

(168)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 297/95

Date of Order : 3.11.97

BETWEEN :

1. J. Edward Simon

2. Ch. D. Samuel

.. Applicants.

AND

1. Director, SHAR Centre,
Sriharikota Range.

2. The Chairman, Indian Space
Research Organisation,
Dept. of Space,
New BEL Road,
Bangalore.

.. Respondents.

Counsel for the APPLICANTS

.. Mr. A. Sudarshan Reddy

Mr. V. Rajeswara Rao

HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B. S. JAI PARAMESHWAR : MEMBER (JUDL.)

O R D E R

V. -- -- -- Mr. Shri R. Rangarajan. Member (Admn.) X

Mr. A. Sudarshan Reddy, learned counsel for the applicant
and Mr. V. Rajeswara Rao, learned standing counsel for the

2. There are two applicants in this OA. They have joined as
Lab Technician - C in the scale of pay of Rs. 425-700 in the year
in that category.

Re

D

.. 2 ..

3. This OA is filed praying for a direction to the respondents to promote them to higher grades namely 550-750 w.e.f. 1977 and 1980 and pay the backwages from the date of promotion.

4. A reply has been filed in this OA. The main contention of the respondents in this OA is that the applicants have joined ~~in an auxiliary category~~ and ~~there are no higher posts in the auxiliary category.~~ The learned counsel submits that the applicants should have taken up their cases ~~in~~ ^{with} Tribunal in a similar OA. Hence they cannot ask for any further relief as even the 5th Pay Commission has not recommended any

Technician-C. It is also submitted by them the applicants cannot compare themselves to any other staff of ISRO Engineers.

5. We have checked up the promotional opportunities available ~~in the medical cadre~~ namely Lab Technician-A, Lab Technician-B and Lab Technician-C. There are no further promotional prospects. Those who joined as Lab Technician-C due to their higher qualifications cannot aspire to go up in the cadre as there are no higher posts available for them. Hence those who joined as ~~Lab Technician-C~~ ^{in auxiliary category} cannot have a grouse in regard to the non-availability of further promotions.

ISRO-75/1, dated 17.4.75 (page-23) states that the all medical staff will be treated as falling under technical categories for the present and will be eligible for 3 years review under the terms applicable to technical categories. The respondents in their reply at page-5 admit that the applicants are technical

~~to~~ ^{as} the office order dated 17.4.75 squarely applies in their cases. Hence the Lab Technician-C cannot be denied the avenue of promotion by a review once in 3 years. The learned

JK

J

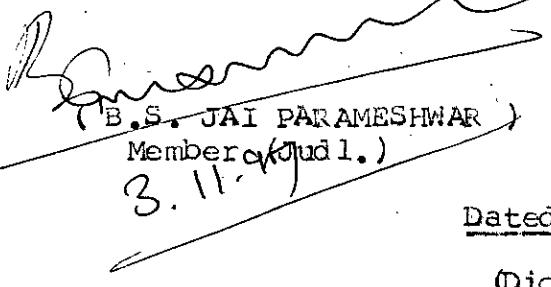
170
counsel for the applicant submits that even the Agricultural staff who are not connected with the Project are given the promotion to higher category by review periodically. If so we do not see any reason to deny the applicants the promotional prospects by reviewing once in 3 years.

6. The learned counsel for the respondents submit that they should have approached the 5th Pay Commission in services as directed by the Ernakulam Bench of this Tribunal in a similar OA. The applicants submitted that they had filed a representation to 5th Pay Commission but the 5th Pay Commission has not given any relief to them. The respondents are responsible in not bringing the direction of the Ernakulam Bench are genuinely interested in bettering the prospects of Lab Technician-C. But unfortunately they also failed to approach the 5th Pay Commission. Hence even the 5th Pay Commission has not given any relief for bettering the prospects of those employees who joined as Lab Technician-C it is the responsibility of the respondents now to consider their cases by reviewing it once in 3 years as per the office order quoted above.

7. In view of what is stated above we are satisfied that the cases of those employees who joined as Lab Technician-C needs to be reviewed once in 3 years for giving them better promotional prospects. We may not be able to indicate the further avenues open to them for promotion as it is responsibility of the respondents to determine the method to give them promotion suitably. We have no doubt in our mind the respondents will definitely undertake a review favourable to the applicants and decide their cases in accordance with the office order dated 17.4.75. The Apex Court in the reported case 1994 SCC (L&S) 847 (State of Uttar Pradesh vs.

U.P. Rajya Vidhit Adhikari Karyalaya Karmachari Sangh) directed the respondents in that case to consider the case of PAs and in order to remove the stagnation provide reasonable promotional avenue to them. That direction of the Apex Court is equally applicable in this case also.

8. In view of what is stated above, the OA is ordered accordingly. No costs.

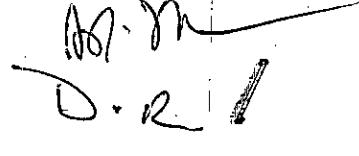

B.S. JAI PARAMESHWAR
Member (Judl.)

3.11.


(R. RANGARAJAN)
Member (Admn.)

Dated : 3rd November, 1997

(Dictated in Open Court)


sd

D.R.

OA.297/95

Copy to:-

1. The Director, SHAR Centre, Sriharikota Range.
2. The Chairman, Indian Space Research Organisation, Deptt. of Space, Anthariksh Bhavan, New BEL Road, Bangalore.
3. One copy to Mr. A. Sudarshan Reddy, Advocate, CAT., Hyd.
4. One copy to Mr. V. Rajeswara Rao, Addl. CGSC., CAT., Hyd.
5. One copy to D.R.(A), CAT., Hyd.
6. One duplicate copy.

SRR

18/11/97
6

TYPED BY
COMPARED BY
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

CHECKED BY
APPROVED BY

RECORDED BY : M(A).

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

Dated: 3 - 11 - 97

ORDER/JUDGMENT

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

297 / 95

Plaintiff and Interim Directions
Issued.

Allowed

Disposed of with Directions
Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

