

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 404 of 2012

Wednesday, this the 31st day of October, 2012

CORAM:

Hon'ble Mr. Justice P.R Raman, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member

Sri. V. Muralidharan, Scientists 'F' & Head CIG,
 Centre for Development of Advanced
 Computing (C-DAC), Thiruvananthapuram. **Applicant**

(By Advocate – Mr. George Kutty Mathew – Not present)

V e r s u s

1. Union of India, represented by its Secretary,
 Department of Personnel & Training (DoPT),
 Ministry of Personnel, Public Grievance & Pensions,
 New Delhi-110 001.
2. The Secretary, Department of Information Technology (DIT),
 Ministry of Communication & IT Electronics Nikethan 6,
 CGO Complex, Lodi Road,
 New Delhi-110 003. **Respondents**

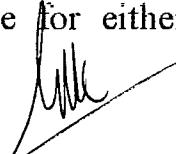
(By Advocate – Mr. George Joseph – Not present)

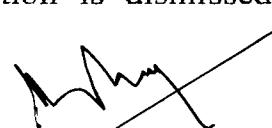
This application having been heard on 31.10.2012, the Tribunal on the same day delivered the following:

O R D E R

By Hon'ble Mr. Justice P.R Raman, Judicial Member -

None for either sides. The Original Application is dismissed for default.


(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER


(JUSTICE P.R RAMAN)
JUDICIAL MEMBER

“SA”

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 404 of 2012

Tuesday, this the 17th day of June, 2014

C O R A M :

**HON'BLE Mr. JUSTICE A.K. BASHEER, JUDICIAL MEMBER
HON'BLE Mr. SHASHI PRAKASH, ADMINISTRATIVE MEMBER**

Shri V. Muralidharan,
Scientist 'F' & Head CIG,
Centre for Development of Advanced
Computing (C-DAC),
Thiruvananthapuram Applicant.

(By Advocate Mr. Georgekutty Mathew)

v e r s u s

1. Union of India, represented by its Secretary,
Department of Personnel & Training (DoPT),
Ministry of Personnel, Public Grievances &
Pensions, New Delhi – 110 001
2. The Secretary,
Department of Information Technology (DIT),
Ministry of Communication & IT Electronics
Nikethan 6, CGO Complex, Lodi Road,
New Delhi – 110 003 Respondents.

(By Advocate Mr. George Joseph, ACGSC)

This application having been heard on 17.06.2014, the Tribunal on the same day delivered the following :-

O R D E R

HON'BLE Mr. SHASHI PRAKASH, ADMINISTRATIVE MEMBER

The instant O.A has been filed by the applicant seeking a direction to be issued to the respondents to publish the result of his promotion interview held on 19.01.2006 to the post of Scientist 'G' – Senior Director and to give eligible promotion to the applicant. The applicant, a Scientist 'F' working in the Central for Development of Advanced Computing (C-DAC), was called for promotion interview to the post of

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Scientist 'G' on 19.01.2006. As per the information contained in the Annexure A-1 of the O.A obtained by the applicant under the Right to Information Act from the respondents, he was found to be suitable by the Selection Committee and his candidature was recommended for further processing. It has been further stated therein that since the case is still under process in consultation with the Department of Information Technology. The applicant's grievance is that inspite of the lapse of more than 06 years, the respondents have not yet published the result of the promotion interview. He has prayed that the result of the promotion interview held on 19.01.2006 be published and he be given the eligible promotion.

2. In the reply statement, the respondents have stated that the C-DAC had its own Person Oriented Promotion Policy for Scientific and Technical staff which was in vogue until 2003 and thereafter, the Flexible Complimenting Scheme (FCS) was introduced in the department. The review promotion case of the applicant from Scientist 'F' to Scientist 'G' was sent to the Department of Personnel and Training in November, 2006 and the clarification sought by it was provided as and when required. It is also stated that along with the applicant, case of nine other officers were also pending with the Department of Personnel and Training for obtaining the approval of the ACC. In the meantime, out of the 09 officers, one officer retired in August, 2009 and another officer resigned from C-DAC on 06.03.2008. The applicant, however, continues to work with the C-DAC. It has further been stated in the reply statement that the Modified Flexible Complimenting Scheme (MFCS) as approved by the ACC was issued in September, 2010. Thereafter, the Department of Personnel and Training issued directions for considering the review promotion cases of Group-A Scientific and Technical officers with effect from 01.01.2011.

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3. The matter relating to the promotion of the officers who had cleared the interview earlier was also again taken up with the Department of Personnel and Training by the respondents in December, 2010. However, no response was received despite the repeated reminders. Instead, a Committee of the Secretaries took a decision that the Scientific Departments should make immediate efforts to develop a cadre based structure for such scientific administrators so that a normal channel of promotion could become available to these officers. Till the time such Scheme is put in place, the scientific officers who merits promotion but do not fulfil the FCS norms may be recommended by the Administrative Ministries along with the details of their work and justification for promotion. Accordingly, C-DAC forwarded such a proposal which was sent to the Department of Personnel and Training vide letter dated 02.11.2012. However, the DoPT vide their letter dated 02.05.2013 took a view that "in the absence of any new justification, the proposal may not fit into the action line agreed in the meeting held under the chairmanship of the Cabinet Secretary on 04.06.2012." The respondents stated that having regard to this submission, the O.A deserves to be dismissed.

4. Heard the learned counsel for both the parties and perused the records.

5. The short point for adjudication in this O.A is whether the applicant after having succeeded in the interview for promotion to the post of Scientist 'G' in the year 2006, can be denied his due promotion. It is seen that the result of the promotion interview held on 19.01.2006 has not been declared so far and the reason attributed for this is the frequent change/alteration in the policy structure of the department with regard to promotion of the scientific officers. It is amply evident from the reply

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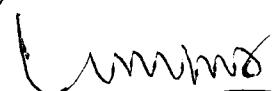
statement of the respondents that since 2003 onwards the respondents have been toying with one scheme or the other in relation to promotion of such officers which even resulted in denial of benefit of promotions to certain scientific officers who either superannuated or resigned from C-DAC. The ambivalent attitude on the part of the respondents regarding the promotion policy for scientific and technical staff of the department subsequent to the interview in 2006 cannot become a basis for denying promotion to the applicant particularly after a long period of eight years have elapsed. This cannot stand in the way of giving the applicant the benefit to which he is entitled based upon his success in the interview. Accordingly, we feel that it would be just and fair that till a final view is taken by the respondents in the matter, the result of the interview given by the applicant in the year 2006 should be published and contingent upon the result, the applicant should be considered for promotion to the post of Scientist 'G'.

6. In view of the above, it is directed that the respondents should publish the result of the promotion interview of the applicant held on 19.01.2006 to the post of Scientist 'G' – Senior Director and depending upon the result of the interview, extend him the promotion to which he is eligible. This exercise shall be done within a period of eight weeks from the date of receipt of a copy of this order.

7. The O.A is disposed of as above with no order as to costs.

(Dated, the 17th June, 2014)


 (SHASHI PRAKASH)
 ADMINISTRATIVE MEMBER


 (JUSTICE A.K. BASHEER)
 JUDICIAL MEMBER

cvr.