

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATED WEDNESDAY, THE FOURTEENTH DAY OF JUNE ONE
THOUSAND NINE HUNDRED AND EIGHTY NINE

PRESENT

HON'BLE SHRI P.K.KARTHA, VICE CHAIRMAN

&

HON'BLE SHRI N.V.KRISHNAN, ADMINISTRATIVE MEMBER

ORIGINAL APPLICATION NO.302/89

S.Kumaran

- Applicant

vs

1. Director, National Institute
of Oceanography, Donapaula,
Goa-403 004.

2. Scientist-in-charge,
N.I.O., Bendic Road,
Cochin-18.

3. Administrative Officer,
N.I.O., Goa.

4. The Director General,CSIR,N.Delhi.
M/s K.Prabhakaran & C.C.Padmakumar -

Mr.M.C.Sen f r

) Respondents

Counsel of the
applicant

Counsel for
respondents

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(SHRI P.K.KARTHA, VICE CHAIRMAN)

The applicant who is working as Junior Technical
Assistant in the National Institute of Oceanography at Cochin
Filed this application under Section 19 of the Administrative
Tribunals Act 1985 seeking the following prayers:-

- i) call for the records relating to the result of
the interview conducted by the Assessment Committee
N.I.O., Goa, held on January, 1986, January, 1987
and in February, 1988 and to quash the same in
so far as it relates to the denial of promotion
to the applicant;
- ii) direct respondents 1 to 3 to promote the applicant
to the next higher grade of Rs.550-900 with effect
from 1.2.86 with consequential benefits and

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- iii) in the alternative to direct respondents 1 to 3 to conduct a re-assessment of the performance of the applicant by an assessment committee consisting of a member of scheduled caste also for the purpose of promotion of the applicant to the next higher grade;
- iv) to grant such other reliefs as may be prayed for and the Tribunal may deem fit to grant, and
- v) grant the cost of this Original Application.

2. We have heard the learned counsel for both the parties. The admitted factual position is that the Assessment Committee which considered the promotion of officers under the Assessment Promotion Scheme in 1986, 1987 and 1988 did not include a representative from the Scheduled Caste community. According to the learned counsel of the applicant, the ^{are a} proceedings of the said committee ~~is~~ irregular on the said ground. According to the instructions issued by the C.S.I.R. in February 1985, a member belonging to the Scheduled Caste/ Scheduled Tribe should invariably be nominated on the O.P.C's/ Selection Committees/Assessment Committees/Screening Committees to eliminate cause of grievance of Scheduled Caste/Scheduled Tribe employees, if any and to ensure that their claims have not been ignored. As the Assessment Committee in the instant case did not include a representative from the Scheduled Caste/ Scheduled Tribe communities, the grievance made by the applicant in the present application has some force.

3. After hearing the learned counsel for both the parties, we consider that this application is fit for admission. However, without waiting for the completion of pleadings, the application could be disposed of in view of the alternative prayer made by the applicant to the effect that the respondents be directed to conduct a re-assessment

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of the performance of the applicant by an Assessment Committee consisting of a member of Scheduled Caste also for the purpose of his promotion to the next higher grade. The learned counsel of the respondents stated that they have no objection to a re-assessment by a properly constituted Assessment Committee in terms of the instructions issued in 1985.

4. We therefore order and direct that the respondents shall constitute a fresh Assessment Committee in which a person belonging to Scheduled Caste/Scheduled Tribe community should be a member. The said committee should re-assess the performance of the applicant as on January 1986. In case the applicant does not ~~fit~~ ^{make the grade} for promotion, the Assessment Committee should consider his case for promotion in the subsequent years as per the rules.

5. The application is disposed of on the above lines at the admission stage itself. The parties will bear their own costs.


14/6/89
(N.V.KRISHNAN)

ADMVE. MEMBER


(P.K.KARTHA)
VICE CHAIRMAN

14-6-1989

trs