

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, .....BENCH

OA/TA/RA/CP/MA/PT .....of 20..... T.A. NO. 1922/87  
 Shri S. L. Negala W.D. NO. 4167/85  
 .....Applicant(S)

Versus

U.O.E. & Co. ....Respondent(S)

INDEX SHEET

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
1-	order sheets. A4 to A3.	
2-	Final judgement/order dt-27-7-94. A4.	
3-	Copy of Petition /proceedure/affidavit A8 to A33.	
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5-	Consent/affidavit A35 to A45.	
6-	Application for withdrawal of application No 324/93 /for application A46 to A47.	
7-	H.C. NO 616 A48.	

Certified that the file is complete in all respects.

This file seems already decided and destroyed.

Signature of S.O.

*[Signature]*  
 3/10/2012

Signature of Deal. Hand

*[Signature]*  
 27/7/12.

1.10.93

Hon. Mr. S. N. Prasad J.M.  
Hon. Mr. V. K. Seth, A.M.

~~CA file~~  
~~RA file~~

Name responds either  
of the parties list in case  
on 30.11.93 for hearing

30/11/93

D.M.

J.M.

OR  
CA file but RA  
not filed MP no 324/93  
not moved  
S.F.H.  
12/8

30.11.93

Case not reached yet  
S. 1. 93

CA file  
not filed MP no 324/93  
not moved  
S.F.H.  
12/8

S. 1. 94

No filing of D.M. coly  
to 23.1.94

more

OR  
CA file but RA  
not filed MP no 324/93  
not moved  
S.F.H.  
12/8

27/11/93

Hon. Mr. S. N. Prasad, J.M.  
Hon. Mr. V. K. Seth, A.M.

Shri. G. L. Sivastava Counsel  
for the respondents in  
present. I have no objection  
on the Misc. application  
No 324/93 of the applicant which is  
to the effect that he wants  
to withdraw the case. Heard.  
Judgment dictated  
separately.

A.M.

J.M.

OR  
CA file but RA  
not filed MP no 324/93  
not moved  
S.F.H.  
12/8



CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH : LUCKNOW

ORDER SHEET NO.

1922/8707  
D.A./T.A No

OFFICE REPORT

DATE /

ORDER

23-12-92

D.R.

Applicant is present

He is ordered to file  
rejoinder by 9-2-93.

*File*

9/2/93

D.R.

Both the parties are  
absent. R.A. has not  
been filed. List on

24/3/93 for R.A.

*File*

OK

C.A. No RA filed  
for R.A.

*copy*

OK

C.A. No RA filed

for

L

24/3/93

24.3.93

No filing of D.R.  
for 5.4.93

6.4.93

No filing of D.R. for

11.5.93

OK

C.A. No RA filed

for

for

L

13.8.93

3.8.93

Cosc. not ready for  
20.13.8.93

*proe*

31/3/93

No filing of D.R. for  
20.1.10.93

*proe*



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 1922 of 1967. (1)

APPELLANT  
APPLICANT

S.L. Nagal

VERSUS

DEFENDANT  
RESPONDENT

XXXXX C.S.I.R. & ors.

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
---------------------------------	--	--

31/10/89

Hon' Mr. D.K. Agrawal, J.M.

None appears for the parties.

List this case on 15-12-89 for orders.

J.M.

(sns)

GR  
Case has been read from CAT, Alid. on 14.9  
Case is not admit  
No CA/RA filed  
Data was for  
CAT, Alid. but  
not attach

No sitting. Adj to 5.3.90  
Notice were issued by the office of Alid.  
Now is present. Let a fresh notice be  
issued again to the parties as directed by  
the Hon. D.K. Agrawal, J.M.

h  
15/11

5.3.1990

Hon. J.P. Sharma, J.M.

The applicant is not present and the notice appears <sup>not</sup> to be ~~not~~ served. Let a fresh notice be issued also to <sup>the</sup> learned counsel appearing for applicant at the time of file of the writ petition in the Hon'ble High Court. The learned counsel for the respondent Shri A. Khanna under takes to give the correct address after enquiring from the department within a week.

List for Admission on 8.5.1990.

sd.

J.M.

Notices were issued on 25/11/90

Notice of applicant has been return back with postal return slipable

S.F.A.

2  
2/3

Notified 19/3/90  
The life for the reports  
It has not completed  
the court's order dt.  
5.3.90, hence notice  
could not be issued  
to the applicant.

S.F.-7

h  
7/10



1922/87(T.)

8/5/90

Hon. Mr. D. K. Agrawal, V.M.  
Hon. Mr. K. Oberye, A.M.

The applicant has not been issued notice vide our order dated 5/3/90. because counsel for the respondents failed to furnish the address of the applicant as directed on 5/3/90. The learned counsel for the respondents no. 1 & 2 & 4 informs us that the address of the applicant is being sort and it will be furnished within 2 weeks, thereafter. The office shall ~~shall~~ issue notice to the applicant to file rejoinder, if any, within 3 weeks list it for hearing on 10/10/90.

st

A.M.

See  
V.M.

Noted for 10/10/90

Sundered

(S.L. Nagele.)  
Scientist B  
I.T.A.C.  
Kempur Road  
M.C.

10.10.90

No sitting Adj to 23.11.90

23.11.90

case not reached Adjourned <sup>OR</sup> Applicant has  
to 26.2.91. <sup>date</sup>

No RA filed

S.R.N.

DOC.

2211



26.2.91

No sitting order to 13.5.91.

13.5.91

No sitting order to 13.8.91

J

No R.A. H-4

L  
M

13.8.91

D.R.

Applicant's side is present

Counter is not available

in file. Respondent

to file counter by

24/10/91 thereafter

Applicant to file R.A.

24.10.91

D.R.

counsel for the O.P.

is present. He desires

to file counter by 16/12/91

No appears for the

applicant.

16.12.91

D.R.

Counsel for respondents files counter today. Applicant is ordered to file rejoinder by 3.2.92.

16/12

24-10-91



1922/87

3.2.92

D.R.

Both the parties  
are absent. Applicant  
to file Rejoinder by  
20/4/92

20.4.92

None parties are  
Present. Applicant  
has to file Rejoinder  
by 8.7.92

Dy. Registrar

8.7.92

D.R.

Both the parties are  
Present. Applicant  
to file Rejoinder by  
9/9/92.

9.9.92

D.R.

Both the parties are  
absent. Rejoinder has not  
been filed. Applicant to  
file rejoinder by 5.11.92

5.11.92

D.R.

Both the parties are absent.  
Rejoinder has not been filed.  
Applicant to file rejoinder by

23-12-92

A  
X

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH  
LUCKNOW

....

T.A. No. 1922 of 1987  
IN

W.P. No. 4169 of 1985

S.L. Nagale

.....

Applicant

Versus

Union of India through  
Council of Scientific  
and Industrial Research  
New Delhi and others

....

Respondents

Hon'ble Mr. S.N. Prasad, Judicial Member  
Hon'ble Mr. V.K. Seth, Admn. Member

( BY Hon. Mr. S.N. Prasad, J.M.

The applicant has approached this Tribunal for quashing the promotion list dated 20.7.85 (Annexure-2) and further direction <sup>the</sup> respondents <sup>~ No. 153 ~</sup> to promote the applicant since 1983 to group IV (i) of the Villuri/Thyagarajan Committee recommendations.

2. This is noteworthy that the applicant has moved the M.P. No. 374/93 wherein he <sup>now</sup> has mentioned that he has no interest to contest this case. Learned counsel for the respondents has made endorsement to this effect that he has no objection for withdrawing <sup>at</sup> this case.

3. Thus, in view of the above the T.A. No. 1922/87 (W.P. No. 4169/85) stands dismissed as withdrawn. No order as to costs.

  
Admn. Member

  
Judicial Member

Girish/-

Lucknow; Dated 27.1.94

27.1.94



Group A (21) (11)(a)

1922/87 (T)

6365

In the Hon'ble High Court of Judicature at Allahabad

(Lucknow Bench) Lucknow .

1922/82 (T)

4169

Writ Petition No.....of 1985

Sri S.L.Nagale . . . . .Petitioner

Versus

Council of Scientific and Industrial Research ,Rafi Marg

New Delhi and others .....Opposite Parties.

I N D E X

10765

Sl.No.	Particulars	Pages.
1-	Writ Petition	1-17
2-	Annexure No-1-Photo copy of C.S.I.R. News dated 15.1.1985	18-
3-	Annexure No.2- copy of Memorandum dated 20.7.1985	19-23
4-	Annexure No-3- copy of objection dt.24.7.85	24-25
5-	Affidavit	26-27
6-	Stay Application	28-
7-	Power	29

G.N. Srivastava  
(G.N. Srivastava )

Lucknow:

Dated: 16.8.85

Advocate

Counsel for the Petitioner



A (21211)(a)

1/5

In the Hon'ble High Court of Judicature at Allahabad,  
(Lucknow Bench) Lucknow.



Writ Petition No. 41189 of 1985

Sri S.L. Nagale aged about 32 years son of Sri Shyam  
Rao Nagale, Scientist, Gheru Complex, Industrial Toxicology  
Research Centre, Gheru, Lucknow .....Petitioner

Versus

- 1- ✓ Council of Scientific & Industrial Research  
Rafi Marg, New Delhi through its Director General
- 2- ✓ Director, Industrial Toxicology Research Centre,  
Mahatma Gandhi Marg, Lucknow.
- 3- Assessment Committee which met on 6th July, 1985  
for Assessment and promotion of Scientific staff  
working in Group III under Valluri Committee  
Reports through its Chairman Dr. G.G. Sanwal.,  
Professor and Head of Department of Biochemistry,  
Lucknow University, Lucknow.
- 4- ✓ Administrative Officer, Industrial Toxicology  
Research Centre, Mahatma Gandhi Marg, Lucknow.
- 5- Sri V.G. Misra, Scientist, Industrial Toxicology  
Research Centre Mahatma Gandhi Marg, Lucknow
- 6- Dr. Krishna Gopal, Scientist, Industrial Toxicology  
Research Centre, Mahatma Gandhi Marg, Lucknow.

...Opposite Parties.

Contd.....2



Sundew



MEMO

Impressed

Adhesive *Rs 100/-*

Total

Correct but final Court-fee report  
will be made on receipt of lower

~~Court fee~~

~~Introductory~~

Papers filed, copy of F. O.

Should also be filed.

Single-Bench

except on mandamus  
inclusion

*Subst*  
16888-  
2  
16/8/05

Hon. K. S. Varma, J.

Hon. S. S. Ahmad, J.

I serve notice to  
opposite - party no. 3 to  
show cause why the  
 writ petition be not  
entertained.

*[Signature]* K9  
70-885

*[Signature]*

Writ Petition Under Article 226 of the Constitution of  
India .

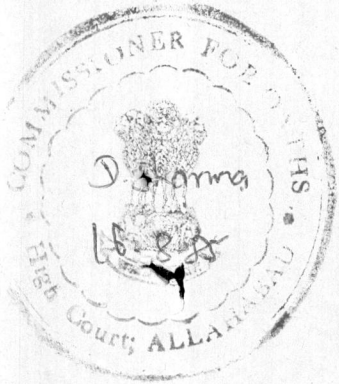
To

The Hon'ble Chief Justice and his companion Judge,  
of Allahabad High Court.

The petitioner respectfully submits as under:-

- 1- That the opposite party No.1 is a registered Society .The said Society has provided in the Constitution, that is in its Memorandum of Association and its Rules and Regulations, that the Prime Minister of India shall be the ex-officio President of the Society and the Minister Incharge of the Ministry or Department along with the Council of Scientific Industrial Research shall be the ex-officio Vice President of the Society. The Director General of the Scientific and Industrial Research appointed by the Government of India shall ~~all~~ be Director General of the Society and similarly all members of the Government body or the Executive Committee shall be persons nominated by the Government of India.
- 2- That the finance of the Council of Scientific and Industrial Research are provided by the Government of India, on the basis of the estimates for budget prepared in accordance with the Government of India Rules. The entire financial power is controlled by the Director General .The accounts are also to be maintained by the Society in such forms as may be prescribed by

Contd....3



Sunderlal



the Government of India in consultation with the Comptroller and Auditor General of India. All Rules and Regulations relating to income and expenditure is to be maintained in accordance with the rules and Regulations obtaining in the Government of India on the subject, and opposite party No.1 is an instrumentality or agency of the State.

3- That there has been a change in the law relating to the determination of the question of any organisation like the Council of Scientific and Industrial Research being considered to be an agency or instrumentality of the State. It is submitted that the Hon'ble Supreme Court had taken the view that the Council of Scientific and Industrial Research was only a Society under the Societies Registration Act. and was not an authority within the meaning of the Article 12 while deciding the case of Sabhajit Tewari Versus Union of India and others (1975 SC 1329). It is submitted that in the said case the test for determination of the status of the Organisation was the same which was subsequently elaborated in the case of International Airport Authority (1979 SC-1628).



*Sunder*

Contd.....4



4- That the Hon'ble Supreme Court had taken into consideration certain tests while deciding the case of Oil and Natural Gas Commission. The ~~Insurance~~ ~~Corporation~~ and the Industrial Finance Corporation which are the same as have been illustrated in the case of International Air-Port Authority.

5- That the Hon'ble Supreme Court has summarised and reconsidered the entire previous case law while deciding the case of Ajay Kasia and others Vs. Khalid Mujib and others (1981-SC-487). In that case six different tests which could be called out from the International Airport Authority case were mentioned in para 9 of the said report. Thereafter the Hon'ble Supreme Court observed that the test to be applied is as to whether the organisation concerned was as instrumentality or agency of the State and not as to how was it created. It was further observed that statutory Corporations, Government Companies, even Companies incorporated under the Companies Act. 1956 and Societies registered under the Societies Registration Act. 1860 and other similar bodies were to be treated as or as the instrumentality or agency of the State if they were entrusted with such functions as were to be performed by the Government itself. It



Summarised



was observed that whether the financial assistance of the Government was given to the body concerned and whether the Government had deep and pervasive control over it and whether its functions were of public importance and closely related to Government functions, it fully satisfied the test of being an instrumentality or agency of the State.

6- That since the aforesaid tests which were laid down in Airport Authority's case and reiterated in Ajay Kasia case were fully satisfied by undisputable facts, the Council of Scientific and Industrial Research is an authority within the meaning of Article 12 of the Constitution of India and it is, therefore, amenable to writ jurisdiction of the Hon'ble High Court.

7- That the Government of India has created a new ministry of Science and Technology with effect from 31.12.1984 comprising of Department of Scientific and Industrial Research, this department looks after and controls all the matters concerning council of Scientific and Industrial Research.

A Photo copy of C.S.I.R. News dated 15.1.1985 is being filed herewith as Annexure No.1 to this writ petition.

Contd.....6



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8- That the opposite party No.1 is bound by the reservation policy of the Government of India as is issued from time to time, according to it the Scheduled Caste/Scheduled Tribe candidates have a reserved quota in appointment and promotions both.

9- That the Government of India issued direction from time to time which were printed in Brouchure on Reservation for Scheduled Caste/Scheduled Tribes in the 6th Edition of 1982 given as below:-

"2.1

(iii) Posts filed by promotion:-

b- by selection from Group B(Class II) to the lowest rang/ or category in Group A(Class I) and in groups B,C and D (Class II, III and IV) posts in grades or services in which the element of direct recruitment, if any, does not exceed  $66\frac{2}{3}\%$

-----15%-----7½%.

c- On the basis of seniority subject to fitness in Groups ABC and D (Class I, II, III and IV) posts in grades or services in which the element of direct recruitment, if any, does not exceed  $66\frac{2}{3}\%$  15%--7½ %.

3.1- Reservation for Scheduled castes and Scheduled Tribes should invariably be made by promotion to the extent indicated in para 2.1(iii) unless

Contd....7



*Sunder*



any posts are exempted by special or general instructions issued by the Department of Personnel & Administrative Reforms.

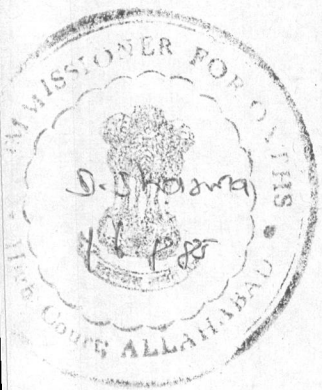
7.8.

In promotions made on the basis of Seniority subject to fitness in which there is reservation for scheduled caste/scheduled Tribes vide para 2.1(iii)(c) and where a qualifying examination is held to determine the fitness of candidates for such promotion suitable relaxation in the qualifying standard in Such examination should be made in the case of Scheduled Castes and Scheduled Tribes candidates,

7.8(i).

Similar relaxation of standards should be made in favour of scheduled caste/scheduled Tribe candidates in such departmental qualifying examinations for promotions also where promotion is made by selection where merit is determined by qualifying examinations ( and not by seniority cum fitness) out of the qualified candidates.

Contd....8



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7.9

For reserved ~~vacancies~~ interview of scheduled caste/scheduled tribe candidates should be held on a day or sitting of selection committee other than the day or sitting on which general candidates are to be interviewed so that scheduled caste/scheduled tribe candidates are not judged in comparison with general candidates and the interviewing authority /Board is aware of the need for judging scheduled caste/scheduled Tribe candidates by relaxed standards.



12.2(b).

As indicated in para 2.1(iii) (b) there is reservation at 15% and 7½% of vacancies for scheduled caste/scheduled Tribe in promotions by selection from Group C- to Group B- within Group-B and from Group B to the lowest rung or category in Group A (from class III to Class II, within class II and from class II to the lowest rung or category in Class I).

Contd....9



1/10

16.1

Ministries /Departments should impress upon the appointing authorities the need to observe the reservation and other orders relating to representation of scheduled caste/scheduled Tribes in services strictly. Glaring instance of discrimination or deliberate <sup>infraction</sup> ~~information~~ of the orders relating to reservations and concessions in favour of scheduled caste/Scheduled Tribe.....could be brought to the notice of appropriate authorities for suitable action. Ministries/ Departments etc. should ensure that whenever cases of such nature are brought to the notice of appropriate authorities suitable action is taken on them promptly.



17.4.

- (i) Departmental promotion committee selection Boards or recruiting authorities are generally constituted with the departmental officers of appropriate status and backgrounds .....The Ministries

*Sunderlal*

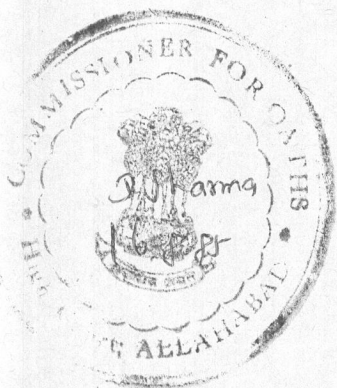


/Departments may endeavour to the maximum extent possible to nominate a scheduled caste/schedule Tribe officer while constituting departmental promotions Committee for recruitment/promotion to posts/services under them.

In cases where an outside representative is conducted as a member of the Departmental Promotion Committee, he should invariably be an officer belonging to scheduled caste/scheduled Tribe community.

10- That the petitioner belongs to the Schedule caste community and is an M.Sc. with 58% marks. His service record is very good and never any adverse remarks regarding his ability, competence and behaviour were ever given by his superiors.

11- That the opposite party No.1 appointed a Committee known as the Core/Varadarajan/Thyagrajan/Valluri Committee to recommend methods for recruitment and assessment of scientific and Technical Staff and the Committee's recommendations were approved by the opposite party No.1 on November, 2, 1981. As per the gradations shown by the said Committee, the petitioner was working as Scientist 'A' in Group (111)(3) in the pay scale of Rs.650-1200/-.



*Sundar*



12

12- That under the said Valluri Committee recommendations as adopted by opposite party No, i it is provided under clause 0.4.7 "Laboratories/Institutes should initiate action at least six months in advance and complete the assessment process as for as possible of all those who would put in requisite length of service by the 31st March, of each year.

"0.4.9- A faster tract promotion is available to the present incumbents who have got the prescribed entry level qualifications for the next higher group. It would also apply to appointments made, between 1.2.81 and the date of issue of these orders".

13- That the petitioner was due for promotion from Group III(3) to Group IV(i) from 24th April, 1983 which selection should have been done six month in advance as per Villauri/Thyagrajan Committee report but the assessment Committee was formed and selection held on 6th July, 1985 when the petitioner was interviewed with General Candidates at the same time and day. The petitioner was promoted from Group III(3) to Group IV (1) from April 1984 instead of from April, 1983.

14- That as per reservation policy the Group IV (i) should have a reserved post as there is no scheduled caste candidate in Group IV(i) post. Thus



Submitted



the petitioner should have been promoted to Group (iv)(i). This is the lowest rung post in class I as detailed in para 9 above.

15- That the assessment Committee should not have interviewed and assessed the petitioner on the same day with General Candidates as is prohibited as detailed in para 9 above.

16- That the opposite parties 1 to 3 issued an office Memorandum dated 7.7.1985 whereby showing promotions by assessment on the basis of assessment held on 6.7.1985. In the said list there is a column of "date of promotion" in this column various persons have been shown different number of year from which their promotion was done. The performance before the Committee could only show if the candidate is fit to be promoted or not. There was nothing before the Committee to show that a Scientist was fit to be promoted from the year 1982, 1983 or 1984 or from 1985. The promotion of various persons were made retrospectively from different years. Such an assessment was illegal, improper and was done to favour some persons out of the way and without any basis. Persons shown at serial Nos. 1 to 5 were in the same scale of pay and

Contd....13



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1/14

in the same Group but one has been promoted since 1982 while the one at serial No.2 has been promoted from 1.2.1983 and the persons at serial No.3 and 4 have been promoted from 1.4.1983. The petitioner at serial No.5 has been promoted from 1.4.1984.

A true copy of office memorandum dated 7.7.1985 is being filed herewith as Annexure No.2 to this petition.

17- That the opposite parties No.5 and 6 were juniors to the petitioner and were in the pay scale of Rs.550-900 and in Group III(2) while the petitioner was in pay scale of Rs.650-1200/- and in Group III(3). The opposite parties Nos. 1 to 3 promoted opposite party No.5 from 2.11.1982 and promoted opposite party No.6 from 1.2.1984 and also mentioned that they would be promoted to Group IV (1) in the pay scale of Rs.700/- to 1300/- from the date they cross Rs.700/- p.m. The opposite parties 5 and 6 were already drawing more than Rs.700/- basic salary. This promotion is a clear example of favouritism and has been done without any basis. The assessment and promotion was granted by the same assessment Committee on the same day.

18- That the opposite parties Nos.1 to 3

Contd....14



*Sumit*



15

could not apply the valluri/Thyagrajan Committee Report as it is published in the case of the petitioner the Rules and regulations pertaining to the scheduled caste regarding promotion and assessment were mandatory and it was faulty on the part of the not to have promoted the petitioner opposite parties under the reserved quota and it was a further error to have interviewed the petitioner with the General candidates on the same day and the assessment Committee should have consisted ~~the assessment of at least one member~~ of atleast one member belonging to the Scheduled Caste/Scheduled Tribe Community as per rules mentioned in para 9 above.

19- That the petitioner by his objection dated 24.7.1985 requested the opposite party No.2 to promote him since April, 1983 ,but the opposite parties Nos. 1 to 4 have not even cared to reply .

A true copy of objections dated 24.7.1985 is being filed herewith as Annexure No.3 to the writ petition.

20- That thus aggrieved by the assessment and promotion as done by the opposite parties Nos. 3 and followed by opposite party No.1 and 2, the petitioner having no other remedy open to him comes in this writ petition amongst other the following.

Contd.....15



*Sundel*



1/16  
(20)

G R O U N D

A-

Because the Assessment Committee (opposite party No.3) was ~~not~~ constituted as per rules as it should have had a member belonging to scheduled caste /scheduled Tribe community as the petitioner being a scheduled caste was to be assessed by the said committee

B-

Because the opposite parties should ~~be~~ have kept in the lowest rung post of ~~e~~ class I vacancies reserved for scheduled caste/scheduled Tribe candidates, as per direction of the Government of India.

C-

Because the petitioner, being scheduled caste and scheduled Tribe candidate should not have been interviewed / assessed on the same day along with the general candidates.

D-

Because the opposite parties had no basis or instrument to find out in 1985 whether a person was fit to be promoted since 1981, 1982, 1983, 1984 ~~or~~ 1985 in the interview held on 6.7.85.

Sundar

17/11

Such promotion as made are illegal ,improper and was done to show favour to some persons and was against equity,equality and natural justice and against the rules.

E- Because the valluri/Thyagrajan Committee could not over rule and by-pass the reservation policies of Government of India,which the opposite parties were bound to apply in the case of promotion of the petitioner.

F- Because the petitioner performance and record being good his juniors in Cadre and pay scale could not be made senior to him by giving promotion from 1982 and crossing two scales of pay.

It is,therefore, very respectfully prayed that;

- a) by a writ,direction or order in the nature of mandamus the promotion list dated 20.7.1985 (Annexure No.2) be quashed .
- b) by a writ,direction or order in the nature of Mandamus the opposite parties 1 to 3 be directed to promote the petitioner since 1983 to Group IV(i) of

Sundar



the Villuri/Thyagarajan Committee recommendations as adopted by the opposite parties Nos.1 to 3.

- c) by a writ, direction or order in the nature of Mandamus the opposite parties Nos.1 to 3 be restrained from making petitioner's junior to opposite parties Nos.5 and 6.
- d) Any other writ, direction or order as the circumstances of the case may demand be be also issued in favour of the petitioner.
- e) Cost of the petition be allowed to the petitioner.

*G.N. Srivastava*

( G.N. Srivastava )

Advocate

Lucknow:

Counsel for the Petitioner.

Dated: 16.8.85

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*Sundar*

18/19

In the Hon'ble High Court of Judicature at Allahabad  
(Lucknow Bench) Lucknow.

Writ Petition No.....of 1985

Sri S.L.Nagale .....Petitioner

Versus

Council of Scientific & Industrial Research ,Rafi Marg,  
New ~~Delhi~~and others .....Opposite Parties.

Annexure No.1

Photo copy enclosed.

*Sunderd*







# CSIR NEWS



ISSN 0409-7467

A SEMI-MONTHLY HOUSE BULLETIN OF CSIR

VOL 35 NO 1 15 JANUARY 1985

## Ministry of Science and Technology Created

A new Ministry of Science and Technology has been created w.e.f. 31 December 1984, comprising (1) Department of Science and Technology, (2) Department of Scientific and Industrial Research, and (3) Department of Non-Conventional Energy Sources.

The newly created Department of Scientific and Industrial Research will look after:

1. All matters concerning Council of Scientific and Industrial Research
2. All matters relating to National Research Development Corporation

3. All matters relating to Central Electronics Limited
4. National Information System on Science and Technology (NISSAT)
5. Registration and recognition of R&D units
6. Matters relating to UNCTAD & WIPO
7. National register for foreign collaborations
8. Matters relating to creation of a pool for temporary placement of Indian scientists and technologists
9. National register of scientific manpower.

pre-cleaned, toasted and powdered cereal, pulse and oilseed cake flour mixed with jaggery, and fortified with vitamins A and B and minerals like calcium and iron. It provides about 14 g of protein and 360 calories of energy for every 100 g of the food.

Already four plants, set up by the Karnataka Government, have been manufacturing energy food for the past few years for use in their Nutrition Intervention Programme. □

## Isoborneol plant goes into production

Based on the know-how developed at the Central Electrochemical Research Institute (CECRI), Karaikudi, an isoborneol plant (capacity, 100 kg/day) has been established by Sri Venkateswara Chemicals at Karur (Tamil Nadu) in small scale sector; the plant was inaugurated by Prof. K.I.

## Low methoxyl pectin from lime peel

The Central Food Technological Research Institute (CFTRI), Mysore, has standardized a process for the manufacture of low methoxyl pectin from lime peel; the know-how is ready for commercialization.

Low methoxyl pectin is a speciality pectin, useful in the preparation of jams and jellies having little or no sugar and with less solid content, and should offer a variety of benefits to consumers with health and calorie consciousness.

Unlike the conventional processes for the production of low methoxyl pectin which require low temperatures, the CFTRI process enables the manufacture of the product at room temperature (25 ± 2 °C), using pectin extract or dry powder. Also, the process has been further simplified by preferably using

ammonia in excess as the deesterifying agent to eliminate the difficulty involved in the continuous addition of alkali.

The process is easily adaptable to commercial pectin manufacturing units. □

## Energy food production units set up in Andhra Pradesh

The Central Food Technological Research Institute (CFTRI), Mysore, has assisted three firms in Andhra Pradesh, namely, Adoni Animal Feeds, V. Satish Kumar & Co, and Adoni & Modern Proteins Ltd, Kurnool, in setting up three units for the trial production of energy food (capacity of each unit, 10-12 tonnes/day), utilizing and integrating the infrastructural facilities available with these firms.

The energy food, developed at CFTRI, is a food supplement blend of

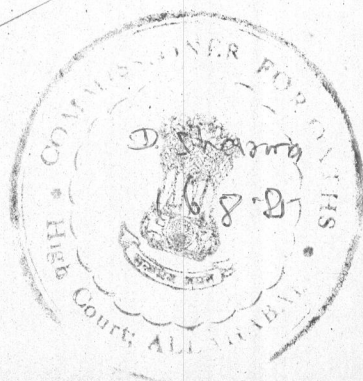
### Inside

Power generation using sludge gas ... 2

Bhatnagar Prize-winners' works  
Nuclear fission, heavy ion physics and excitation energy dependence of nuclear shell effects  
Dr S S Kapoor

Geology and geochemistry of pre-Cambrian of South India and the early history of the earth  
Dr S M Naqvi

Dr Amarjit Singh lays down office





19/8/85

In the Hon'ble High Court of Judicature at Allahabad  
(Lucknow Bench) Lucknow.

Writ Petition No.....of 1985

Sri S.L.Nagale .....Petitioner

Versus

Council of Scientific & Industrial Research, Rafi, Marg,  
New Delhi and others .....Opposite Parties.

Annexure No. 1.

Industrial Toxicology Research Centre, Lucknow.

No.ITRC/NRAS-III/85

Dated: 7th, July, 1985

Office Memorandum.

Subject: Assessment promotion of Scientific staff  
working in Group III under Valluri Committee  
Report.

On the recommendation of the assessment Committee  
which met on 6th July, 1985 the Director, ITRC has been  
pleased to accord approval to the assessment promotion  
of the following persons under the provisions of the  
New Recruitments and Assessment Scheme from the dates  
noted against each:-

Contd.....2



*Ambedkar*



20  
1/2

-----  
Sl.No. Name & Designation Promotion to the grade and scale of pay. Date of Promotion Remarks.  
-----

-----  
1 2 3 4 5  
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Under Faster Tract Promotion.

1-	Dr.D.K.Saxena, Scientist 'A' Rs.650-1200 Group III(3)	Group IV(1) Rs.700-40-900 EB-40-1100- 50-1300-	1.2.1982	Pay as per Rules.
2-	Shri Iqbal Ahmad Scientist 'A', Rs.650-1200 Gr.III(3)	-do-	1.2.1983	-do
3-	Dr.G.S.Shukla, Scientist, 650-1200 Group III(3)	-do-	1.4.1983	Granted two advan- ce incre- ments over and above normal Fixation of pay.
4-	Dr.(Mrs.) Shashi, Khandelval, Scientist 'A', Rs.650-1200, Group III(3).	-do-	1.4.1983	Pay as per Rules.
5-	Shri S.L.Nagale, Scientist 'A' Rs.650-1200 Group III(3)	-do-	1-4-1984	pay as per Rules.

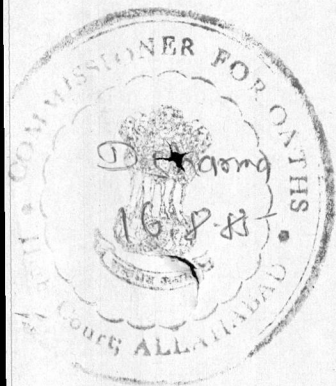


*Sumit*



1	2	3	4	5
6-	Shri V.G.Misra S.T. Rs.550-900 Group III(2)	Group II(3) Rs.650- <del>30-00</del> 740- 35-810-EB-35-880- 40-1200-	2.11.1982	Pay as per rule Also reco mended fo for promot tion to the grade IV(1) Scientist 'B' from date he crosses Rs.700/-p.m.
7-	Dr. (Mrs) Raushan Husain, SSA Rs.550-900 Group III(2)	-do-	1.2.1981	-do-
8-	Dr. Krishna Gopal SSA Rs.550-900, Group III(2)	-do-	1.2.1984	-do-
9-	Dr. R.C.Murti, SSA Rs.550-900, Group III(2)	-do-	1.2.1985	Pay as per Rules.
10-	Dr. L.P.Srivastava SSA Rs.550-900, Group III(2)	-do-	1-2-1985	-do-

Contd....4



*Sundil*



1/2 (1/2) 22

.....  
1 2 3 4 5  
.....

11- Mr.K.P.Singh, -do- 1.2.1985 -do-  
SSA  
Rs.550-900  
Group III(2)

12- Shri Bhaskar Dev, Group III(2), 24.11.1981 -do-  
JDA, Rs.550-25-750-  
Rs.425-700 EB-30-900

.....-1-.....

2- The above individuals shall continue to perform the same duties and such other and higher duties as may be assigned by the Director, I.T.R.C.

3- All the individual will be on probation for a period of two years from the date of issuance of this office Memorandum which may be extended or ourtailed at the discretion of the competent authority.

4- Higher posts will be personal to the incumbent and the posts held by them would revert to the lowest grade in the group to which they belong, on their vacating the post.

5- All persons will continue to be governed by the other existing terms & conditions of this appointment in ITRC/CSIR.

Sd/ illegible

(I.D.P.Srivastava )

Administrative Officer.

Contd...5



Sundell

-5-

Copy to :

- 1- All Individuals,
- 2- Establishment Section,
- 3- F.&AO (13 copies).
- 4- Bill Section (5 copies)
- 5- SPA to Director
- 6- Deputy Director,
- 7- Project leader concerned.
- 8- Information officer.

-----

True copy.





24

(X)

In the Hon'ble High Court of Judicature at Allahabad  
( Lucknow Bench) Lucknow.

Y/26

Writ Petition No.....of 1985

Sri S.L.Nagale .....Petitioner

Versus

Council of Scientific and Industrial Research

Rafi Marg, New Delhi and others ....Opposite Parties.

Annexure No..3

To

The Director,

Dated 24.7.85.

I.T.R.C.,

Lucknow.

Sub: Regarding my promotion from Group III(3 ) to  
Group II(i).

Sir,

Kindly refer to your letter No.ITRC/NRAS-III/  
85 dated 7.7.1985 mentioning that on the recommenda-  
tion of the assessment committee which met on 6th  
July, 1985 you has been pleased to accord my  
assessment promotion from Group III(3) to Group  
IV(i) from 1st April, 1984,.In this regard,  
accordingly to the Villury /Vardrajan Committee  
recommendation I was due for promotion from

Contd.....2



*Sharma*



25 (1/2)

Group III(3) to Group IV(i) under fasta tract promotion from April, 1983. In this connection I may kindly be informed as to under which rules I am not given the above promotion from the actual due date ~~ieee~~. April 1983. And I request you to kindly grant me this promotion from the actual due date, the April, 1983. If it is not possible to you, kindly permit me within a week time to forward my case ahead.

Thanking you,

Yours faithfully,

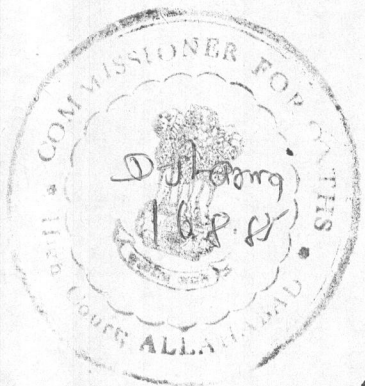
Sd/ S.L. Nagale

Scientist

Director Lab, Gheru

Complex, I.T.R.C, Lucknow.

True copy.



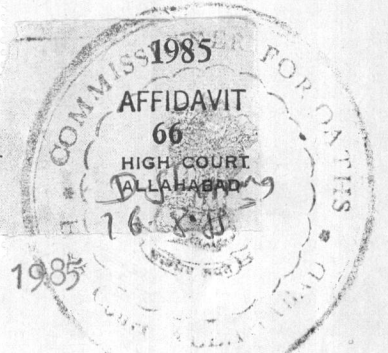
*Handwritten signature*



26 (37)  
✓ 8

In the Hon'ble High Court of Judicature at Allahabad

(Lucknow Bench) Lucknow.



Writ Petition No. .... of 1985

Sri S.L.Nagale . . . . . Petitioner

Versus

Council of Scientific and Industrial Research, Rafi Marg,  
New Delhi and others . . . . . Opposite Parties.

Affidavit.

I, S.L. Nagale aged about 32 years son of Sri Shyam Rao Nagale, Scientist Cheru Complex, Industrial Toxicology Research Centre, Gheru, Lucknow do hereby solemnly affirm and state on oath as under:-

- 1- That the deponent is the petitioner in the above noted writ petition and is fully conversant with the facts of the case.
- 2- That the contents of paras 1 to 20 of the writ petition are true to my personal knowledge.
- 3- That Annexure Nos. 1 to 3 are true copies of their originals which have been read and compared with their original and are correct.

Lucknow:

*[Signature]*  
Deponent.

Dated: 16/8/85

Contd....2





27  
129

Verification.



I, the above named deponent do hereby verify that the contents of paras 1 to 3 are true to my own knowledge.

Signed and verified this 16<sup>th</sup> day of August, 1985 at Lucknow.

*Sundel*  
Deponent.

Lucknow:

Dated: 14/8/85...

I identify the deponent who has signed before me.

*G.N. Srivastava*  
(G.N. Srivastava )  
Advocate

Solemnly affirm before me on this 16<sup>th</sup> day of August, 1985 at 10.30 am/pm by Sri S.L. Nagale, the deponent who is identified by Sri G.N. Srivastava, Advocate, High Court Lucknow Bench, Lucknow.

I have satisfied myself by examining the deponent that he understands of this affidavit which have been read and explained by me.

Oath Commissioner.

-----

*D. Sharma*  
K.M. SHARMA, Advocate  
OATH COMMISSIONER  
High Court, Allahabad  
Lucknow Bench  
No. 66/170  
Date. 16.8.85



व अदालत श्रीमान् In the Hon'ble High Court of Judicature at Allahabad. महोदय

[सद्वी] अपीलान्त

Lucknow Bench Lucknow

प्रतिवादी [रिस्पॉण्डेंट] श्री

वकालतनामा

A/24



14251

16/8

वादी (अपीलान्त)

2

S. L. Nigah

Petitioner.

नं० मुकदमा

Council of Scientific and Industrial Research and

प्रतिवादी (रिस्पॉण्डेंट)

ऊपर लिखे मुकदमा में अपनी ओर से श्री

पेशी की ता० १९ ई०

G. N. Srivastava

वकील

Advocate

Lucknow

महोदय

एडवोकेट

नाम अदालत  
मुकदमा नं०  
नाम फरीकन  
बनाम

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या मुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकदमा उठावें या कोई रुपया जमा करें या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें-वकील महोदय द्वारा की गयी वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

Accepted  
G. N. Srivastava  
Adv

Sundell

हस्ताक्षर

साक्षी (गवाह)

साक्षी

(गवाह)

दिनांक

16

महीना

8

सन् १९४६ ई०

स्वीकृत

In the Honble High Court of Judicature  
at, Allahabad,

1  
29/8/85

Lachmond Bench Lachmond

w. P. No 4169 of 85

S. L. Negah — — — — — Petitioner.  
vs

Council of Scientific and  
Research and etc — — — — — app. party

In the above noted w. P., the Petitioner filed,

6, duplicate copy of writ petition, 24 Notices.

6 Invels, and Rs. 5.00 Each Postal Stamp for  
necessary action, within time, date of filing 20/8/85

It is prayed that take on record,

Lachmond out  
29-8-85

Misankar Nath  
Chllr Secy G. N. Sank  
Advocate





BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD,  
CIRCUIT BENCH, LUCKNOW



T.A. No. 1922 of 1987

Shri S.L. Nagle

..... Applicant

Versus

Council of Scientific and Industrial  
Research and others

..... Opp. parties.

COUNTER AFFIDAVIT

TO THE AFFIDAVIT OF SHRI S.L. NAGLE, ON BEHALF OF  
OPPOSITE PARTIES No. 1, 2 AND 4

I, M.L. Bhargava, aged about 57 years son of  
Shri B.L. Bhargava, working as Controller of Administration  
Industrial Toxicology Research Centre, Lucknow.

I, the above named deponent do hereby solemnly  
affirm and state as under:

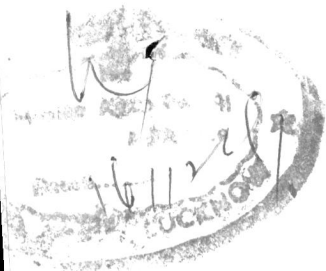
1. That the contents of para 1 of the application  
are denied as stated. It is stated that Opp. party  
No.1 (Council of Scientific and Industrial Research)  
is a society registered under Societies Act XXI of  
1860 and the society consist of the following  
members:-

- i. The Prime Minister of India shall be the ex-  
officio President of the Society.
- ii. The Minister in-charge of the Ministry or  
Department dealing with the Council of  
Scientific and Industrial Research shall be  
the ex-officio Vice-President of the Society:  
Provided that during any period when the

*Bhargava*

.....p/2.

*File today  
16/12/91*



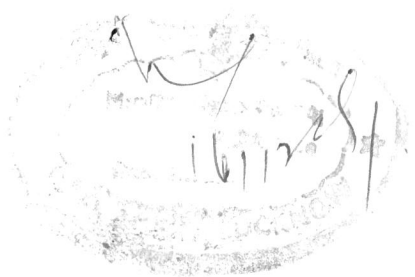
Prime Minister is also such Minister, any person nominated in this behalf by the Prime Minister shall be the Vice-President.

- iii. The members of the Governing Body.
- iv. Any other person or persons appointed by the Government of India.

2. That the contents of para 2 of the application are misconceived and hence denied. It is stated that the funds of the society consists of the following:

- i. Grants made by the Government of India for the furtherance of the objects of the Society.
- ii. Contributions from other sources.
- iii. Income from investments.
- iv. Receipts of the Society from other sources including money borrowed with or without security.

3. That the contents of para 3 of the application are not correct so far the change of law is concerned it is admitted that Hon'ble Supreme Court has taken the view that the CSIR (Council of Scientific and Industrial Research) is a Society registered under the Societies Registration Act, 1860 and is not an authority within the meaning of the Article 12 of the Constitution of India, while deciding the case of Sabhajeet Tewari Vs. Union of India and others, A.I.R. 1975 S.C. p. 1329.



*Discharge*



It may further be stated that their Lordships, the Supreme Court, while deciding the case of *Sabharwal Vs. Union of India*, A.I.R. 1975 S.C.p.1329 have decided that "Council of Scientific and Industrial Research is not an authority within the meaning of Article 12 of Constitution of India" and the said view of their Lordships reported in A.I.R. 1975 S.C. p.1329 was held good law in A.I.R. 1979 SC 1628.

The facts and circumstances of Life Insurance Corporation, Industrial Finance Corporation and Oil and Natural Gas Commission, which have been dealt with in the case of *International Air Port Authority* are distinct than those of Council of Scientific and Industrial Research.

4. That the contents of para 4 and 5 of the Affidavit are denied. Moreover, similarity of facts in one case cannot be used to determine the conclusion of facts in another case. The contents of paras 4 and 5 of the affidavit as alleged are based on interpretation of the rulings of Supreme Court, referred to in the said paras.

It may again be emphasised here that the guidelines, laid down in A.I.R. 1981 S.C. p.485 *Ajay Hasia Vs. Khalis Mujid and others*, are not applicable in the instant case. The view reported in A.I.R. 1975 S.C.p.1329-*Sabharwal Vs. Union of India* and others was referred to in A.I.R. 1981 S.C. p. 485 and has been approved. It may further be appreciated

that the ruling reported in A.I.R. 1975 SC 1329 relied upon by the Petitioner in his affidavit were pronounced by 5 Judges.

It may further be stated that former decision of Supreme Court of the larger Bench will prevail than that of the latter.

5. That the contents of para 6 of the affidavit are denied as alleged. The facts and status of CSIR are totally different with the facts and status of the case of Air Port Authority. In A.I.R. 1985 S.C. p. 1046 - K.C. Joshi Vs. Union of India, their Lordship of Supreme Court held that "though oil and Natural Gas Commission, is an instrumentality of state even then its employees are not entitled to protection under article 311 of the Constitution of India.

In the case reported in A.I.R. 1979 & K p 57 - Abdul Ahd. Vs. Manager Government Woollen Mills, it was held that a distinction must be drawn, between Body which is not created by or under a status but is governed by certain statutory provisions for the purpose of maintenance and administration and a Body created by Statue itself, the question in such a case to be asked is whether, there is a statue or not. If the answer is that Institution has a separate existence of its own without any reference to

16/1/2011  
Bhargava



statute concerned by which it is merely governed, it cannot be said to be a statutory body. In any case inclusion of certain local authorities within the meaning of the State if the Article 12 of the Constitution of India will not make the employees as Government employees and, as such an employee of such Authority cannot seek protection under Article 311 of Constitution of India.

The guide lines laid down in Air Port Authorities' and Ajai Hasia case are not applicable to Council of Scientific and Industrial Research.

Council of Scientific and Industrial Research have not been entrusted with any of the functions to be performed by Union of India or State.

6. That the contents of para 7 of the affidavit are admitted to the extent that a New Item was published in CSIR, News in January, 1985, which paper is issued in semi-monthly Bulletin of C.S.I.R. The contents of the copy of the Bulletin filed as Annexure 1 to the affidavit of Shri Nagle, are admitted. It is also admitted that Government of India has created a New Ministry of Science and

Technology with effect from 31.12.84 and comprising of department of Scientific and Industrial Research. This ministry looks after and control the matters concerning Scientific and Industrial Researches and department of Nonconvention Energy Sources.

7. That the contents of para 8 and 9 to the extent of instruction regarding reservation of vacancies are admitted. However, it is stated that the reservation policies are applicable only where recruitment or promotion is made against an available vacancy. So for the case of Petitioner is concerned, it is not covered under the policy of reservation. A copy of the CSIR circular No. 6(38)/81-Vig. dated 16.7.82 attached hereto and marked as Annexure- R-I, may kindly be perused which will clear that in the case of applicant the reservation policy does not apply.

8. That the contents of para 10 are admitted to the extent that the applicant held M.Sc. degree with 58% marks.

9. That the contents of para 11 and 12 are not disputed.

10. That the contents of para 13 are admitted to the extent that applicant became eligible for consideration on his merit by assessment/expert committee for promotion from Group III(3) to Gr.IV(1) w.e.f. 24.4.1983. it is stated that

*Shargam*



to consider the case of applicant the Assessment Committee met on 6th July, 1965, which after assessing the work, conduct and performance etc. of the applicant, did not find him suitable for promotion w.e.f. 24.4.1983. While considering his work, conduct and performance for the period upto 23.4.84 the Assessment Committee recommended his suitability for promotion to next higher grade w.e.f. April, 1984 and accordingly on the recommendations of the Assessment Committee the applicant was promoted from the said date.

11. That the contents of para 14 of the application are baseless and misconceived and therefore denied. It is stated that the reservation policy is not applicable in this particular case of applicant because of the fact that the promotion is not a vacancy based promotion and there remains no vacancy on the higher grade which can be reserved. It is an assessment for the scientific and technical personnel for the meritorious work done by them and in such a promotion the post held by the incumbent is upgraded if he is found suitable by the Assessment Committee. A copy of the instruction issued by the CSIR in consultations with the Government of India in the subject to the effect that the reservation policy in such assessment promotion is not applicable is attached hereto and marked as Annexure-R-I

Discharge

A/42

12. That the contentions of the applicant under para 15 of the application is also baseless and therefore denied. It is stated that the promotion is based on assessment of merit of the individual and the promotion is not based on existing vacancy. The provisions contain brochure on reservation is not applicable in this particular case.

13. That the contents of para 16 so far it relates to issue of office memorandum dated 7.7.85 is admitted. Resert are denied. It is stated that a person holding the grade of the applicant became elligible for consideration of his merit for promotion after completing a prescribed period of service. On consideration if he is found suitable he is promoted from the date of eligiblity otherwise his work and conduct for another year is considered and if again the Assessment Committee finds him unsuitable tinal consideration is made by the assessment of his work and conduct for the subsequent year. Since the applicant was not found suitable by the Assessment Committee from the date of his <sup>first</sup> eligibility, his merit was considered by the Assessment Committee for the subsequent year and in the said consideration the committee recommended him suitable and therefore on the recommendations of Assessment Committee, he was promoted from the date of his ubsequent eligiblity (Ind Chance) i.e. w.e.f. April, 1984.

16/12/11  
Bhargava



14. That the contents of para 17 of the application on are baseless and misconceived. The promotion is not based on seniority but on assessment of merit of each individual and the applicant was given sufficient opportunity to show his work and performance before the Assessment Committee. However, he was not adjudged suitable for promotion to the higher grade considering his work, conduct and confidential report including performance for the period upto 31.3.83 i.e. first date of his eligibility. However, on consideration of his work, confidential report including performance for the period upto 31.3.84, the committee adjudged him suitable and accordingly his post was upgraded by way of his promotion.

15. That the contentions of the applicant under para 18 and 19 are baseless and misconceived and therefore denied. It is stated that the reply of the contents of these paras have already been given in the foregoing paras. It is further stated that the case of the applicant was considered by the competent committee in accordance with the rules, regulations and procedure of the Respondents and the applicant has been given full opportunity to show his work and performance before the Assessing Authority.

*Deviangane*

16. That the applicant has no cause of action against the Respondents and his application is liable to be dismissed with cost.

Lucknow

Dated: 16-12-91 ✓

*M. L. Bhargava*  
Deponent

VERIFICATION

I, the deponent named above, do hereby verify that the contents of paragraphs 1 to 16 above are true to my personal knowledge. No part of it is false and nothing material has been concealed, so help me God.

Signed and verified this the 12th day of December, 1991.

*M. L. Bhargava*  
Deponent

I identify the deponent M.L. Bhargava on the basis of perusal of records produced before me who has also signed in my presence

*G. K. Khanna*  
(G.K. Khanna)  
Advocate

Sworn before me on 16/12/91 by M.L. Bhargava who is identified by Shri G.K. Khanna  
Clerk to Shri

I have recorded myself by examining the deponent and he/she understands the contents of the statement which he/she has made

*16/12/91*  
**MUSHER ALAM FAROOQ**  
Oath Commissioner  
Civil Court Lucknow



11  
ANNEXURE R-1

COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH  
RAJI MANG,

No.6(38)/81-Vig.

NEW DELHI-I, the 16-7-1982

FROM:-

CHIEF (ADMINISTRATION)

Council of Scientific and Industrial Research

To

The Director/Head of  
all the Laboratories/Institutes Under CSIR

Sir,

I am directed to state that the question of reservation for SC/ST candidates in the internal assessment promotions under the new valluri Cto., recommendations was under consideration of this office in consultation with the Ministry of Home Affairs, Deptt., of Personnel and A.R. The Deptt., of Personnel and A.R. after taking into consideration the new assessment scheme as laid down in the Brochure circulated by the CSIR to all the Labs./Instts., have come to the following decision:-

"The matter has been examined and it has been found that promotions in the new policy are not vacancy based and as such it would not be possible to maintain a roster providing reservations for SC/ST. Thus in these kinds of promotions it will be difficult to provide for actual reservation, but this department feels that justice would be done to SC/ST candidates if they are judged by relaxed standard at the time of promotion".

From the above it would be clear that the reservation would be applicable to entry level posts in each group while on assessment promotions the SC/ST candidates should be examined by relaxed standard.

These instructions may kindly be noted for necessary compliance and brought to the notice of all concerned.

Yours faithfully,

( S.P. KAUSHIKA )  
DEPUTY SECRETARY (VIG.)

D.S. NAYAL/

T.C  
Disuanyang

ISSUED

By 16 JUL 1982

16/7/82

BEFORE THE HON<sup>BLE</sup> CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUIT  
BENCH, LUCKNOW

M.P. 374/93

T.A. No. 1922 of 1987

S.L. Nagle

.... Applicant

Vs.

Council of Scientific and Industrial  
Research and others

..... Respondents

Application for withdrawal of the above case.

It is most respectfully submitted here as under:-

1. That the above case has been filed by the applicant before this Hon<sup>ble</sup> Tribunal.
2. That I am not interested to contest this case any more and wish to withdraw the same.

*S.L. Nagle*

(S.L. Nagle)  
Applicant

P R A Y E R

It is, therefore, prayed that the above case may be treated as withdrawn and closed.

*S.L. Nagle*

S.L. Nagle  
Applicant

Dated: 29.03.1993  
Place: Lucknow.

Put up  
with file on  
14.4.93  
12.4.93

I have no objection  
for withdrawal of case  
(A.K. Jain)  
27.4.94



3/1

In the Hon'ble High Court of Judicature at Allahabad

(Lucknow Bench) Lucknow.



9681(W)

C.M. Application No. .... (W) of 1985

W P 4169-85

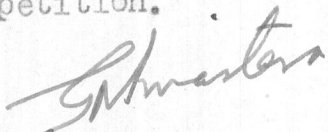
Sri S.L. Nagale ..... Petitioner

Versus

Council of Scientific & Industrial Research, Rafi Marg,  
New Delhi and others ..... Opposite Parties.

Stay Application.

For the facts and reasons given in the accompanying writ petition and affidavit it is respectfully prayed that operation of the office memorandum dated 20.7.1985 (Annexure No.2) to the writ petition be stayed till the decision of the writ petition.

  
( G.N. Srivastava )

Advocate

Lucknow:

Counsel for the Petitioner

Dated: .....

- - - - -

# ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P. No. 4169 of 1985

25.

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
20-8-85	<p>San K.S. Varma, San SS Ahmad, Issue notice to opp party no 3 to show cause why the W.P. be not admitted.</p> <p>Sd. K.S. Varma Sd. SS Ahmad 20-8-85</p> <p>Am. An No 9681 @ 85-</p>	
20-8-85	<p>San K.S. Varma, San SS Ahmad, Issue notice opp party no 3.</p> <p>Sd. K.S. Varma Sd. SS Ahmad 20-8-85</p> <p>18.10.85 fix for attendance for filing CA in cor. r.m. An. no 9681 (W) 85.</p> <p>N.D. to O.P. NO 1 to 6 in cor. C.M. An. No. by R.P.</p> <p>28-9-85</p>	



BEFORE THE HON<sup>BLE</sup> CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUIT  
BENCH, LUCKNOW

M.P. 374/93  
T.A. No. 1922 of 1987

S.L. Nagle

.... Applicant

Vs.

Council of Scientific and Industrial  
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..... Respondents

Application for withdrawal of the above case.

It is most respectfully submitted here as under:-

1. That the above case has been filed by the applicant before this Hon<sup>ble</sup> Tribunal.
2. That I am not interested to contest this case any more and wish to withdraw the same.

*Sunderlal*

(S.L. Nagle)  
Applicant

P R A Y E R

It is, therefore, prayed that the above case may be treated as withdrawn and closed.

Dated: 29.03.1993  
Place : Lucknow.

*Sunderlal*

S.L. Nagle  
Applicant