

C. Suryanarayana

23.03.99

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 1469/97

Date of Order : 8.3.99

BETWEEN :

G.D.Agashe

.. Applicant.

AND

1. The Secretary, Dept. of Science & Technology (repty. Union of India), New Delhi.
2. The Surveyor General of India, Dehra Dun.
3. The Director, STI, Survey of India, Uppal, Hyderabad.

.. Respondents.

Counsel for the Applicant

.. Mr.C.Suryanarayana

Counsel for the Respondents

.. Mr.V.Rajeswara Rao

CORAM :

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

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

O R D E R

X As per Hon'ble Shri B.S.Jai Parameshwar, Member (J) X

Mr C.Suryanarayana, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned standing counsel for the respondents.

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2. The applicant ~~applicant~~ herein was appointed as Librarian (Senior) w.e.f. 25.2.70 in the Survey Training Institute, Hyderabad in the temporary unfixed Class III Miscellaneous Establishment in the scale of pay of Rs.325-575. Subsequently Under the Survey of India Librarian (Senior) (1983) Recruitment Rules ^{the} a post was classified as General Central Service, Group-B (non-gazetted) with the revised scale of pay of Rs.550-900.

3. Since the applicant had not earned any promoted ^{ion} he submitted representations to consider his case for promotion.

4. The Department of Expenditure, Ministry of Finance in its OM No.10(1)/E.3/88, dated 13.9.91 introduced Career Advancement ^{Scheme for} of Group-C and D employees ~~scheme~~ effective from 1.4.91. Relying upon the said scheme the applicant submitted representation to consider his case for next higher scale of pay of Rs.2000-3500 and to fix his pay at Rs.3100/- w.e.f. 1.4.91 as laid down under the scheme.

5. The respondents by the letter dated 4.4.97 (A-15) informed the applicant that the post of Senior Librarian has been classified as General Central Services Group-B (non-gazetted) and hence the career advancement scheme is not applicable.

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6. The applicant has filed this OA challenging the impugned letter of the 2nd respondent dated 4.4.97 (A-15) and for a direction to the respondent authorities to extend him the pay scale of Rs.2000-3500 to the post which the applicant is holding as in the case of Shri R.Prabhakar (OA.61/96) and consequently to consider the applicant's case for in situ promotion w.e.f. 1.4.91 in accordance with the scheme dated 13.9.91.

7. The respondents have filed a counter stating that in view of the instructions, of the post of Librarian (Senior) ^{has} been treated ^{as} Group-B (non-gazetted) the applicant is not entitled for any in situ promotion under the scheme dated 13.9.91.

8. The applicant was appointed as Group-C under the temporary unfixed Class III Miscellaneous Establishment. Further on account of the rules 1983 the post was classified as General Central Services Group-B (non-gazetted). The applicant was appointed in Group-^{BC}~~C~~ non gazetted post, he continued to be a non-gazetted even ^{though} the post is classified as Group-B post. The in situ promotion scheme issued by memo dated 13.9.91 is to give promotional opportunities to a non-gazetted employee whether he is Group-C or Group-D. If there is no promotion given to the ^{applicant} ~~the~~ during the period till he stagnated for one year at least ⁱⁿ to the maximum of the pay scale, ~~Of~~ course following the other instructions given in

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that circular, the applicant though categorised as Group-B employee as he is still continued to be a non-gazetted he is to be considered for promotion under in situ promotion scheme.

His status as non-gazetted has not been upgraded by the memo dated 13.9.91. Hence the status of the applicant has not changed from non-gazetted. Hence we see there is no impropriety if the scheme envisaged for Group-C and D non-gazetted staff is extended to the applicant. The applicant herein is stagnating as a Librarian in the maximum of the scale for more than a year. Hence we do not see any irregularity if the scheme meant for Group-C & D non-gazetted staff is also to be extended to a non-gazetted employee even if he is brought under Group-B category which is once again non-gazetted post. The respondents should adhere to other conditions laid down in the memo dated 13.9.91 before granting him the in situ promotion.

9. In the result, the following direction is given :-

The applicant is entitled for in situ promotion in accordance with the memo dated 13.9.91 provided he fulfills the other contentions laid down in that memorandum.

10. Time for compliance is 4 months from the date of receipt of a copy of this order. CERTIFIED TRUE COPY

11. The OA is ordered accordingly. No costs.

Executive Tribunal
Gyendhar Benish