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# Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 490/87.

Date of Decision : 8.8.89

~~T.A.No-~~

S.B.Prabhanjan Rao

Petitioner.

Shri G.Raghuram for  
Shri V.Venkataramanaiah

Advocate for the  
petitioner (s)

Versus

Indian Council of Agricultural Research (ICAR) Respondent.  
represented by its Director-General,

Krishi Bhavan, New Delhi-110001 & another

Shri S.S.Venkata Reddy,  
SC for ICAR

Advocate for the  
Respondent (s)

CORAM :

THE HON'BLE MR. J.Narasimha Murthy : Member(Judl)

THE HON'BLE MR. R.Balasubramanian : Member(Admn)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on columns 1, 2, 4  
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

HJNM  
M(J)

HRBS  
M(A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

O.A.No.490/87.

Date of Judgment 8.8.1991.

S.B.Prabhanjan Rao

.. Applicant

Vs.

1. Indian Council of  
Agricultural Research (ICAR)  
represented by its  
Director-General,  
Krishi Bhavan,  
New Delhi-110001.

2. Chairman,  
Agricultural Scientists  
Recruitment Board,  
Dr. K.S.Krishnan Marg,  
New Delhi-110012.

.. Respondents

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Counsel for the Applicant : Shri G.Raghuram for  
Shri V.Venkataramanaiah

Counsel for the Respondents : Shri S.Venkata Reddy,  
SC for ICAR.

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CORAM:

Hon'ble Shri J.Narasimha Murthy : Member(Judl)

Hon'ble Shri R.Balasubramanian : Member(Admn)

[ Judgment as per Hon'ble Shri R.Balasubramanian,  
Member(Admn) ]

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This application has been filed by Shri S.B.Prabhanjan Rao under section 19 of the Administrative Tribunals Act, 1985 against the Indian Council of Agricultural Research (ICAR) represented by its Director-General, Krishi Bhavan, New Delhi-110001 and another. In this application it is prayed that the date of promotion to the grade of Scientist S-II of the applicant be treated as 1.1.79 instead of 1.1.84.

2. The applicant is now holding the post of Scientist S-II (Agronomy) <sup>with effect from 1-1-84.</sup> According to him he was due for promotion from 1.1.79 itself. His name was considered in 1977 but instead of promotion he was awarded only two advance merit increments for the year 1978. In 1984, the applicant was informed for the first time that for him to be considered for such promotion it needed a change in discipline, (vide proceedings of ICAR No.5-20/82-AU dated 31.3.84.) The applicant resisted this and eventually the respondents relented. Thereafter the respondents promoted the applicant as Scientist S-II w.e.f. 1.1.84. It is alleged that the promotion which was due to him w.e.f. 1.1.79 was denied to him on the ground that it needed a change in discipline. It is, therefore, argued that when subsequently the respondents dropped the case for change in discipline the promotion should be ordered w.e.f. 1.1.79 instead of 1.1.84. It is to be noted that in this organisation promotions are not vacancy oriented but are only performance oriented and the question of vacancies would not come in the way. The applicant, therefore, prays that his promotion should be treated as w.e.f. 1.1.79 instead 1.1.84.


3. The application is resisted by the respondents. It is their case that the applicant was considered for promotion in the discipline of Agronomy <sup>only</sup> ~~in 1979~~ when he was eligible for consideration. The Promotion Board decided that he was not fit for promotion but was fit only for two advance increments. According to the rules

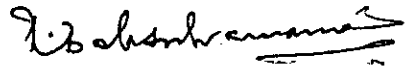
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a Scientist is entitled either for promotion to the next higher grade or for advance increments depending on performance and merit. Since he was granted only two advance increments for the period ending 31.12.79 his case was again assessed for the periods ending 31.12.78 and 31.12.79. No change was recommended by the Assessment Board. The petitioner submitted further supplementary information for the periods ending 31.12.80, 31.12.81 and 31.12.82 and it was at this stage that the Committee felt that it would be more in the interest of the applicant for a change in discipline. However, they eventually dropped it when the applicant opposed such a change in discipline. They again assessed his suitability in the *original* discipline of Agronomy itself for the periods ending 31.12.80, 31.12.81 and 31.12.82. The Assessment Committee did not find him suitable for promotion or for further advance increments. He was again assessed for the period ending 31.12.87 and it was then that his case was recommended for promotion w.e.f. 1.1.84 and they issued orders accordingly.

4. The applicant is firmly under the impression that he was not selected in 1979 itself due to the insistence of the respondents for a change in discipline. It is noted that the Selection Committee suggested a change in discipline only in 1984 whereas the Promotion Committee meeting, which considered him <sup>fit</sup> only for two increments but not <sup>for</sup> promotion, was held much earlier. Not only that, after they dropped the idea for a change in discipline, they again considered him only in the discipline of Agronomy for the years 1980, 1981 and 1982. It was only in 1987 that they considered him fit for promotion w.e.f. 1.1.84. It is, therefore, clear that the

respondents considered him all the time only for fitness or otherwise in his own discipline viz: Agronomy. The abortive proposal for change of discipline did not come in the way. We find no reason to interfere in the case and the application is dismissed accordingly with no order as to costs.

  
( J.Narasimha Murthy )  
Member(Judl).

  
( R.Balasubramanian )  
Member(Admn).

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Dated

8th August 91

  
Registrar.

To

1. The Director General, Indian Council Agricultural Research (ICAR) & Krishi Bhavan, New Delhi-1.
2. The Chairman, Agricultural Scientists Recruitment Board, Dr.K.S.Krishnanan Marg, New Delhi-12.
3. One copy to ~~Mr.S.Ramkrishna~~ Mr.V.venkataramanaiah, Advocate, . 1-10-126, Ashoknagar, Hyderabad-20.
4. One copy to Mr.S.venkat Reddy, SC for ICAR, CAT.Hyd.
5. One copy to Mon'ble Mr.J.Narasimha Murty, Member(J)CAT.Hyd.
6. One spare copy.

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