

O.A.No.280/04

CORAM:

**Patric Manuel Mascrene,
S/o Joseph Mascrene,
Craftman T-2,
Central Tuber Crops Research Institute,
Trivandrum, Residing at :
No: TC-30/1698, Petta, Trivandrum**

Vs.

1. The Director General,
Indian Council of Agricultural Research,
Krishi Bhavan, New Delhi-2.
2. The Director,
Central Tuber Crops Research Institute,
Sreekaryam, Trivandrum-17.

The application having been heard on 24 th January, 2008, the Tribunal on the same day delivered the following:

HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER

The applicant is presently working as Craftman -T2 in the scale of Rs.4000-6000 under the 2nd respondent, namely, the Director, Central Tuber Crops Research Institute (CTCRI for short), Sreekaryam, Trivandrum. He is aggrieved by the refusal on the part of the 2nd respondent to grant him the benefit of T3 grade of Craftman in the scale of Rs.4500-7000.

2. The applicant had earlier approached this Tribunal in O.A.557/03 seeking a declaration that the nonfeasance on the part of the 2nd respondent to grant him the benefit of T-3 grade in the scale of Rs.4500-7000 with effect from

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7.5.2000 is arbitrary, discriminatory and unconstitutional. The said O.A. was disposed of vide order dated 9.7.2003 (Annexure A-4) directing the 2nd respondent to consider the applicant's A-2 representation dated 15.5.2002 and A-3 representation dated 26.11.2002 in the light of the extant rules, instructions and orders on the subject and pass appropriate orders thereon with a copy to the applicant. In the representation dated 15.5.2002 the applicant has submitted that he had joined as T-1 (Craftsman) on 7.5.1990 and on completion of five years in that grade, he was granted T-2 grade on 7.5.95 on the basis of 5 year assessment system. However, in the next 5 year assessment period, he was not considered alongwith Sri G.Krishnankutty, who is just 43 days senior to him, for promotion to the grade of T3. In the representation dated 26.11.2002 he had also pointed out that one Shri S.Natarajan who was appointed in T1 and was four years junior to him, but he was awarded timely assessment promotion to T-3 grade whereas he is still remaining in T2 grade. Pursuant to the aforesaid directions of this Tribunal dated 9.7.2003 in O.A.557/2003 the respondents have issued A-5 "NOTE" on 31.10.2003 stating that the competent authority had considered his case but found that he was not eligible to the next higher grade i.e. T3 as per the Revised Technical Service Rules. They have also informed him that the case of Shri G.Krishnankutty, T3 Technical Assistant mentioned in his representation was being reviewed by them. Being aggrieved by the A-4 order, the applicant has filed the present O.A. seeking the following reliefs:

- i. Call for the records leading to to the issue of Annexure A5 and quash the same.
- ii. Declare that the refusal on the part of the second respondent to grant the applicant the benefit of T-3 Grade of Rs.4500-7000 with effect from 7.5.2000, is arbitrary, discriminatory and unconstitutional.
- iii. Direct the 2nd respondent to grant the applicant the benefit of T-3 Grade in scale Rs.4500-7000 with effect from 7.5.2000 with all consequential arrears emanating therefrom;
- iv. Award costs of and incidental to this application;
- v. Pass such other orders or directions as deemed just, fit and necessary in




the facts and circumstances of the case.

3. After the pleadings in this case was complete, the respondents filed an affidavit with a copy of Circular No.14/2003-Per.dated 17th January, 2008 issued by them. It was stated in the said Circular that as per the options submitted by the applicant and other 13 similarly placed Technical Personnel, their assessment promotion were being processed and the proforma for the eligible employees for the next assessment would be given separately. In view of the aforesaid Circular, the Counsel for the Applicant submitted that it is not necessary to go into the merits of the case. However, she has suggested that a direction may be given to the respondents to complete the proposed process of assessment for promotion to T-3 grade within a time frame. Counsel for the respondents also submitted that he has no objection to the aforesaid suggestion of the Applicant's counsel.

4. In the above facts and circumstances, we dispose of this O.A. with a direction to the 2nd respondent to complete the process for assessment promotion of the applicant and others as mentioned in the aforesaid Circular dated 17.1.2008 within a period of four months from the date of receipt of a copy of this order. The decision taken in the matter shall also be communicated to the applicant within the aforesaid period. There shall be no order as to costs.

Dated the 24 th January, 2008.


O.P.SOSAMMA
ADMINISTRATIVE MEMBER


GEORGE PARACKEN
JUDICIAL MEMBER