant that he was denied promotion illegally because he was given opportunity to attend the interview and prove his competence in the review DPC. As his performance was



not up to the level as assessed by the expert members of DPC, he was not empaneled for consideration for promotion. Lastly the respondents submitted that the Annexure A-1 representation dated 15.3.2010 preferred by the applicant to the first respondent has been received in the office of the first respondent only on 5.5.2010 and the same is under consideration of the respondents and will be replied at the earliest.

3. We have heard the learned counsel for the parties and perused the pleadings and records of the case.

4. In the facts and circumstances of the case, we do not intend to make any observation on the merits of the case. As the respondents are still considering the aforesaid representation of the applicant, it will be just and proper to direct the first respondent to dispose of the same within a period of two months from the date of receipt of a copy of this order. Ordered accordingly. No order as to costs.



(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER



(GEORGE PARACKEN)
JUDICIAL MEMBER

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