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CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH :
AT HYDERABAD.

O.A. NO.261 OF 1995

DATE OF ORDER :— 28th January, 1998.

BETWEEN :

Sri Shobh Nath Ram,
S/o Late Vishwa Nath Ram,
aged about 48 years,
Occupation: Superintending Engineer,
(Soutn' Offcref, Water Board
R/o 12-2-709/A/14, Beirbun Karolbagh,
HYDERABAD-500 028.

... APPLICANT

A N D

1. The Union of India rep. by
Secretary to Government,
Government of India,
Ministry of Water Resources,
New Delhi.
2. The Secretary to Government,
Department of Personnel and
Training, New Delhi.
3. The Chairman,
Faridabad, Haryana State.
4. The Chairman,
Union Public Service Commission,
New Delhi.

... RESPONDENTS

COUNSEL FOR THE APPLICANT : MR.R.BRIZ MOHAN SINGH

COUNSEL FOR THE RESPONDENTS : MR. N.R.DEVARAJ, Sr.CGSC.

C O R A M :

HONOURABLE MR. R. RANGARAJAN, MEMBER (ADMINISTRATIVE)

HONOURABLE MR.B.S.JAI PARAMESHWAR, MEMBER (JUDICIAL)

[Signature]

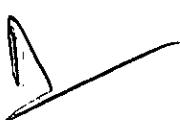
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ORAL ORDER

(Per Hon. Mr.R.Rangarajan, Member (Admn.))

1. Heard Mr. R. Briz Mohan Singh for the applicant and Mr. N.R.Devaraj for the respondents.
2. The applicant is working as Superintending Engineer in the Central Ground Water Board (South Circle) and is presently posted in the Division -IX, Hyderabad since 22.7.1987. The Flexible Complementing Scheme (in short "the FCS") for promotion after a fixed period of service was introduced for the Engineering Wings i.e. Hydrogeology Wing, comprising Hydrogeologists, Chemists, Geophysicists and Metallurgists. Subsequently Scientists in the discipline of Hydrogeology were also included in the scheme in view of the directions given by this Tribunal.
3. The contention of the applicant is that the persons belonging to the Scientists Wing have been included in the FCS whereas the persons belonging to the Engineering Wing have been left out. This he submits is a discrimination. The applicant also submits that the post Grade D and Superintending Engineers by drawing a common gradation list. In view of the fact that the Superintending Engineers are not included in the FCS, their seniority is lowered down whereas the Scientists who will get promotion after 5 years by that scheme will rank higher. This will to a very great extent affect the promotion prospects of the Engineers.

It is also submitted by the learned counsel for the applicant that a proposal has been made by the High

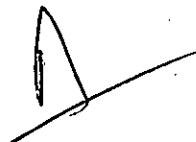


level Multi Disciplinary Committee to create/upgrade 16 posts of Regional Director in the scale of pay of Rs.4500-5700/- vide Ministry of Water Resources' letter dated 13.2.1995. Though this Committee had recommended for inclusion of the Engineering Wing Officers for the posts of Regional Director, the same has not been accepted so far. Thus the applicant is deprived of his promotion to the post of Regional Director.

4. The applicant, in sum, prays for the following

- (i) The Engineering Wing Officers should also be brought under the Flexible Complementing Scheme;
- (ii) The posts of Regional Director should also be earmarked for the Engineering Wing Officers, though it is accepted in principle by letters dated 18.8.1994 and 13.2.1995, the same is not brought under the purview of the Recruitment Rules; and
- (iii) To promote the applicant to the post Regional Director against the upgraded post.

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5. The applicant was promoted and posted as Superintending Engineer with effect from 20/07/1987. The FCS came into existence only in the year 1987. Hence even if the Engineering Officers are brought under the FCS, the applicant is not going to get any benefit out of it. Hence the prayer of the applicant to bring the Engineering Wing officers also under the purview of FCS is not necessary in the case of the applicant. We do not want to give any direction in this connection as the applicant is not affected any way by not bringing the Engineering Wing the Engineering Wing Officers under the purview of FCS is left open for consideration at a future date as and when this question arises.

6. As regards the 2nd and 3rd reliefs, the reply of the respondents is very clear. The reply of the respondents in this connection is reproduced below :-

" It is submitted that on the recommendations of the High Level Multi Disciplinary Committee(HLMC), the Government has created/upgraded 16 posts of Regional Directors in the pay scale of Rs.4500- 5700/- vide Ministry of Water Resources letter dated 13.2.95(Annexures VIII & IX). The posts of Regional Director will be filled only after the incumbents of these posts are vested with the Administrative & other responsibilities as envisaged in the H.L.M.C.Report. The proposed Rules for the post of Regional Directors are already under the consideration of the Govt. as per recommendations of HLMC for posts of Regional discipline. At present three Superintending Engineers(including the applicant) are in position against three sanctioned posts of SE. The SE who are in the same pay scale as that of Scientist D will also be considered for the post of Regional Directors along with Scientist, D according to the provisions of the R/Rules which are already under consideration of the Government."

From the above reply it is clear that the Engg.Wir officers also will be considered for the post of Regional Director. But the same is under consideration of the Govt.

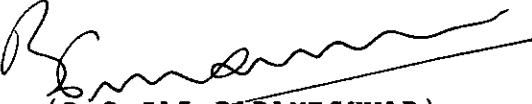
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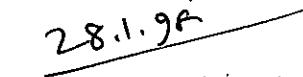
Hence no further direction is necessary in this connection as the applicant's case is also under consideration as brought out in the reply of the respondents extracted above.

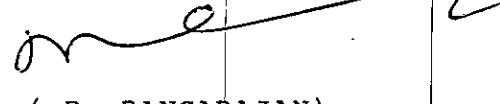
7. The respondent-authorities may take an early decision in this connection as the applicant is going to

8. With the above observations, the O.A. is disposed of. No costs.


(B.S.JAI PARAMESHWAR)

MEMBER(JUDICIAL)


28.1.98

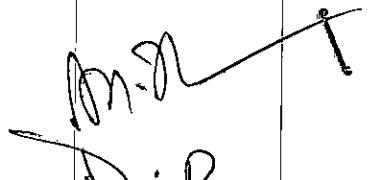

(R. RANGARAJAN)

MEMBER(ADMINISTRATIVE)

DATED THE 28TH JANUARY, 1998.

Dictated in the Open Court.


DJ/


D.R

OA.261/95

Copy to :-

1. The Secretary to Government, Government of India, Ministry of Water Resources, New Delhi.
2. The Secretary to Government, Department of Personnel and Training, New Delhi.
3. The Chairman, Central Ground Water Board, Faridabad, Haryana State.
4. The Chairman, Union Public Service Commission, New Delhi.
5. One copy to Mr. R.B.Mohan Singh, Advocate, CAT., Hyd.
6. One copy to Mr. N.R.Devaraj, Sr.CGC., CAT., Hyd.
7. One copy to D.R.(A), CAT., Hyd.
8. One duplicate.

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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(B)

DATED: 28/1/98

ORDER/JUDGMENT

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

in

D.A.NO. 261/95

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

