

30.11.96

63

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

--

O.A.No.630/1995.

Date of decision: 6th January, 1997.

Between:

A.K. Mitra. .. Applicant.

and

1. The Government of India represented by
its Secretary, Ministry of Water Resources,
New Delhi.
2. The Chairman, Central Water Commission,
New Delhi.
3. The Chief Engineer, Central Water Commission,
5-9-201/B&B, First Floor, Chirag Ali Lane,
Hyderabad.

Respondents.

Counsel for the applicant: Sri N.Rama Mohan Rao.

Counsel for the respondents: Sri V.Bhimanna.

CORAM:

Hon'ble Sri R. Rangarajan, Member (A)

Hon'ble Sri B.S. Jai Parameshwar, Member (J).

R

R

O.A.No.630/1995.

(per Hon'ble Sri R. Rangarajan, Member(A))

--

Heard Sri N. Rama Mohana Rao, counsel for the applicant and Sri M. Bhimanna for the respondents.

The gist of the case is as follows:

The applicant is a Graduateⁱⁿ M.Sc.(Chemistry). He was recruited as Assistant Research Officer in the year, 1973 through the Union Public Service Commission^{Examination}. At that time, the Department was a composite one consisting of Central Water and Power Commission. He joined the post on 11-3-1974. Later, the Department was bifurcated into two viz., Central Water Commission and Central Power Commission. The applicant is working as a ~~Research~~^{Research} Assistant Officer in Central Water Commission. The next promotion ~~is~~ from the post of Assistant Research Officer is to the cadre of Research Officer. As per the Recruitment Rules, the promotional ratio is three Direct Recruits and one promotee. It is stated that in the cadre of Research Officer, there are only seven posts. Thus all the Research Officers are direct recruits and they are younger to the applicant herein. The applicant though seniormost in the cadre of Assistant Research Officer could not get his promotion as there are no posts available in the Cadre of Research Officer for promotion. Hence he is stagnated in the cadre of Assistant Research Officer from 1974 till now.

R

D

to find out

The applicant requests/ways and means to give him promotion as he is stag/nated from very long time as Assistant Research Officer. He further submits that the only way to redress his grievance is by reviewing the cadre structure of the Assistant Research Officer and Research Officer and a Scheme has to be formulated for creating some more posts in the higher cadre viz., Research Officer.

This O.A., is filed praying for a direction to Respondents 1 and 2 to finalise the cadre review of the "Scientific Cadre" of the Central Water Commission for purposes of removing the long stagnation of the Applicant as Assistant Research Officer and to direct the respondents 1 and 2 to review the Recruitment Rules for the posts of Research Officer, to enable the Assistant Research Officers to get the adequate and reasonable opportunities for promotion as Research Officer.

It is stated by the counsel for the applicant that Cadre review is being done in the case of Group "A" Officers and that no such scheme has been evolved for the Group "B" Officers in which the applicant and others ^{are} working as Assistant Research Officers in the Research Wing.

The applicant, prays for a direction to Respondents 1 and 2 to apply the same criteria adopted for other cadres i.e., Group "A" cadres to avoid long stagnation.

R *D*

A reply has been filed in this O.A. The main crux of the reply is that the applicant and other officers working as Assistant Research Officers are in the Group "B" cadre and there is no such cadre restructuring similar to the Group "A" Officers of Research Wing for further promotion.

The learned counsel for the respondents also submits that the applicant has to wait for his turn for promotion. The applicant is 52 years old now. He has left with a very short service before his superannuation. If he is not promoted to higher cadre he has to retire in the same cadre in which he was appointed. The Apex Court now and then directs the Departments to ensure that stagnation is prevented as far as possible. The Hon'ble Supreme Court also observed that an employee should get at least one promotion in his career. When the cadre review is contemplated to Group "A" officers, we do not think ^{why} ~~that~~ such a scheme cannot be thought of for Group "B" Officers. ^{If such a scheme is not thought of} ~~which will be a~~ ^{may} ~~case~~ ^{It is a group} of discrimination and violative of Articles 14 and 16 of the Constitution. Hence we are of the opinion that ~~that~~ Respondents 1 and 2 should think of a suitable scheme for promoting the Assistant Research Officers to the higher cadre if there is heavy stagnation. That will be possible only if a cadre review is being done and on that basis, if required some posts in the lower cadre may have to be ~~downgraded~~ upgraded.

R 2

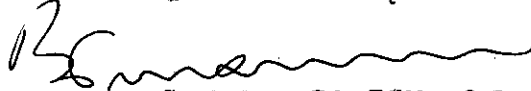
: 4 :

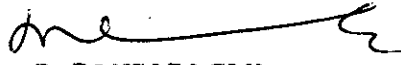
But we will not be able to ~~decide~~^{evolve} the Scheme as it is the ~~prerogative~~^{prerogative} of the respondents. But we can only suggest to Respondents 1 and 2 to look into the case and prepare a suitable scheme to avoid stagnation.

The learned counsel for the applicant submits that there is a post of Research Officer vacant at present and that post is not filled up. Therefore, it goes without saying, that if any vacancy is available, it has to be filled up on the basis of the Rules adhering to the seniority as well as the suitability principle.

Hence we direct respondents 1 and 2 to fill up that vacant post in accordance with the rules to avoid stagnation of the applicant in the ~~lower~~ cadre of Assistant Research Officer.

With the above direction, the O.A., is disposed of. No costs. Time for compliance four months from the date of receipt of a copy of the judgment.

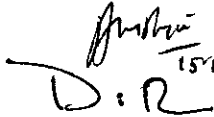

B.S. JAI PARAMESWAR,
Member(J)


R. RANGARAJAN,
Member(A)

6.1.98

Date: 6th January, 1998.

Dictated in open court.


D.R.

..5..

Copy to:

1. The Secretary, Min.of Water Resources, New Delhi.
2. The Chairman, Central Water Commission, New Delhi.
3. The Chief Engineer, Central Water Commission,
5-9-201/B&B, First Floor, Chirag Ali Lane, Hyderabad.
4. One copy to Mr.N.Rama Mohan Rao, Advocate, CAT, Hyderabad.
5. One copy to Mr.V.Bhimanna, Addl.CGSC, CAT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One copy for duplicate.

YLKR

28/1/98 (7)

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH-HYDERABAD

THE HON'BLE MR. B. RANGARAJAN : M(A)

AND

THE HON'BLE MR. B. S. JAI PARAMESHWAR :
M(J)

DATED: 6/1/98

ORDER/JUDGMENT

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

in

C. A. NO:

630/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED.

NO ORDER AS TO COSTS.

II COURT

YLKR

