

(47)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

O.A. 847/95

Date: 22-6-1998

Between:

1. A. Venkata Raja
2. A. Ranga Rao

.. Applicants

-VS-

1. The Secretary,  
Dept. of Atomic Energy,  
B.A.R.C., CSM Marg,  
Mumbai.
2. The Joint Secretary,  
Dept. of Atomic Energy,  
B.A.R.C. CSM Marg,  
Mumbai.
3. The Chief Executive,  
Nuclear Fuel Complex,  
Hyderabad.
4. The Deputy Chief Executive  
(Administration)  
Nuclear Fuel Complex,  
Hyderabad.

.. Respondents

Counsel for the applicants: Ms. N. Shobha

Counsel for the respondents: Mr. V. Bhemanna

CORAM:

Hon'ble Shri H. Rangarajan, Member (A)

Hon'ble Shri B.S. Hai Parameswar, Member (J)

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...2/-

Date: 22-6-1998

ORDER

(Per Hon'ble Shri R. Rangarajan, Member(A))

Heard Mr. A. Ravi Babu for Smt. Shoba for the applicants and none for the respondents. Though the learned counsel for the respondents/submitted that on earlier occasion he will produce the details of the selection held after 1990 till the applicants were promoted so as to see whether the case of the applicants were considered during that period, the learned counsel for the respondents is not present today inspite of his assurance that he will be present today. No document given by the department has been produced. Hence we are disposing of the OA in accordance with Rule 16(2) of the CAT Procedure Rule as we are not inclined to adjourn the same as this OA was filed in the year 1995.

2. The first applicant in this OA was appointed as Tradesman T/B in the year 1978. Subsequently he was promoted to T/C. He was further promoted to Tradesman 'D' in the year 1986.

3. The second applicant was appointed as Tradesman 'A' in the year 1978, subsequently promoted to Tradesman 'B' in the year 1982, to Tradesman 'C' in the year 1986.

4. It is stated that the first applicant had obtained additional qualification viz. Diploma in Mechanical Engineering and second applicant had obtained licenced <sup>state in</sup> Electrical Engineering Diploma. On acquiring the additional qualification the first applicant was promoted to the grade of Scientific Assistant 'A' in the year 1989 and the second applicant in the year 1990. They submit

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-: 3 :-

that their juniors were promoted as Scientific Assistant 'B' whereas they applicants had not been promoted along with them. The first applicant was promoted as Scientific Asstt. 'B' in the year 1993 whereas the second applicant was promoted in the year 1994. The grievance of the applicants <sup>is</sup> ~~are~~ that they should have been promoted in the year 1992 itself as Scientific Asstt. 'B' in view of change in the promotion policy. The first applicant submitted a representation dt. 16-9-94 addressed to R-1 for re-examining his case for elevating him as Scientific Assistant 'B' prior to 1992 to protect his status and other service interests. That was rejected by letter No. NFC/PAR/04/012/1753 dt. 6-12-94 (page 19 to the OA). The second applicant submitted a representation dt. 2-4-94 for his promotion. That was rejected by letter No. NFC/R-II/2-94/840 dt. 29-6-1994 (page 33 to the OA).

5. A reply has been filed in this OA. The sum and substance of the reply is that the selection for promotion to SA 'A' and 'B' is a combined one and those who ~~were~~ not found fit for SA 'B' and are found fit for SA 'A' then they are posted as SA 'A'. There is no separate selection for SA 'B'. To establish the above submission they have enclosed a list of candidates interviewed during the year 1989 - 90 and in that all of them were promoted as SA 'A' except two who were promoted as SA 'B'. They also submit that the applicants were considered after they acquired additional qualification while in service, for

promotion to SA 'B' during the year 89-90 but they were not found eligible for promotion to SA 'B'. They also submit that the same procedure was followed in the year 90-92 also.

6. If the applicants have not qualified for promotion to SA 'B' and if they were qualified only for SA 'A' ~~in~~ during the year 89-90 then it is not possible for us to direct the respondents to promote them as SA 'B'. The applicants have not refuted the fact that they had not been found suitable in the year 89-90. If they have aggrieved by the decision of the selection committee they should have challenged that selection separately which, it appears, was not done by the applicants.

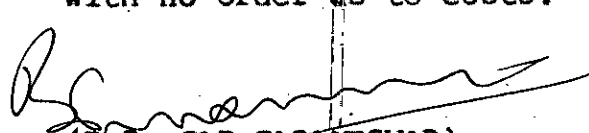
7. Be that as it may, the applicants submit in their rejoinder that even in the year 1992 some of their juniors were considered and given SA 'B' bypassing SA 'A' post and as the applicants were not considered for SA 'B', they pray that a review DPC should take place to consider their case in the year 1992 also.

8. To examine whether any selection were conducted after 1990 till they were promoted as SA 'B' in the year 93 and 94 we asked the respondents to produce the selection proceedings, if any, for promotion to SA 'B'. But, as stated earlier, the respondents failed to produce any such correspondence today.

9. In view of the above circumstance the following directions are given:

- (i) If both the applicants were not considered for promotion to SA 'B' after they were selected for SA 'A' in the year 1989 and 1990 respectively then the cases of the applicants should also be considered by a review DPC. If any selections were conducted in between the period 1990 till they were promoted in 1993 and 1994 respectively as SA 'B' and if found fit in the review DPC they should be promoted in that year when they were found fit and thereby preponing their promotion to the post of SA 'B' from the <sup>earlier</sup> ~~later~~ date of 1993 and 1994;
- (ii) In pursuance of the above direction if they were promoted they are entitled to full consequential benefits;
- (iii) If the review DPC is conducted as directed earlier for considering the cases of the applicants for promotion as SA 'B' during the period 1990 to 1993 & 1994 when they were promoted as SA 'B' respectively, and if they were not found fit in that review DPC selection then the applicants should be informed of the results indicating the date when the selection committee met.

10. With the above directions OA is disposed of with no order as to costs.

  
(B.S. JAI PARAMESWAR)  
Member (J)

MD

22/6/98

  
(R. RANGARAJAN)  
Member (A)

  
DR

Copy to:

1. The Secretary, Dept. of Atomic Energy,  
B.A.R.C., CSM Marg, Mumbai
2. The Joint Secretary, Dept. of Atomic Energy,  
B.A.R.C., C.S.M.Marg, Mumbai.
3. The Chief Executive, Nuclear Fuel Complex,  
Hyderabad.
4. The Dy.Chief Executive,(Administration),  
Nuclear Fuel Complex, Hyderabad.
5. One copy to Ms.N.Shoba, Advocate, CAT, Hyderabad.
6. One copy to Mr.V.Bhimanna, Addl.CGSC, AT, Hyderabad.
7. One copy to D.R(A), CAT, Hyderabad.
8. One duplicate copy.

YLKR

19/7/98

(8)

II COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

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

DATED: 22/6/98

ORDER/JUDGMENT

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

in

O.A.NO. 847/95

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS.

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

