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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.379/90.

Date of Judgment 21-3-1991

1. S.P.Saxena
2. P.N.Ramaswamy
3. Z.Paul
4. C.Narayana Rao
5. S.T.Arasu
6. B.Gopal Rao
7. V.G.Raghunathan
8. B.P.Singh
9. V.Mohan Rao
10. R.P.Tiwari
11. S.Ravindranath
12. P.S.N.Reddy
13. N.Ch.V.R.Chowdary
14. N.M.Saraf
15. P.Ramesh
16. K.Nancharaiiah
17. Harinder Singh
18. P.V.Venkateswaran
19. Thilakrajan
20. G.V.Subba Rao
21. Vasanth Rao
22. G.Venugopala Rao
23. P.N.S.Pillai
24. S.Hariharan
25. N.K.N.Kutty
26. V.R.Mhatre
27. K.P.Sawant
28. V.V.Subramanian
29. G.Narasimha
30. G.Lakshminarayana Rao
31. P.K.S.Narayanan
32. Ch.V.Raghavulu
33. David T.Gokavi
34. Raghavendra Joshi
35. Y.Nageswar Rao
36. Subrata Patra
37. Chandra Mohan Srivastava
38. Vinaykumar Ailawadi
39. Y.S.B.Rao
40. N.Rajan
41. S.P.Jagannath Prasad
42. B.Balkishan
43. G.G.Pillai
44. G.N.Srisailam
45. V.G.Damodaran
46. N.V.Rao
47. M.Venkatesan
48. P.R.L.Swamy
49. M.Nageswaraiiah
50. M.Zahoor-ul-Haq
51. R.V.R.Govindaraju
52. A.Saraiah
53. P.Surender
54. M.S.Ravinder
55. G.P.Saisanathan
56. S.S.Bhatia
57. H.K.Singh
58. A.Ramachandra Rao
59. P.Narasinga Rao
60. L.Prabhakar Rao

61. G.V.S.N.Sarma
62. R.M.Kartha
63. P.Nageswara Rao
64. K.N.S.Gupta
65. K.Vasudev
66. P.Narender
67. J.Chandramouli
68. P.K.Damodaran
69. T.Ramanand
70. K.C.M.Rao
71. J.B.Rathan Raj.
72. S.Amarender Rao
73. M.Jagannadha Rao
74. C.S.Rama Rao
75. K.Pannender Rao
76. D.Kantha Chary
77. S.Ram Murthy
78. K.Ramesh
79. T.Krishna Rao
80. B.B.Sharma
81. D.C.K.Reddy
82. N.C.Raghuram
83. S.R.S.Rao
84. T.V.Padmanabhan
85. M.Satyanarayana
86. Meera Saratchandran
87. J.S.Rao
88. A.Kanna Rao
89. M.A.Rauf
90. S.S.Rao
91. C.N.Balakrishna
92. A.Chalapathi Rao
93. K.K.R.Acharyulu
94. N.Appa Rao
95. R.Sudhakar
96. U.Krishna Murthy
97. R.Gopala Rao
98. A.K.Shrivastava
99. K.C.M.Rao
100. P.Chatanyakumar
101. N.Kameswara Rao
102. K.Laxman Rao
103. K.Siva Sankar
104. B.V.Ratnam
105. Satyapal
106. K.Jagannathan
107. B.Krishna Kumar
108. Smt. Vijayarammohan
109. Smt. P.Gayathri Raghavan
110. B.Satyanarayana
111. P.C.Sivadasan
112. A.V.G.Reddy
113. O.V.Ramamurthy
114. N.Rajeshwar Rao
115. A.V.R.Murthy
116. P.P.Radhakrishnan
117. G.Swamidass
118. P.Damodar Rao
119. Chandramoulaiah

.. Applicants

Versus

1. Govt. of India,
represented by its
Secretary,
Dept. of Atomic Energy, BARC
Trombay, Bombay.

2. The Chief Executive,
Nuclear Fuel Complex,
Dept. of Atomic Energy,
Govt. of India,
Hyderabad 500672.

.. Respondents

Counsel for the Applicants : Shri G. Bikshapathi

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)

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

Shri S. P. Saxena and 118 others have filed this application against the Govt. of India, represented by its Secretary, Dept. of Atomic Energy, BARC, Trombay, Bombay and another under section 19 of the Administrative Tribunals Act, 1985.

2. The applicants herein are B.Sc., degree-holders/ Diploma-holders in Engineering/Technology and most of them were initially recruited as Scientific Assistant 'A'/'B'. They have been getting their promotion to higher grades such as Scientific Assistant 'B', Scientific Assistant 'C' etc. In 1981, the respondents evolved a promotion policy for providing more promotional avenues for the employees. Yet another policy was evolved in 1983. In this scheme further grades like Scientific Assistants D/E/F were introduced instead of providing for promotion of Scientific Assistant/C straightway as Scientific Officer/SB etc. By this scheme, the Scientific Assistants/C were denied promotion to the Officer cadre. This was challenged in the Andhra Pradesh High Court in W.P.No.9431/83 which was later transferred to this Tribunal as T.A.No.620/86. This Tribunal observed that that promotion policy lacked clear and understandable norms for selection to the

Scientific structure and that the promotion norms/guidelines have not been made known to the employees. They, therefore, struck down the circular dated 22.9.83 containing the promotion policy. However, the Tribunal observed that the decision would not preclude the department from properly reviewing the promotion policy of 1981 and introducing appropriate promotion policy after taking into consideration all the relevant factors and objections raised by the applicants. The respondents took up the matter to the Supreme Court in C.A.No.808/88. The Hon'ble Supreme Court while striking down the judgment of this Tribunal gave certain directions to the respondents. It is stated by the applicants that the 1st respondent has revised the norms in 1985 for consideration for promotion of personnel in the Scientific Assistant/C grade to the higher grades. But the promotion policy as recommended by the 1st respondent and as followed by the 2nd respondent is not made known to the applicants. In the absence of such a known promotion policy it is not possible for the petitioners to know what specific guidelines and rules regulate the promotions. It is alleged that the respondents are recruiting Scientific Officers after intense training in a training school directly and they are given quicker promotion in the Officer cadre in contrast to the time taken by the applicants. The applicants also allege that the gradings given to them and also to the persons directly recruited are crucial ones but that the gradings are not divulged to them. It is argued that the gradings should be made known to the concerned persons so that they could make efforts to secure higher gradings in subsequent years. It is prayed that this Tribunal give a direction declaring the action of the respondents in seeking to promote the officers to the post of Scientific Officer/D, Scientific Officer/SD and above as invalid. They want a direction to be given to the respondents to formulate uniform promotion policy to all the officers from Scientific Officer/SD and upwards

making no distinction between those coming through the training school and those like the applicants.

3. The application is opposed by the respondents. It is stated that it was in 1983 that they introduced a scheme by which they provided promotion opportunities to Scientific Assistants to branch off to the Officer cadre if they had the requisite skills and expertise and those who did not meet these requirements could still progress further in their technical grades like Scientific Assistants D/E/F. However, this policy was challenged in this Tribunal which, in T.A.No.620/86, struck down their order. Later, they took up the matter to the Hon'ble Supreme Court and while the Hon'ble Supreme Court upheld their right for evolving the promotion policy certain directions were given. As regards their recruiting young engineers and scientists through the training school scheme, it is contended that this is done with a view to improve the quality of performance in the organisation. In order to prevent migration of bright engineers and scientists to other organisations they are also given quicker promotions within the Nuclear Fuel Complex itself so that they can be retained in the organisation. They justify the difference in the norms for these two classes of persons because the direct recruits possess higher educational and academic background. They refute the claim of the applicants that the two classes should be treated alike. As regards the gradings given in the confidential reports being intimated to the concerned persons, it is stated that in the system of confidential reports followed by the department there is already provision for self assessment i.e., for the officer detailing the work assigned to him and done by him during the period of report. This is further reported upon and reviewed and the system provides for checks and counter-checks. It is only when there is something adverse that

it is communicated to enable the concerned official to correct and improve his performance.

4. We have examined the case and heard the learned counsel for the applicants and the respondents. It is stated by the applicants that the promotion policy as recommended by the respondents in 1985 is not made known to the applicants. Withholding the promotion policy from the staff handicaps them since they do not know exactly what guidelines and standards are followed in promoting the staff. Two Civil Appeals Nos. 808/88 and 809/88 were preferred in the Supreme Court. In their judgment in disposing of the two Civil Appeals, the Hon'ble Supreme Court upheld the judgment of the Madras Bench and set aside the judgment of this Bench. It was also recorded therein that the respondents had stated that:

"(i) all persons who are promoted to SA(D) post shall be concurrently considered for SO(SC) post when their chance for promotion to SA(E) post comes ^{and} if they are found fit they will be promoted to SO(SC) Grade.

(ii) similarly, all persons holding posts of SA(E) will be considered concurrently for promotion to SO(SD) post when their chance for promotion to SA(F) comes; and

(iii) in exceptional cases, all these persons holding posts of SA(F), who merit consideration as professionals because of outstanding abilities in the theoretical fields, shall be considered for the post of SO(SD) and if they are transferred to the SO(SD) posts thereafter they would be having all the promotional facilities available to SO(SD) officers.

The learned Additional Solicitor General further stated that the Government will consider the question of including officers in SA(D), SA(E) and SA(F) Grades amongst the gazetted posts."

In the light of the observations contained in the Hon'ble Supreme Court judgment dated 26.4.88 the respondents should have recast their promotion policy.

To

1. The Secretary, Govt. of India,
Dept. of Atomic Energy, BARC Trombay, Bombay.
2. The Chief Executive, Nuclear Fuel Complex,
Dept. of Atomic Energy, Govt. of India,
Hyderabad-672.
3. One copy to Mr. G. Bikshapati, Advocate, CAT. Hyd.
4. One copy to Mr. N. Bhaskar Rao, Addl. CGSC. CAT. Hyd.
5. One copy to Hon'ble Mr. J. Narasimha Murty, Member (J) CAT. Hyd.
6. One copy to Hon'ble Mr. R. Balasubramanian, Member (A) CAT. Hyd.
7. One spare copy.

On another occasion we had commented on the veil of secrecy over such promotion schemes. In disposing of O.A.No.850/88 (B.Ch.Maddulety Vs. The Chief Executive, Nuclear Fuel Complex, Department of Atomic Energy, Hyderabad & another) we had commented as follows:

"Before we part with the case we wish to comment on the veil of secrecy the Merit Promotion Scheme is shrouded in. Any scheme for promotion is to bring out the best in the staff and would have to be well known to all the concerned staff. Or how else can the respondent expect to instil the competition in the performance of the staff? While the proceedings of a promotion committee can be confidential, the scheme applicable should not be. We therefore direct the respondent to give adequate publicity to the promotion scheme."

The situation now calls for a similar direction and we therefore direct the respondents to give wide publicity to their latest promotion scheme evolved in the light of the directions given by the Hon'ble Supreme Court. The applicants are at liberty to approach this Tribunal again if they feel aggrieved.

With the above directions the application is disposed of ~~thus~~ with no order as to costs.



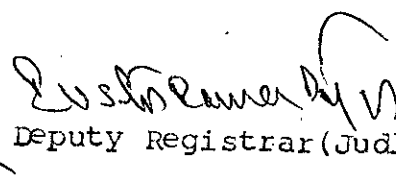
(J.Narasimha Murthy)
Member(Judl).



(R.Balasubramanian)
Member(Admn).

Dated

21st March 91


Deputy Registrar(Judl)

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20/03/91
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CHECKED BY

APPROVED BY

TYPED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH 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)

Dated: 21-3-1991.

~~ORDER~~ / JUDGMENT:

M.A./R.A. /C.A. NO.

in

T.A.No.

W.P.No.

O.A.No.

379/96

Admitted and Interim directions
issued.

Allowed

Disposed of with direction

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected.

No order as to costs.

