

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 18 of 1990

Date of Decision :

~~XXXX~~

Mr. Nellore Sivanandam and 3 others

Petitioner.

Mr. V. Rajagopala Reddy

Advocate for the
petitioner (s)

Versus

The Head, Personnel & Gen. Admn. SHAR,
Sriharikota Range and another

Respondent.

Mr. Naram Bhaskar Rao, Addl. CGSC

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

HRBS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.18 of 1990

DATE OF ORDER: 28-11-1990

BETWEEN:

1. Mr. Nellore Sivanandam
2. Mr. Dindu Krishnaiah
3. Mr. K.Chengaiah

AND

1. The Head, Personnel & General Admn.,
SHAR, Sriharikota Range.
 2. The Member-Secretary, ISRO Council,
Dept. of Space, Bangalore.
- .. Respondents

FOR APPLICANTS : Mr. Vaada Rajagopala Reddy, Advocate

FOR RESPONDENTS: : Mr. Naram Bhaskar Rao, Addl. CGSC.

CORAM: Hon'ble Shri J.Narasimha Murthy, Member (Judl.)
Hon'ble Shri R.Balasubramanian, Member (Admn.)

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI R.BALASUBRAMANIAN, MEMBER (ADMN.)

This application under Section 19 of the Administrative Tribunals Act has been filed by Shri N.Sivanandam and 3 others against the Head, Personnel & General Administration, SHAR, Sriharikota and the Member-Secretary, ISRO Council, Bangalore. The applicants joined as Plantation/Nursery Assistants in the Sriharikota Rocket Range in July 1971. On 1.4.1975, the

(1) of Mr. M.Krishna Reddy, (2) of Mr. M.Gopala Krishnaiah and (3) of Mr. T.Balachandraiah. Of these, Shri Krishna Reddy was promoted from the post of Plantation/Nursery Assistant to Field Assistant 'A' and S/Shri Gopala Krishnaiah and Balachandraiah who were Gardeners were promoted as Field Assistants in May 1976 and June 1978 respectively. The applicants passed Matriculation examination in 1979 and 1980 and according to them they became eligible for promotion to the post of Field Assistant. They sought promotions which were not given and they filed O.A.No.502/86 at Bangalore, O.A.No.214/86 ~~at Madras~~ and O.A.No.213/86 at Madras Benches. These cases were transferred to this Bench and were dismissed at the admission stage on the ground of limitation with permission to file fresh application for prospective relief. The applicants filed review petitions which were also dismissed. Hence this application. The applicants are aggrieved that while ^{the} posts of Gardeners are classified as administrative, the posts of Field Assistants are classified as Scientific/Technical and, therefore, their promotional avenues had been blocked. They have prayed that this Tribunal declare the applicants as entitled for promotion to the posts of Field Assistant 'A' and upwards and to direct the respondents accordingly.

2. The application is opposed by the respondents. It is pointed out that when the organisation was converted into a Government department with effect from 1.4.1975, options were called for from all the staff and that the applicants had opted for the new terms ~~same~~ applicable to the Government of India. Even before the organisation became a Government department, in the initial stages ^{and} in the absence of specific norms and procedures, various centres

of ISRO were having different designations ^{to} in similar jobs and there was no uniformity, thereby causing confusion. Therefore, an attempt was made to bring uniformity under ~~a~~ the normalisation process with effect from 1.11.1971. In that process, Plantation/Nursery Assistants in SHAR including the petitioners were redesignated as Gardeners. Also as a part of normalisation, persons possessing higher qualifications or experience were given advance increments or promotion depending upon the norms then existing. Accordingly, the applicants, S/Shri Sivanandam and Chengaiah were granted one additional increment and others possessing more length of service were promoted as Gardeners 'B'. Shri Krishna Reddy whose case has been quoted by the applicants was promoted as Gardener 'B' with effect from 1.11.1971. Further promotional prospects were also considered and on the recommendation of the DPC and on completion of three years of service in the grade of Gardener 'A', the applicants, S/Shri Sivanandam and Subramanyam were granted two additional increments and the applicants, S/Shri Krishnaiah and Chengaiah were promoted as Gardeners 'B'. On the same lines, Shri Krishna Reddy who was ^{already} ~~also~~ a Gardener 'B' was also promoted as Field Assistant 'A'. For such promotions, their service, experience and recommendations of DPC were the criteria and not seniority and all these happened before 1.4.1975 i.e., before the organisation became a Government department. The respondents, therefore, contend that quoting of Shri Krishna Reddy is not applicable in this case. The applicants kept silent at that time. After governmentalisation with effect from 1.4.1975, further standardisation work was taken up and accordingly ^{the} orders were issued on 1.12.1975. Various categories of staff in ISRO were broadly divided into administration ^{categories} and scientific/technical ^{categories} and promotions were confined within those categories alone. In this process, the posts of Gardener 'A' and Gardener 'B' were categorised under administrative category and the posts of Field Assistant

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were categorised under Scientific/Technical category. According to this, Gardeners who belong to the administrative category cannot ^{expect} ~~accept~~ promotion as Field Assistants which was in the Scientific/Technical category. However, a person in the administrative category possessing requisite qualification can apply for a post in Scientific/Technical category against internal notification or open advertisement. In such case, it would not be promotion but it will be an appointment. It was in this light that S/Shri Gopalakrishnaiah and Balachandraiah who had acquired qualifications were appointed (but not promoted) as Field Assistants. The citing of their examples by the applicants is not also correct according to the respondents. The respondents also deny that ^{the} ~~all~~ promotional avenues for administrative staff have become reduced consequent to the issue of the letter dated 1-11-1985. It is pointed out by them that the Group 'D' personnel are provided with enough opportunities to become Office Clerks, L.V. Drivers, Firemen, Duplicating Machine Operators etc., all in administrative category. It is pointed out that a large number of Group 'D' personnel including Gardeners have moved up in those channels. It is also pointed out by them that further promotional prospects for Group 'D' staff are already under consideration of the Department.

3. We have examined the case and heard the learned counsels, Shri V. Rajagopala Reddy for the applicants and Shri Naram Bhaskar Rao for the respondents. The main grievance of the applicants is that their placement in the category of administrative staff and the denial of promotion as Field Assistants which are now placed in the

category of Scientific/Technical is arbitrary and illegal. The other cases which they had pointed out such as those of S/Shri M.Krishna Reddy, ~~and~~ M.Gopala Krishnaiah and T.Balachandraiah are not comparable because Krishna Reddy was promoted well before the governmentalisation and Gopalakrishnaiah and Balachandraiah were only appointed on acquiring ^{required eligibility.} ~~of regular qualification.~~ The applicants who had acquired Matriculation qualification in 1979 and 1980 much later than S/Shri Gopalakrishnaiah and Balachandraiah had also ~~their~~ aspirations to become Field Assistants. But, in the mean time with effect from January 1980 direct recruitment to the posts of Field Assistant has been abolished as seen from the Circular No.HQ:ADMN:4.4, dated 1.1.1980 (Annexure 'H' to the reply affidavit). Therefore, the applicants who now possessed the requisite qualifications cannot hope to be appointed as Field Assistants since direct recruitment has been stopped. Before governmentalisation, a certain pattern of promotions was obtaining in the organisation. By virtue of promotion through Departmental Promotion Committees etc., one who joined as Plantation/Nursery Assistant could be promoted as Field Assistant. Subsequently, after governmentalisation from 1.4.1975 the two categories were ^{segregated} ~~separated~~ and even then some Gardeners like S/Shri Gopalakrishnaiah and Balachandraiah could become Field Assistants by direct recruitment by virtue of their possessing requisite qualification. The applicants did not have the requisite qualification at that point of time and they acquired the requisite qualification much later in 1979 and 1980. By this time, the direct recruitment to the category of Field Assistants itself has been stopped. The Government has powers to lay down its ~~own~~ promotional rules and we do not see any thing illegal in the introduction of the categories

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by Office Memorandum dated 1.12.1975. By their Memorandum No.HQ:ADMN:4.20(3), dated 12.12.1975 (Annexure 'G' to the reply affidavit), the rationalisation of procedures and career opportunities for scientific and technical staff had been laid down. These orders cover the category of Field Assistants through another letter dated 25.8.1976. In Para 9.1 of the Memo dated 12.12.1975 it had been clearly stated that the norms for recruitment of scientific and technical personnel will stand revised as indicated in tables 1 and 2 and would be given effect to from 1.1.1976 and will have no retrospective effect. They would also be referred to as new norms. The applicants had chosen to become government servants and had opted for new norms from 1.4.1975 itself. It is mentioned in Para 2 of the Memo dated 1.12.75 that the norms as prescribed are applicable at the stage of recruitment and shall not directly be applied for the purpose of internal promotions. The applicants bank on this provision. The categorisation has come into effect from 1.1.1976 and the norms which also came into effect from 1.1.1976 were to be applied only for recruitment. When promotions from one category to the other are not permitted, the applicability of the norms for promotions ~~also~~ does not arise. If the applicants had acquired the qualification in time like S/Shri Gopalakrishnaiah and Balachandraiah, they too would have been appointed as Field Assistants. The applicants acquired the qualification much later in 1979 and 1980 when they were too late for appointment as Field Assistants because from 1.1.1980, the direct recruitment to the posts of Field Assistant has been stopped. We thus find that the applicants missing such chances was not due to the respondents and we do not find any illegality in the various memoranda issued by the department on the subject. As for the grievance that their promotional avenues are ~~blocked~~ ^{denied}, we do not find any substance in this grievance also. It is pointed out by the

respondents that in the administrative wing itself, there are enough opportunities which a few others similar to the applicants had already availed of. The respondents also state that they are already examining further promotional prospects for persons like the applicants within the administration ^{ve wing} section itself.

4. For the reasons stated above, we find that the application is devoid of any merit and therefore dismiss the application with no order as to costs.

MS
(J.NARASIMHA MURTHY)
MEMBER (JUDL.)

R. Balasubramanian
(R.BALASUBRAMANIAN)
MEMBER (ADMN.)

Dated: 28th November 90. *20/11/90*
Sd/- Deputy Registrar (Judl) *29/11/90*

- To
1. The Head, Personnel & General Admn.,
SHAR, Sriharikota Range.
 2. The Member-Secretary, ISRO Council,
Dept.of Space, Bangalore.
 3. One copy to Mr.Vada Rajagopala Reddy, Advocate
No. 1 Law Chambers, High Court Buildings, Hyderabad.
 4. One copy to Mr.N.Bhaskar Rao, Addl.CGSC. CAT.Hyd.Bench.
 5. One copy to Hon'ble Mr.R.Balasubramanian, Member(A) CAT.Hyd.
 6. One copy to Hon'ble Mr.J.Narasimha Murthy, Member(J) CAT.Hyd.
 8. One spare copy.

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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-~~ 28/11/90

ORDER / JUDGEMENT:

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

in

T.A. No.

W.P. No.

O.A. No.

18/90

Admitted and Interim directions
issued.

Allowed.

Dismissed for default.

Dismissed as withdrawn. DESPATCH

Dismissed.

Disposed of with directions
HYDERABAD BENCH.

M.A. Ordered/Rejected.

No order as to costs.

Central Administrative Tribunal

3 DEC 1990