

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.619/95

Monday, this the 11th day of November, 1996.

C O R A M

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

....

J. Ponraj, SC No.24321,
Tradesman G PHC,
Vikram Sarabhai Space Centre,
Indian Space Research Organisation,
Thiruvananthapuram.

....Applicant

By Advocate Shri KP Kailasanatha Pillai.

vs

1. Union of India represented by the
Secretary, Department of Space,
Antariksha Bhavan, New BEL Road,
Bangalore.
2. The Chairman,
Indian Space Research Organisation,
Antareeksha Bhavan, Bangalore.
3. The Director,
Indian Space Research Organisation,
Thiruvananthapuram.
4. The Controller,
Vikram Sarabhai Space Centre,
Thumba, Thiruvananthapuram.
5. Administrative Officer, Recruitment Section,
Department of Space, Vikram Sarabhai Space Centre,
Thiruvananthapuram.

....Respondents

By Advocate Shri CN Radhakrishnan.

The application having been heard on 6th November, 1996,
the Tribunal delivered the following on 11th November, 96:

O R D E R

PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant joined as a Helper in the Vikram Sarabhai
Space Centre, Trivandrum, on 25.11.68. Thereafter, he was
promoted by several levels as Tradesman A to G on various
dates between 1969 and 1987. He was considered for promotion

contd.

as Senior Technician A in 1992. He passed the trade test and appeared before a Departmental Promotion Committee (DPC). He was not selected by the Committee for promotion. Applicant exercised an option to retain his trade test marks for subsequent years and thereafter, he appeared before the DPC in 1993 and again in 1994. The DPC in 1993 did not recommend his promotion. The DPC for 1994 recommended his promotion with effect from 1.4.95 and he has accordingly been promoted as Senior Technician A. The grievance of applicant is that throughout he had been performing outstanding work, that his Annual Confidential Reports (ACR) were very good and that he had been held up without reason at each level of promotion and got his promotion on every occasion only with some delay, whereas others who are much junior and who are less qualified, managed to get promotions in time. Applicant prays that he may be promoted with effect from 1.4.93.

2. Respondents have stated that the promotions are made on the basis of an evaluation by a Committee and that the evaluation had three components: (a) a trade skill test carrying 30 marks, (b) an interview to assess the capability of the persons mainly from professional/theoretical aspects carrying 40 marks and (c) evaluation of ACRs for the last five years which carries 30 marks. A candidate who secures 50% marks in each of the three elements of evaluation separately and in addition, obtains 60% marks in the aggregate, would become eligible for promotion. The Committee grades candidates into three categories: (a) those who can be promoted on the rationalised date for which promotions are considered, (b) persons who can be promoted from the next rationalised date, i.e. after six months, and (c) those who are not considered fit for promotion. Those who are found eligible for promotion from the next rationalised date would be promoted automatically from that date, whereas persons who have not been found fit

contd.

have to appear again before the selection committee. Respondents submit that the case cited by applicant in OAK 31/87 is not relevant since in that case, the applicant was not even considered by the selection committee for promotion and the Tribunal held that he was eligible to be so considered. In the instant case, applicant was considered for selection, but was not found meritorious enough to be promoted. Respondents further submit that promotions are made on the basis of a 'flexible complementing scheme of promotion' and not on the basis of occurrence of vacancies or on the basis of seniority, but only on the basis of eligibility after qualifying service and on the basis of merit.

3. We have carefully examined the proceedings of the DPCs for 1.10.92, 1.10.93 and 1.10.94. We have also gone through the ACRs of applicant. It is no doubt true that applicant has been performing extremely well as reflected by his ACRs, but he has not secured even one outstanding grading in the last five years. As far as trade skill test is concerned, applicant secured only 18.6 marks out of 30. Besides these two elements, there is also an element regarding the professional/theoretical abilities of applicant which was assessed by the DPC. Applicant has not avered, not even in his representation A-XVIII, that he performed very well in the interview, which carries 40% marks. We find that the DPC consisted of seven experts drawn from different establishments of the Department. The Members of the Committee were also not the same for the three years. Applicant has also not alleged any mala fide against any of the members of the Committee for any of the years.

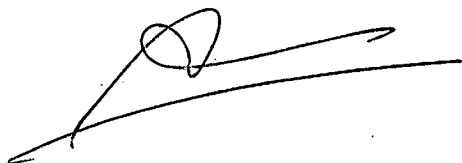
4. It would not be possible for the Tribunal sitting in judicial review to assess the merit of the applicant as far

contd.

as his scientific and technical work is concerned. That has to be done only by experts in the field who have a detailed knowledge of the work done by applicant. It has also to be noticed that the selection is to find out the most meritorious and those who were not selected are not to be termed as not meritorious. We also find that each year very few persons who appeared before the Committee were recommended for promotion and many have been recommended for promotion from the next rationalised date and many more have been deferred to the next year. It is also seen from the records that the promotion of many candidates, who like the applicant have good ACRs and have even more marks than applicant in the trade test, has been deferred. We do not see any reason to suspect the bonafides of the various DPCs. The assessment of applicant about his own merit and the lack of merit of others who had appeared before the selection committee, cannot be the basis of arriving at a finding in this regard.

5. We do not see any reason to interfere with the selection made by the Committee in 1992 and 1993. Application is without merit and is dismissed. No costs.

Dated the 11th November, 1996.



AM SIVADAS
JUDICIAL MEMBER



PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER