

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

O.A.No.126/90.

Date of Judgment 4-1-91

V.S.N.Murthy

.. Applicant

Vs.

1. Deputy Chief Executive,  
Nuclear Fuel Complex,  
Hyderabad.
  2. Manager (Personal Admn.),  
Nuclear Fuel Complex,  
Hyderabad.
  3. The Manager (Quality Control Fuels),  
Nuclear Fuel Complex,  
Hyderabad.
  4. Deputy Chief Executive  
(Quality Control Fuels),  
NFC, Govt. of India,  
Hyderabad.
- .. Respondents

---

Counsel for the Applicant : Shri C.Suryanarayana

Counsel for the Respondents : Shri N.Bhaskara Rao,  
Addl. CGSC

---

CORAM:

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

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

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

---

This application has been filed by Shri V.S.N.Murthy  
under section 19 of the Administrative Tribunals Act, 1985  
against the Deputy Chief Executive, Nuclear Fuel Complex,  
Hyderabad and 3 others.

2. The applicant who joined the Nuclear Fuel Complex in  
December, 1972 as Tradesman 'A' had in course of time been  
promoted as Tradesman 'B' in 1978, as Tradesman 'C' in 1983

and as Tradesman 'D' in 1987. The applicant acquired ~~an~~ the additional qualification of Diploma in Electrical Engineering in the year 1985. He is also a physically handicapped person. The applicant submitted his Diploma Certificate in Electrical Engineering to the Management stating that in view of the acquisition of additional qualification he should be considered for promotion to the supervisory grade. He was not ~~selected~~ <sup>promoted</sup>. Again, the applicant applied in response to an advertisement by the Nuclear Fuel Complex for the post of Scientific Assistant 'A' against the physically handicapped quota. He states that in view of his long experience of about 15 years in the Quality Control Fuel he is eligible for the post of Scientific Assistant 'A'. He was not selected. He made representations against this but without any result. Hence he has filed this application praying that the respondents be directed to consider his case for promotion to the post of Scientific Assistant 'A'.

3. The application is opposed by the respondents. It is stated that promotions in the Nuclear Fuel Complex for the Scientific & Technical staff are merit based. Promotions are not vacancy oriented and as and when an employee is found suitable to be promoted, the post held by him is upgraded ~~as~~ to accommodate his promotion. On acquiring the Diploma in Electrical Engineering the case of the applicant was considered for promotion on the basis of ~~his~~ <sup>the</sup> additional qualification he had acquired. He was called for an interview on 13.10.86. Although he had acquired the additional qualification he was not ~~considered~~ <sup>promoted</sup> ~~for promotion~~ because

he was not found suitable on assessment by the Standing Selection Committee. It is emphasised by them that acquisition of additional qualification does not lead to automatic promotion but that it is subject to the candidate being found suitable by the Standing Selection Committee. As regards the advertisement No.NFC/3/88, the applicant also applied for it. It is stated by them that in the advertisement no post was earmarked for physically handicapped employees. It is contended that though the applicant had the basic qualification required for the post he did not possess the requisite experience in the relevant field and hence the Screening Committee did not approve his case for further selection by the Selection Committee.

4. We have examined the case and heard the learned counsels for the applicant and the respondents. We have also gone through the records supplied by the Nuclear Fuel Complex, Hyderabad. We agree with the respondents that acquisition of additional qualification does not automatically lead to promotion. The candidate even after acquisition of additional qualification has to be found suitable for promotion. Since he was not considered suitable in the interview on 13.10.86 the applicant cannot claim a promotion merely on the strength of his acquisition of Diploma in Electrical Engineering. However, the Diploma in Electrical Engineering he has obtained *makes him eligible* ~~gives him the necessary qualification~~ for consideration for the post of Scientific Assistant 'A' according to the Nuclear Fuel Complex norms. The advertisement No.NFC/3/88 was for the posts of Scientific Assistants 'A'/'B'. There were 7 categories advertised for and it is also stated in that

advertisement that reservation exists for ex-serviceman(10%) and physically handicapped (3%) and also sportsman as per Central Government rules. Hence the statement of the respondents that there was no reservation for physically handicapped persons is unacceptable. It is seen from letter No.NFC/PAR/0208/35 dated 11.3.89 from the Administrative Officer addressed to the Chairman of the Screening Committee that 18 persons had applied in response to the advertisement for the posts of Metallurgical/Mechanical Plant Operations Category No.II. The applicant is one of these 18. It is seen from the note dated 7.8.89 of the Chairman of the Screening Committee that going strictly by the norms prescribed in the advertisement none of the 18 candidates passed the screening. As for the applicant, it had been stated therein that he does not have the experience in the relevant field. According to the advertisement the experience required for Category No.II posts is upto 2 years of shopfloor supervisory/operational experience in reputed metallurgical/mechanical plants relating to Ferrous/Non-ferrous industry using melting and casting equipment; forging/hydraulic/extrusion presses; tube drawing; plate/sheet rolling; powder metallurgy equipment such as precision compacting presses, centreless grinders; high temperature furnaces including annealing, and high vacuum, sintering furnaces; high temperature & high pressure chemical reactors involving corrosive environment etc; and automated precision welding equipment involving TIG/Electron beam/resistance welding techniques. In the rejoinder submitted

To

1. The Deputy Chief Executive,  
Nuclear Fuel Complex, Hyderabad.
2. The Manager (Personal Admn.),  
Nuclear Fuel Complex, Hyderabad.
3. The Manager (Quality Control Fuels),  
Nuclear Fuel Complex, Hyderabad.
4. The Deputy Chief Executive (Quality Control Fuels)  
NFC, Govt. of India, Hyderabad.
5. One copy to Mr. C. Suryanarayana, Advocate.
6. One copy to Mr. N. Bhaskar Rao, Addl. CGSC. CAT. Hyd. Bench.
7. One spare copy.
8. One copy to Hon'ble Mr. R. Balasubramanian, Member (A) CAT. Hyd.
9. One copy to Hon'ble Mr. J. Narasimha Murty, Member (B) CAT. Hyd.

pvm

the applicant rebuts the statement that he did not possess the requisite experience of two years. He has stated that the Manager of NDT, Quality Assurance Division in NFC has given him a certificate that he had worked in the field of Metallography and Tensile testing from 1984 to 1988 and the Manager, QC(F) has given him a certificate that he had been working in the Quality Control Fuels Inspection Section with effect from 11.12.72 and that he has experience in the field of Helium Leak Testing and Metrology. Against this, we find in the bio-data that was examined by the Screening Committee under the column 'Experience' only a very cryptic remark "Working in QC(F)" has been made. There is no indication whether the certificates referred to by the applicant in his rejoinder were considered or not. We, therefore, direct the respondents to examine the certificates referred to by the applicant in his rejoinder and if this experience fits in with what was indicated in the advertisement No.NFC/3/88 the applicant should be considered for the post advertised for. This direction may be carried out by the respondents within <sup>two</sup> a month of receipt of this judgment. The application is disposed of thus, however, with no order as to costs.

( J.Narasimha Murthy )  
Member(Judl).

( R.Balasubramanian )  
Member(Admn).

Dated 4<sup>th</sup> January '91

*[Signature]*  
Deputy Registrar(Judl)

CHECKED BY  
TYPED BY

APPROVED BY  
COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. B. N. JAYASIMHA : V.C.  
AND

THE HON'BLE MR. D. SURYA RAO : M(J)  
AND

THE HON'BLE MR. J. NARASIMHA MURTY : M(J)  
AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

DATE: 24-9-

4/1/91

~~ORDER~~ / JUDGEMENT:

M.A. / R.A. / C.A. / No.

In

T.A. No.

W.P. No.

O.A. No.

126/90

Admitted and Interim directions  
issued.

Allowed.

Dismissed for default.

Dismissed as withdrawn. [SS]

Dismissed.

Disposed of with direction.

M.A. Ordered / Rejected.

No order as to costs.

