

(23)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD.

OA.No.392/92

Date: 10-4-1995.

Dr.K.Yogish

...

Applicant.

Vs.

1. Director, Indian Institute of Chemical  
Technology (under C.S.I.R.) Tarnaka,  
Hyderabad.
2. The Director General, Council of Scientific &  
Industrial Research, New Delhi-1.

....

Respondents.

Counsel for the Applicant: Mr.V.Jogayya Sarma, Advocate.

Counsel for the Respondents: Mr.Chinna Basappa Desai.

CORAM:

HON'BLE MR.JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI R.RANGARAJAN, MEMBER ADMINISTRATIVE.

Eu

O.A.No.392/92.

Date: 10.4.1995.

J U D G M E N T

I as per Hon'ble Mr.Justice V.Neeladri Rao, Vice-Chairman X

Heard Sri V.Jogayya Sharma, learned counsel for the applicant and Sri C.B.Desai, learned Standing Counsel for the respondents.

2. After acquiring M.E.degree in Chemical Engineering, the applicant joined Regional Research Laboratory which is now called as Indian Institute of Technology (IICT for short), Hyderabad in 1983. He got Doctorate in Chemical Engineering in 1985.

3. New Recruitment and Assessment Scheme (NRAS) had come into effect from 1.2.1981. It was modified and called as Merit and Normal Assessment Scheme (MANAS) effective from 1.4.1988. The applicant was working as Group IV (R&D)-Scientific. Those who are in the cadre of Scientist 'B' were <sup>designated as</sup> ~~given~~ Grade-1 as per the modified scheme. The MANAS scheme stipulates that Scientists and Technical people in Groups I to V have to be considered for promotion on completion of 5 years of service in each grade for promotion to the next higher grade.

4. The MANAS Scheme envisages assessment by an Assessment Committee and the marks allotted to each of the following are as under:

- |   |     |
|---|-----|
| (a) Annual performance Appraisal Reports (i.e. Annual Assessment Reports or ACRs) | 30% |
| (b) Referees' Comments  | 30% |
| (c) Interview   | 40% |

(53)

5. As the applicant completed 5 years of service in Grade-1 by 1988, he was called for Interview for consideration for his promotion to Grade-2 in 1988-89. Though at the first instance the applicant refused to appear by stating that <sup>as</sup> he is a Doctorate he should not be submitted subjected to interview, he later on appeared before the Assessment Committee. But <sup>as</sup> he had not got 60%, the minimum prescribed for promotion, he was not recommended for promotion to Grade-2. Then the applicant addressed a letter dt. 31.7.1989 to the Director, IICT stating that he was humiliated as he was not <sup>promoted</sup> considered for promotion even though he is a Doctorate. The applicant had not appeared for interview in 1989-90 when again he was called for promotion to Grade-2. The applicant had not appeared for interview for the later year 1991 also though he was called for interview. The applicant had also submitted an application for his transfer to CFTRI, Mysore by submitting that the post to which he is suitable is available in that unit.

6. Applicant filed this OA on 28.4.1992 praying for compelling the respondents to probe into the matter of Assessment of the applicant for the year 1988-89 for promotion to the post of Scientist 'C' (Grade-2) from the post of Scientist 'B' (Grade-1) under MANAS Assessment Scheme and to compel the respondents to <sup>promote</sup> permit the applicant as Scientist 'C' (Grade-2) with retrospective effect and with all consequential benefits. The applicant was transferred to CFTRI, Mysore during the pendency of this OA.

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(56)

7. It may be noted that no motive is attributed to any of the members of the Assessment Committee which interviewed the applicant for the year 1988-89. The learned counsel for the respondents submitted the record <sup>which</sup> ~~to disclose~~ that not only the applicant who is a doctorate but another Scientist in Grade-1 who is also a doctorate was not promoted in 1988-89 as he too got less than 60%. Thus there is no basis for the contention for the applicant that no other person who is doctorate failed at the time of consideration for promotion in 1988-89.

8. The learned counsel for the respondents submitted that as the applicant had not availed the opportunities of appearing for interview, no indulgence can be shown to him. But the pleadings of the applicant disclose that he was under mistaken notion that the doctorate should not be subjected to interview when it is a case of promotion <sup>from</sup> ~~to~~ the lowest to the immediately next one when some Scientists <sup>who are</sup> ~~were~~ not <sup>Doctorate</sup> ~~Doctors~~, <sup>are</sup> ~~were~~ also working in that grade. It may be noted that because of the wrong notion of the applicant he had not chosen to appear not only for the year 1989-90 <sup>but</sup> ~~and~~ till this year also. When the merit scheme was introduced so as to enable the Scientists to work with zeal, whether it is proper to deprive them of the benefit merely because they had not chosen to avail the opportunities given by the respondents to appear for the interview and then rush to this Tribunal. We feel that in view of the object of the scheme and if the Scientists <sup>work with zeal</sup> ~~are promoted~~, it will be for the benefit of the country, it is just and proper to give a direction to the respondents to re-convene the Assessment Committee for consideration of the <sup>case</sup> ~~scope~~ of the applicant for promotion for 1989-90, and if he is not going to be promoted in that year his case has to be considered for later years as per rules,

especially when it is not going to affect the interest of any other Scientists who were already promoted, for it is not one of the selection and it is a case where Scientist/Technician is promoted on securing the minimum prescribed marks and it does not depend on vacancy.

9. It is now stated for the respondents that the Assessment Committee for consideration of the cases of the Scientists/Technicians for promotion from Grade-1 to Grade-2 in IICT, Hyderabad is going to be <sup>met</sup> ~~made~~ on 26th & 27th April, 1995. Hence, the applicant is permitted to appear before the said Assessment Committee along with Work Report for the relevant year i.e. 1989-90. The applicant has to preferably submit those Work Reports in the office of R-1 for the relevant year by 20th April, 1995 under acknowledgment.

10. As per MANAS Scheme if Scientist/Technician is not promoted in the 5th year his case has to be considered in the 6th year, and if he again fails it has to be considered in 7th year, and <sup>again</sup> then in the 9th year if he is not promoted in the 7th year. Those rules also stipulate that the case of such Scientists/Technicians who were not promoted even after consideration in the 9th year has to be considered <sup>for</sup> one year after <sup>he</sup> reaches maximum in the Grade. So, it will be in the interest of the applicant if he is going to submit the Work Reports relevant for the year, 1990-91 also.


11. If the applicant is going to secure 60% of the marks in assessment by the Assessment Committee for the relevant year,

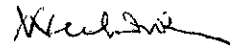
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he has to be given notional promotion from <sup>stipulated</sup> ~~that~~ date with monetary benefits from 1.5.1992 as this OA was filed on 28.4.1992.

12. The respondents have to make arrangements for the interview of the applicant as referred to in this order if he appears along with a copy of this order at the time of submission of Work Reports referred to above.

13. The OA is ordered accordingly. No costs./

  
(R. Rangarajan)  
Member (Admn.)

  
(V. Neeladri Rao)  
Vice Chairman

Dated 10th April, 1995.

Grh.

  
Dy. Registrar (Judl.).

Copy to:-

1. Director, Indian Institute of Chemical Technology (under C.S.I.R.) Tarnaka, Hyderabad.
2. The Director General, Council of Scientific & Industrial Research, New Delhi-1.
3. One copy to Mr. V. Jogayya Sarma, Advocate, 2nd Floor, Pushpanjali Complex, Kothi, Hyderabad.
4. One copy to Mr. Chinna Bassappa Desai, CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

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*Urgent*  
*18/4/95*  
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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO  
VICE- CHAIRMAN

AND

THE HON'BLE MR. R. RANGARAJAN: M (ADMN)

DATED - 10 - 4 1995.

ORDER/JUDGMENT:

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

O. A. No.

*in*

*392/92*

T. A. No.

(W. P.)

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No order as to costs.

*NO SPARE COPY*

