

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.633/99

DATE OF ORDER : 29.04.1999

Between :-

Dr.D. Atchuta Rao

... Applicant

And

1. The Director General, Council of Scientific And Industrial Research, 2, Rafi Marg, New Delhi.
2. The Director, National Geophysical Research Institute, Uppal Road, Hyderabad.
3. The Vice- resident, Council of Scientific & Industrial Research, Anusandhan Bhavan, 2, Rafi Marg, New Delhi.

... Respondents

--- --- ---

Counsel for the Applicant : Shri J. Sudheer

Counsel for the Respondents : Shri Chenna Basappa Desai, CGSC

--- --- ---

CORAM:

THE HON'BLE JUSTICE SHRI D.H.NASIR : VICE-CHAIRMAN

THE HON'BLE SHRI H.PAJENDRA PRASAD : MEMBER (A)

(Order per Hon'ble Shri H.Rajendra Prasad, Member (A)).

--- --- ---

... 2.

(Order per Hon'ble Shri H.Rajendra Prasad, Member (A)).

-- -- --

Heard Sri J.Sudheer, learned counsel for the applicant and Sri C.B.Desai, learned standing counsel for the Respondents.

2. The Applicant, who entered the N.G.R.I. as Jr.Research Fellow (JRF) in 1963 and progressed steadily to the level of Scientist 'F' in 1990, is aggrieved by his non-promotion to the level of Scientist 'G' on the basis of the recommendations of the Assessment Committee which met on 16th and 27th April, 1998, for the purpose of selecting eligible Scientists for promotion under the Merit and Normal Assessment Scheme, 1992.

3. In reply to a representation submitted on 16.7.1998, the Applicant was informed by Respondent No.1 that he was not promoted to Scientist Gr.IV (6) since he failed to secure the prescribed threshold of marks (Annexure-7 page-82 to the OA) which is the impugned order in this case.

4. The procedure for assessment of Scientists for promotion to Grade-IV is based on marks apportioned as follows :-

Annual Performance Appraisal Report	30 marks
Refrees Comments (Peer Review)	30 marks
Interview	40 "
TOTAL:	100

The threshold of marks for promotion is stated to be 75.

5. It is stated for the Applicant that he has had a brilliant academic record and a consistently unblemished service stretching over three decades, besides a large number of publications to his credit in technical journals as well as the ones published in the proceedings of various seminars/symposia; that he has carried out a number of Airborne Magnetometer Surveys relating to some of the regions in the country in Karnataka, Madhya Pradesh, Assam-Meghalaya, Orissa,

Andhra Pradesh and Gujarat states besides preparing reports relating to Kudremukh Iron Ore Project; that he is member of many professional bodies, technical committees and societies, and has acted on atleast three selection/assessment committees as an expert member or chairman; presented popular Scientific features on the Radio and Television in the Countrywide Class Room programme conducted by E.M.R.C.; has visited various Universities in Australia and U.K., contributed to the proceedings of scientific conferences in Canada and Peoples Republic of China. He has also guided five Ph.D.Scholars in three universities in A.P. and helped organise UNESCO Regional Training Courses in Exploration Geophysics on three occassions besides a number of symposia/seminars, and also delivered a number of Technical Lectures on Geophysical Exploration. A comprehensive summary of his experience and achievements given by the applicant is at Annexure-1 to the OA (pages 35 to 38).

6. The applicant is dismayed that promotion was unjustly denied to him despite his known academic brilliance and impeccable record of service and demonstrated skills and scientific abilities. The disappointment is the more acute because four of his colleagues, all of them his juniors in service, were so promoted and he was alone deprived of the due promotion. And since he believes that his performance ~~at the~~ interview (held as a part of selection process) was quite impressive, the reasons for his rejection might probably lie elsewhere.

7. During the course of argument, learned counsel for the Applicant made out three areas of grievance. Firstly, that the results of the Annual Performance Appraisal Reports (APARs) were never once communicated to him during the whole of the five preceding years and this (failure) deprived him of the opportunity to improve his performance-if it was found

J.W.M.

to be wanting in any particular sphere of work. Secondly, he suspects that the (uncommunicated) results of APARS may have in turn led to an inadequate appreciation and qualifications in his Work Report. Thirdly, it is his complaint that, according to Section 5.2.4 of the Scheme, while evaluating the APARS, the Reporting Officer had to be one rank higher than himself, whereas this was not the case, nor was the Reviewing Officer of a rank higher than that of the Reporting Officer. These factors contributed, in the applicant's view, to his threshold of marks getting reduced to below 75%.

8. Other than what has been stated in the OA, no facts or responses were available before us as the Respondents have had no opportunity to file a reply, no notice having been issued to or served on them. It needs therefore to be made clear that, apart from recording the facts of the case as narrated by the Applicant, we have neither had any scope to examine the merits of the case nor can we express any definite views on the various contentions.

9. It was strongly urged by Sri J. Sudheer, learned Counsel for the Applicant, that since the applicant is due to retire on superannuation on 31.5.1999 (i.e., within little more than one month from today) there is hardly any scope in this case to await a counter-affidavit from the Respondents. In order, therefore, to expedite matters and in view of the ensuing retirement of the Applicant, we consider it expedient to forward a copy of the O.A. to Respondent No.1 to enable him to examine all facts and contentions raised therein and to review the Applicant's claim in the light of such additional information as may be available, or made available, to him. In view of the fact that the Applicant is on the verge of ~~the~~ retirement, it would be necessary for Respondent No.1 to take a suitable decision within two weeks from the date of receipt of a copy of this order. Any order that may be passed on the merits of the case shall be expected to be a speaking order, and the same shall be communicated to the Applicant within one week thereafter i.e., within three

weeks from the date of receipt of a copy of this order. It is also added that whatever has been recorded above need not necessarily influence Respondent No.1 in any manner in arriving at a suitable and fair decision in the case.

10. Thus the O.A. is disposed of at the stage of admission.
No costs.


(H. RAJENDRA PRASAD)
Member (A)


(D.H. NASIR)
Vice-Chairman

Dated: 29th April, 1999.
Dictated in Open Court.

av1/