

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 033.

Miscellaneous Apps. 215 & 216/95
IN

Dated: 9 MAY 1995

APPLICATION NO. 1063 of 1994.

APPLICANTS: Sri.D.Hayavadana Rao,

V/S.

RESPONDENTS: Secretary, Ministry of Agriculture,
New Delhi and others.,

To

1. Sri.U.S.Sangeeva Murthy,
Advocate, No.114, Shankara Nilaya,
1st Floor, Gandhibazaar Circle,
Basavanagudi, Bangalore-560 004.
2. Sri.M.Vasudeva Rao,
Addl.Central Govt.Standing Counsel,
High Court Bldg,Bangalore-1.

Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal, Bangalore-38.

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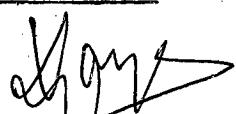
Please find enclosed herewith a copy of the Order/
Stay Order/Interim Order, passed by this Tribunal in the above
mentioned application(s) on 28th April, 1995.

Issued on

9/5/95

B

OC


fro DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

MA 215 & 216/95 for condonation of time
W.O.A 1063/95.

Date	Office Notes	Orders of Tribunal
		<p>VR (MA) / <u>ANV (MJ)</u> 28.4.95</p> <p>Heard.</p> <p>Shri US Sanjeeva Murthy for the applicant states that the department is deliberately delaying the matter. Shri MV Rao submits that steps are being taken to comply with the directions of the Tribunal and the same could not be completed within the prescribed period and therefore the application for extension of time seeking of extension condonation in making the application has been filed. MA 215/95 for condonation of delay is allowed. MA 216/95 seeking extension of time has already been allowed as a last chance to comply with the directions of this Tribunal within three months from 26.3.95.</p>

Sd/-

Sd/-

M(J)

M(A)

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MAY 1995
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 23 DEC 1994

APPLICATION NO: 1063 of 1994.

APPLICANTS:- Sri.D.Hayavadana Rao, Bangalore,
V/S.

RESPONDENTS:- Secretary, Ministry of Agriculture, N Delhi
and others.,

To

1. Sri.U.S.Sanjeeva Murthy,
Advocate, No.114, Shankara Nilaya,
First Floor, Gandhi Bazaar Circle,
Basavanagudi, Bangalore-560 004.
2. Sri.M.Vasudeva Rao,
Addl.Central Govt.Stng.Counsel,
High Court Bldg, Bangalore-1.

*Record Comm
1/12/94
23/12/94
Advocate*

Subject:- Forwarding of copies of the Order passed by the
Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 09-12-1994.

Issued on
23/12/94

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for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: :BANGALORE

ORIGINAL APPLICATION NO.1063/94

FRIDAY, THE NINETH DAY OF DECEMBER, 1994

SHRI V.RAMAKRISHNAN.

... MEMBER (A)

SHRI A.N.VUJJANARADHYA.

... MEMBER (J)

D.Hayavadana Rao,
S/o D.Venkoba Rao,
Hindu, aged about 55 years,
residing at No.56/A,
23rd Main, BSK 1st stage,
II Block, Bangalore-50.

... Applicant

By Advocate Shri U.S.Sanjeeva Murthy.

Versus

1. Union of India
by its Secretary to Govt.,
Ministry of Agriculture,
Krishi Bhavan,
New Delhi-110 001.
2. Director General
Indian Council of Agricultural Research,
Krishi Bhavan,
New Delhi-110 001.
3. Director,
Central Soil & Water Conservation
Research and Training Institute,
21E, Kaulagarh Road,
Dehradun - 248 195,
Uttar Pradesh.
4. Officer-in-Charge,
Central Soil & Water Conservation
Research and Training Institute,
Kota-324 002, Rajasthan State.

... Respondents

By Shri M.Vasudeva Rao, A.C.G.S.C.



ORDER

Shri V.Ramakrishnan, Member (A)

The applicant herein is aggrieved by the denial of promotion to the level of T8 (Senior Technical Officer) which fell due to him with effect from 1st January, 1987.

2. We have heard both sides.

3. According to the criteria laid down for promotion of technical persons in ICAR, the assessment committee is constituted, which takes into consideration the following materials:-

1. The material furnished in the Five-Year Assessment Proforma (enclosed)
2. Performance record files maintained by the Technical personnel (for this purpose, a suitable proforma shall be devised by the Director/Secretary, ICAR).
3. Bio-data and career information (various posts held etc.) of the technical personnel throughout their service in the ICAR.
4. CCRs for the past 5 years.

4. There is a further circular issued by the ICAR on 2.5.87 as at Annexure R1, which reads as follows:-

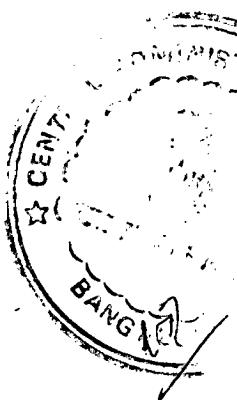
"The matter regarding adoption of some criteria regarding gradation of the C.C.Rs of Technical Personnel who are recommended for merit promotion on the basis of their five yearly assessment by the assessment Committee, has been examined in the Council. It has been decided that the technical personnel who are recommended for assessment/ promotion upto grade T-5 should possess consistently three 'good' reports and 'very good' for T6 and above."

This was clarified by another circular dated 10th October, 1991 as at Annexure A3 which reads as follows:-

"It has been observed that sometimes grading given by the Reporting or the Reviewing Authority

in the Annual Assessment or Confidential Report does not correctly reflect the quality of the work of the official/technician/scientist concerned. It is, therefore, necessary that the departmental promotion committee or the assessment committee, as the case may be, should make its own assessment on the basis of the entire report, instead of relying blindly on the grading indicated by the reporting or the reviewing officer."

5. The assessment committee which first met in 1991 recommended the case of the applicant for promotion to T8. When this recommendation was received by the Director General ICAR, he was of the view that the case may be referred back for reconsideration by the assessment committee, as he did not fulfil the criteria of consistently three very good reports for the grant of merit promotion to the next higher grade. The assessment committee accordingly reviewed the case once again taking into account the requirement to have three very good report consistently and in its meeting held on 24.5.93 re-iterated its earlier recommendation giving certain reasons. Taking into consideration the ~~previous~~ ^{4/} facts, the committee once again recommended the case of the applicant for promotion to the next higher grade with effect from the deemed date. When the matter went to the Headquarters the Director General, ICAR did not approve the recommendation for promotion of the applicant and this was communicated to the Director by his letter dated 7.10.93. This letter states that the recommendation in respect of Shri D.H.Rao has not been approved by the DG as Shri Rao does not possess three consistent very good reports. Aggrieved by the action of DG, ICAR, the applicant is before us seeking redressal.



6. The learned standing counsel had made available to us the relevant file and also the CR dossiers of the applicant. Shri M.V.Rao further submits that apart from the letter dated 7.10.93, there is ~~there is~~ no other material available which would throw light on the question as to how the DG, ICR came to the conclusion that the applicant consistently did not have three very good ⁶² reports and to ~~say~~ ⁶³ that he had applied his mind to the recommendation of the assessment committee, which met on 24.5.93 to review the case of the applicant.

7. We have gone through the CR dossiers of the applicant. As he was due for promotion from 1.1.87, the CR dossiers for the period from 1.1.82 to 31.12.86 (namely five years) will be relevant. For the year 1982, the applicant has been graded as very good by one Shri Balvir Verma. The reviewing officer is the Director, Central Soil & Water Conservation Research and Training Institute, Dehradun, which post was occupied by Dr. Dhruvanarayana. The reviewing officer agrees with the reporting authority and says that the applicant is a very good worker. For 1983, the reporting officer one Shri Subash Chandra has graded the work of the applicant as fair, but the reviewing authority, who is Dr. V.V.Dhruvanarayana has stated that Shri D.H. Rao has an excellent practical ability besides having sound theoretical knowledge. He is a very good worker. This is against the column "Has the Officer any special characteristics and/or outstanding merit/ contribution which would justify his career advancement?". In view of the remarks of the reviewing authority, the report for the year 1983 has to be taken as very good.

⁶³

For 1984 and 1985 Dr. V.V.Dhruvanarayana himself has reported on the performance of the officer as also reviewed the same and has graded him as average. For the year 1986, the officer's work was reported by Shri Balvir Verma as Officer-in-Charge, C.S.W.C.R.T. Training Centre, Kota, who says that he is an excellent dedicated and experienced officer and technically sound. The reviewing officer namely Dr. Dhruvanarayana has accepted the assessment recorded by the reporting officer. In otherwords the report for the year 1986 is excellent and is better than very good as it is nearly outstanding.

8. The above analysis of the CRs would show that the reviewing authority namely Dr.Dhruvanarayana has not been very consistent in his assessment of the applicant for the years 1982 to 1986. He rates the applicant as very good in 1982, 1983 and 1986 but for the years 1984 and 1985 he grades him as average. It is, therefore, necessary to look at the remarks of the earlier inquabnt, who held the post of Director, Central Soil & Water Conservation Research and Training Institute for the year 1981. The applicant's performance for the year 1981 was reviewed by Shri Gurmel Singh, Director as reviewing authority, who says that the applicant is fit for promotion to the next higher grade.

9. Taking into account the position as reflected in the CR as indicated above and keeping in view the provisions of the circular dated 10.10.1991 as at Annexure A3, the assessment committee was required to make its own assessment based on the entire report instead of relying blindly on the grading. The assessment committee in its

review report dated 24.5.93 seems to have done so and has given reasons where it reiterated its earlier recommendation that the applicant was fit for promotion. The DG, ICAR has taken the view that the applicant did not possess consistently three very good report, as seen from his letter dated 7.10.93, but we do not know as to how the DG came to this particular conclusion and he has not given any reasons for over-riding the recommendations of the assessment committee, which had reviewed the case of the applicant in May, 1993.

10. In the facts and circumstances of the case, we hold that in the interest of justice and fairplay, the recommendations of the assessment committee should prevail. We accordingly quash the letter dated 19th February, 94 as at Annexure A7, which refers to the rejection of the recommendation of the assessment committee. We further direct that the respondents should give necessary promotion to the applicant to the next higher level of T8 (Senior Technical Officer) with effect from the due date with all consequential benefits. This exercise should be completed by the respondents within three months from the date of receipt of a copy of this order. No costs.

Sd/-

(A. N. VUJJANARADHYA)
MEMBER (J)

Sd/-

(V. RAMAKRISHNAN)
MEMBER (n)

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23/12/94
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

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