

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 88 of 1996

Friday, this the 24th day of October, 1997

CORAM

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

1. K. Sreekumaran Nair,
Son of Krishna Pillai, residing at
Padma Vilasam, House No. AMC 13/76-B,
Netaji Road, Aluva, employed as
Scientific Assistant D in the office of
Ammonium Per Chlorate Experimental Plant of
Vikram Sarabhai Space Centre, Aluva-5 .. Applicant

By Advocate Mr. Asok M. Cherian

Versus

1. Indian Space Research Organisation,
Department of Space, Government of India,
represented by the Joint Secretary,
Department of Space/Member (Personnel),
Indian Space Research Organisation Council,
Antariksh Bhavan, New BEL Road, Bangalore.
2. The Chairman,
Indian Space Research Organisation,
Bangalore.
3. The Director,
Vikram Sarabhai Space Centre,
Thiruvananthapuram.
4. Head, Personnel and General Administration,
Vikram Sarabhai Space Centre,
Thiruvananthapuram. .. Respondents

By Advocate Mr. CN Radhakrishnan (represented)

The application having been heard on 24.10.1997, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

The applicant, who is a Scientific Assistant-D, is aggrieved
that after acquiring the qualification of Diploma in Mechanical
Engineering in the year 1983 and completing 6 years of service

contd...2

thereafter in the year 1989 in the field of Mechanical Engineering, he was not considered for special review for promotion as Scientist/Engineer S3 without going through the Category Change Merit Selection. The applicant approached this Tribunal by filing OA No. 1452/94 and the Tribunal directed consideration of the representation made by the applicant. This was done and A-1 order dated 17.1.1995 was passed rejecting the request of the applicant. Applicant challenges A-1 and prays that it be quashed. He has also other prayers.

2. Respondents take a stand that according to R-2 scheme for special review, the applicant has to make a special request for such a review and that the applicant has not made any such request. Respondents also take the stand that a minimum educational qualification of Engineering Degree is required for considering the applicant under special review for the post of Scientist/Engineer SB and that the applicant having only a Diploma in Mechanical Engineering is not entitled for special review for the post of Scientist/Engineer SB.

3. We have heard both sides at great length and gone through the Career Opportunities for Scientific and Technical Staff - A Compendium - produced by the learned counsel for respondents. A careful reading of R-2 shows that a review based on additional qualification acquired by the employee will be treated as a special review and not a normal promotional review. R-2 also states that the additional qualification to be given consideration by special review will be Degree/Diploma/ITI Certificates, as prescribed in the norms and that the special review based on additional qualifications acquired by the employee will be for the appropriate post for which he will be eligible as per norms by virtue of the additional qualifications in terms of the norms.

According to R-2, employees who acquired additional qualifications will be required to submit their application for consideration to the eligible post. It is not in dispute that the applicant an employee had acquired an additional qualification of Diploma in Mechanical Engineering. The norms as seen from Annexure A-1 at page 15 of the Compendium show that the norms for recruitment for the post of SB is either a Diploma in Engineering with 6 years experience or a B.Sc with 6 years experience or a M.Sc./B.E./B.Tech/B.Sc.(Engg) without any experience. It is also not in dispute that the applicant who had acquired the additional qualification in the year 1983 had also acquired an experience of 6 years thereafter in the year 1989. Applicant, therefore, squarely satisfies the norms for recruitment given in Annexure A-1 at page 15 of the Compendium for the post of SB. In as much as the applicant satisfies the norms for recruitment for the post of SB, he is eligible to ask for a special review in terms of R-2. The contention of the respondents that only the academic qualification is relevant and not the experience, is not substantiated by anything seen in A-1 at page 15 of the Compendium referred to above. On the other hand, we notice from Annexure-R at page 81 of the Compendium that the question of relevant experience obtained within DOS/ISRO after acquiring the higher qualification was examined and it was decided that:

"while determining the eligibility, the experience gained in DOS/ISRO in respect of the three types of qualifications referred to in para 2 above will also have to be considered ..".

Respondents contend that the three qualifications mentioned in para 2 are only a Degree in Engineering, Post-graduate degree in Science/Engineering, and Ph.D in Science/Engineering or equivalents. However, it is seen that the opening sentence of para 2 in which these are listed states as follows:

"The stipulation that additional qualification, if it is a degree, will be considered only at the next normal review"

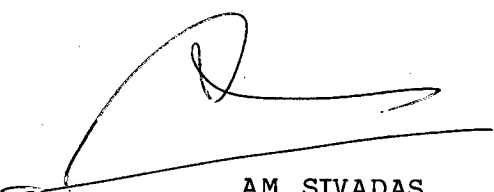
(emphasis added)

The words 'such as' is also used before listing the three categories. It is, therefore, clear that this is only an example of what an additional qualification means and does not exclude a Diploma in Engineering which is clearly an additional qualification obtained by the applicant while in service. We are not, therefore, able to support the stand taken by the respondents in rejecting the request of the applicant for a special review.

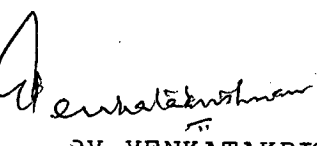
4. A-1 orders are, therefore, not sustainable and we quash the same. The applicant, if he makes a request for the same in terms of R-2, is entitled to be considered by the respondents in a special review duly considering his additional qualification of Diploma in Mechanical Engineering acquired in 1983 and 6 years experience acquired thereafter for promotion to the post of Scientist/Engineer SB in the year 1989 or thereafter. Applicant may make a special request in terms of para 2.8 of R-2 within fifteen days from today. If such a request is made, the 4th respondent (it is submitted by the learned counsel for respondents that 4th respondent is the appropriate authority to conduct the special review) shall consider the request of the applicant for special review and pass appropriate orders after considering the request in accordance with rules within a period of three months from the date of its receipt.

5. The application is allowed as aforesaid. No costs.

Dated the 24th of October, 1997.



AM SIVADAS
JUDICIAL MEMBER



P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

LIST OF ANNEXURES

1. Annexure A1: Order No.VSSC/EST/F/1(12) dated 17.1. 1995 of the 4th respondent.
2. Annexure R2: OM No.HQ: ADMN 4.20 (3) dated 6.1.1981 issued by Dept. of Space, Bangalore.

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