

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.230/2002.

Thursday this the 29th day of July 2004.

CORAM:

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER

C.Rajendran,T-II-3,
Central Institute of Fisheries Technology,
Willingdon Island, Matsyapuri, Cochin-29.
Residing at: 'Ragam', H.no.52/699,
Priyadarsini Nagar, Konthuruthy, Thevara,
Cochin-68. Applicant

(By Advocate Shri P.V.Mohanan)

Vs.

1. The Director, Central Institute of Fisheries Technology, Willingdon Island, Matsyapuri, Cochin-29.
2. The Director General, Indian Council of Agricultural Research, Krishi Bhavan, New Delhi. Respondents

(By Advocate Mr.P.Jacob Varghese)

The application having been heard on 29.7.2004, the Tribunal on the same day delivered the following:

O R D E R


HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicant while he was in T-II-3 category was assessed on 31.12.1999 for promotion to T-4 on the basis of his performance upto 31.12.1999 and was by A-1 order granted only two advance increments and not promotion. The applicant submitted A-2 representation stating that his case has not been properly considered and sought a review. In reply to this the applicant was informed by A-3 order dated 14.8.2001 that on examination of his case carefully it has been decided that re-assessment would be considered in his case on the basis of papers submitted by him for the period ending 2000 only. Subsequently for the period ending 2000 the applicant was

assessed and promoted to grade T-4 with effect from 1.1.2001 by order dated 22.10.2001 (A-4). The applicant's grievance is that his case for promotion to T-4 on the basis of his performance till 31.12.1999 has not been properly considered on account of the fact that one member of the Committee was enigmically dispensed/biased against him and his ACRs were not properly considered. The applicant therefore, has filed this application seeking to set aside A-3 and for a direction to the respondeents to review the promotion of the applicant on due date as contemplated under Technical Service Rules and grant him promotion.

2. The respondents in their reply statement contend that the applicant's case was properly considered on the basis of his performance till 31.12.1999, that he was assessed fit only for grant of two advance increments which have been granted by A-1 order 15.12.2000 with effect from 1.1.2000 that the allegation that his case had not been properly considered is not true to fact, that the review of assessment has been dispensed with by Annexures R-1 and R2 Circulars and that since the applicant did not make the grading for promotion to T-4, he is not entitled for the promotion from an earlier date.

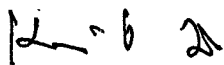
3. We have gone through the pleadings and records. Apart from the broad and wild allegation that somebody was inimical towards him, and therefore his performance was not duly considered and that the ACRs were not properly recorded, the applicant has not been able to place on record any material to establish these allegations. Even though allegations of



enimty has been levelled, no one has been impleaded in personal capacity. Therefore the allegations of malafides is to be mentioned and rejected. The assessment committee was charged by a high ranking official of another department i.e. Goshree Island Development Authority, nominated by the Chairman, Agricultural Scientists Recruiement Board, New Delhi and consisted of members who are Principal Scientists with several years of service in the Institute including the Scientist-in-Charge of the applicant's office. Under these circumstances, we do not find any substance in the bald allegation that the applicant's case was not properly considered for assessment. Since on the representation of the applicant it was not considered necessary to review the case as there is no review of assessment normally , we do not find any infirmity with the impugned order.

4. In the result, in the light of what is stated above, finding no merit the application is dismissed leaving the parties to bear their own costs.

Dated the 29th July, 2004.



H.P.DAS
ADMINISTRATIVE MEMBER



A.V.HARIDASAN
VICE CHAIRMAN