

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-47/2002 order sheet pg-1 to

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disposed Date- 15/03/2002

O.A/T.A No. 278/2001

R.A/C.P No.....

E.P/M.A No. 47/2002

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SECTION OFFICER (Judl.)

(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : : : : GUWAHATI.

ORDER SHEET

Original APPLICATION NO. 278 OF 2001

APPLICANT (S) P. C. Borah

RESPONDENT (S) H. O. I. Gums

ADVOCATE FOR APPLICANT(S) H. Rahman, N. Borah

ADVOCATE FOR RESPONDENT(S) C. A. J. & Mr. S. Sarma, Adv. for Respondent.

Notes of the Registry

dated

Order of the Tribunal

This application is in form
but not in time (correction
Petition is filed not filed vide
M.T. No. C.F.
for Rs. 5/- generated vide
IPO/B. No. 66792/239
Dated 23.7.2001

Dy. Registrar.

Munira Case

NS
24/7/01

Slabs & Enclchs Dora Received.
Notice prepared and sent to D/S.
for cross the Respondent vide
D.No. 2802/2811 dtd 31/7/01

27/7/01.

Pl. deposit. Rs 25/- for
Respondents 6 to 10.

NS
27/7/2001.

No. written statement has
been filed.

NS
24.9.01

24.07.01

mb

23.8.01

NS
24/7/01

mb

25.9.01

mb

13.11.01

bb

Heard counsel for the parties.

The application is admitted. Call for
the records.List on 23-08-2001 for written statement
and further order.

Member

Vice-Chairman

List on 25/9/01 to enable the respondents
to file written statement.

Vice-Chairman

List again on 13/11/01 to enable the
respondents to file written statement.

Member

Vice-Chairman

It has been stated by Mr. A. Deb
Roy, learned Sr.C.G.S.C that written
statement has already been filed. Office
to verify and report.

List the case again on 15.11.2001
for further order.

Member

Vice-Chairman

No. WLS has been
billed.

15.11.01

List on 16.11.01 for order.

By
21.8.01

ICU Sharma
Member

[Signature]
Vice-Chairman

mb

No. WLS has been billed.

16.11.01

It has been stated by Mr. A. Deb Roy, learned Sr. C.G.S.C. ~~that~~ that he will file written statement in course of the day. The applicant may file rejoinder, if any, within 2 weeks from today.

List on 6/12/01 for order.

By
22.8.01
Resonant No 2. Notice
unserved due to not found.
[Signature]

ICU Sharma
Member

[Signature]
Vice-Chairman

13.11.2001

mb

6.12.01

Written statement has been filed. The respondents may serve a copy of the written statement to the applicant.

List the case for further order on 10.1.2002.

Verified in court
and found WLS not yet
filed.

Pro
13/11/2001

[Signature]
Member (J)

ICU Sharma
Member (A)

10.1.02

Written statement has been filed by the Official respondents. The case may now be listed for hearing. Mr. S. Sarma, learned counsel for the respondent No. 7, prays for time to file written statement. He is allowed to file written statement within 2 weeks from today.

List on 19.2.2002 for hearing.

No. Rejoinder has been
billed.

ICU Sharma
Member

[Signature]
Vice-Chairman

mb

19.2.2002

List again on 15.3.02 to enable the parties to obtain necessary instructions in the matter.

Office to show the name of Mr S. Sarma, Advocate, as a counsel for the respondents.

ICU Sharma
Member

[Signature]
Vice-Chairman

nkm

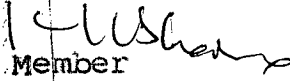
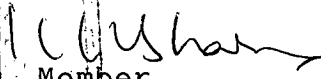

By
12.2.01

12.2.2002

Rejoinder submitted
by the applicant in reply
to the WLS.

Shown in her order
dated 19/2/02
[Signature]
20/2

O.A.278 of 2001

Notes of the Registry	Date	Order of the Tribunal
No. wls filed by the R.No- 5 to 10.	15.3.2002	List the case on 23.4.2002 enabling the respondent Nos.5 to 10 to file written statement. The parties may also file their list of dates precisely indicating the nature of relief sought for.
<u>20</u> 22.4.02.	bb	 Member
	28.4.	There is no division bench, the case is adjourned to 9.5.2002. M/s A.K.82
Shri H. Rahaman produced two books @MANAS W.E.V. (1-4-88) & MANAS (Revised & corrective from 1.4.92) at the next hearing. Both the books are retained. A.K.82 9.5	9.5.	Heard in past. List again on 28/5/2002. M/s A.K.82 9.5
	28.5.	There is no division bench today. The case is adjourned to 5.6/2002. M/s A.K.82 28.5
	5.6.2002	Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is disposed of. No order as to costs.
	nkm	 Member
		 Vice-Chairman

13/6/02

Order of the Tribunal

6

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 278 of 2001

Date of Decision.....5.6.2002

Shri Praful Chandra Borah

Petitioner(S)

Mr H. Rahman and Mr N. Borua

Advocate for the
Petitioner(s)

--Versus--

The Union of India and others

Respondent(-)

Mr A. Deb Roy, Sr. C.G.S.C. and

Mr S. Sarma for private respondents

Advocate for the
Respondent(s)

THE HON'BLE MR JUSTICE D.N. CHOWDHURY, VICE-CHAIRMAN

THE HON'BLE MR K.K. SHARMA, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble : Vice-Chairman

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.278 of 2001

Date of decision: This the 5th day of June 2002

The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman

The Hon'ble Mr K.K. Sharma, Administrative Member

Shri Praful Chandra Borah,
Technical Officer (A),
Regional Research Laboratory,
Jorhat, Assam.

.....Applicant

By Advocates Mr H. Rahman and Mr N. Borua.

- versus -

1. The Union of India
2. The Director General,
Council of Scientific & Industrial Research,
New Delhi.
3. The Director,
Regional Research Laboratory,
Jorhat.
4. The Controller of Administration,
Regional Research Laboratory,
Jorhat, Assam.
5. Shri Ajit Baruah, Technical Officer(B),
Regional Research Laboratory,
Jorhat, Assam.
6. Gobin Borah, Technical Officer(B),
Regional Research Laboratory,
Jorhat, Assam.
7. K.C. Deori, Technical Officer(B),
Regional Research Laboratory,
Jorhat, Assam.
8. Nilim Neog, Technical Officer(B),
Regional Research Laboratory,
Jorhat, Assam.
9. Jogamaya Hazarika, Technical Officer(B),
Regional Research Laboratory,
Jorhat, Assam.
10. T.K. Bhattacharjee, Technical Officer(B),
Regional Research Laboratory,
Jorhat, Assam.

.....Respondents

By Advocate Mr A. Deb Roy, Sr. C.G.S.C. and
Mr S. Sarma for respondents 5 to 10.

.....



O R D E R (ORAL)CHOWDHURY.J. (V.C.)

The legitimacy of the order dated 27.11.2000 promoting the respondent Nos.5 to 10 from Grade III(3) to Grade III(4) in the scale of Rs.2200-4000, superseding the claim of the applicant, with effect from 1.2.1994 is the subject matter of adjudication in this application.

2. In the application the applicant pleaded that he was first appointed as Senior Laboratory Assistant in the scale of pay of Rs.380-640 on 3.9.1980. He was promoted on up-gradation as Junior Technical Assistant in the scale of pay of Rs.425-700 as per the Velluri Committee Report and he was upgraded with effect from 1.2.1981. The respondent Nos.5 to 10 were initially appointed as Junior Laboratory Assistant in the scale of pay of Rs.260-430. These respondents were also given the benefit as per the Velluri/Varadrajan Committee to the next higher grade vide order dated 2.7.1982. The respondent Nos.5 to 10 were promoted as Senior Laboratory Assistant in the scale of pay of Rs.380-640 with effect from 1.2.1981 and the order was issued on 2.7.1982, whereas the applicant was appointed as Senior Laboratory Assistant on 3.9.1980 in the scale of pay of Rs.380-640 and he was upgraded to the scale of pay of Rs.425-700 with effect from 1.2.1981 as Junior Technical Assistant. The applicant was promoted as Junior Technical Assistant in the scale of pay of Rs.425-700 with effect from 1.2.1981 and the respondent Nos.5 to 10 were promoted on 1.2.1981 in the scale of pay of Rs.380-640. The applicant pleaded that ignoring his

seniority, the respondents by the impugned order dated 27.11.2000 promoted eleven persons including the respondent Nos.5 to 10 overlooking his claim. The applicant pleaded that he possessed the same and similar qualification like that of the aforementioned respondents and that he was promoted prior to the respondent Nos.5 to 10. In the circumstances the respondents fell into obvious error in overlooking his case.

3. The respondents contested the case. In the written statement the official respondents stated that the respondent No.5 was promoted to the scale of Rs.1640-2900 in the year 1994, but his promotion was given retrospectively from 1986-87 as per Circular dated 26.2.1983. The benefit of the promotion was extended to those respondents as a result of the late implementation of the Circular dated 26.2.1983. Denying the charge of discrimination, the official respondents in their written statement contended that they acted as per law and the case of the applicant would be considered on following the procedure prescribed.

4. The respondent Nos.5 to 10 also separately filed their written statement. In the written statement these respondents stated that as per the norms, promotion from Junior Laboratory Assistant to Senior Laboratory Assistant was made on the basis of five yearly assessment promotion by holding DPC for suitability. The required qualification for the post of Junior Laboratory Assistant is HSSLC. Persons recruited to Junior Laboratory Assistant having B.Sc. were to get ten advance increments during their appointment. In the instant case, the respondent Nos.5 to 10 who were holders of B.Sc. degree were given the benefit

of.....

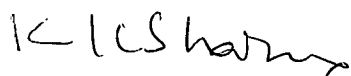
of ten advance increments during their initial appointment. They got the benefit of faster track promotion and accordingly the respondent Nos.5 to 10 were promoted on recommendation of a Special Assessment Committee. The respondents contended that the special assessment was to be made as per the Circular dated 7.12.1990. As per the said circular when an employee of Group III and V-(A) in the scale of pay of Rs.2000-3500 reaches the stage of Rs.2200, they would be eligible for the special assessment for the next scale of Rs.2200-4000 in the same group. The said benefit of the aforementioned circular continued upto 31.8.1994 when it was replaced by the circular dated 24.5.1996. Accordingly the circular dated 7.12.1990 stood superseded with effect from 1.9.1994. The respondent Nos.5 to 10 also contested the claim of the applicant that he was senior and contended that as per the Valluri Committee's Report all the incumbents became Junior Technical Assistant with effect from 1.2.1981. The aforementioned respondents also contended that the respondent No.5 was not called for selection in 1985-86, whereas the applicant was called for the selection, but he was not selected. The applicant was selected only in 1986-87. In a review selection of 1985-86 the respondent No.5 was found fit for promotion and the benefit of promotion given to him as of 1.2.1989 was made effective with effect from 2.11.1985. Thereafter by another order dated 5.11.1997 the promotion made effective from 2.11.1986 was further modified making the promotion effective from 1.2.1986 instead of 2.11.1986.


5. We have heard the learned counsel for the parties at length. On consideration of all the materials on record

it.....

it is apparent that the applicant is admittedly senior to the respondent Nos.5 to 10. He also fulfilled the eligibility conditions. In our opinion the case of the applicant deserves further consideration. Mr S. Sarma, learned counsel for respondent Nos.5 to 10, stated that the applicant was promoted on 28.12.2000 in the same grade on selection. We are, therefore, of the opinion that ends of justice would be met if a direction is issued to the applicant to place all the material facts narrating his grievances before the appropriate authority, namely respondent No.2, within four weeks from the date of receipt of the order and the authority shall consider the same and pass a reasoned order. The applicant is accordingly directed to make appropriate representation within the time specified and in case the applicant submits his representation, the authority shall lawfully consider the same and pass a reasoned order within three months from the date of receipt of the representation.

6. With the above observation the application stands disposed of. There shall, however, be no order as to costs.


(K. K. SHARMA)
ADMINISTRATIVE MEMBER


(D. N. CHOWDHURY)
VICE-CHAIRMAN

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH, AT GUWAHATI

278
ORIGINAL APPLICATION NO...../2001

Shri Prafulla Chandra Borah

.....Applicant.

- Versus -

Union of India & Others.

..... Respondents

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11.		
12.		

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI.

Prafulla Ch. Borah.
Applicant.
Arongh.
Mr. Upal Borah.
Advocate.

An application under Section 19 of the
Central Administrative Tribunal Act, 1985.

ORIGINAL APPLICATION NO. ²⁷⁸...../2001.

Shri Prafulla Chandra Borah,
Son of Late Puspa Dutta, working as
Technical Officer(A) ,Regional Research
Laboratory, Jorhat, Assam.

..... Applicant.

- Versus -

1. Union of India
2. Director General, Council of Scientific
& Industrial Research, Raj Marg, New
Delhi -110 001.
3. The Director, Regional Research
Laboratory, Jorhat.
4. The Controller of Administration,
Regional Research Laboratory,
Jorhat, Assam.

Prafulla Chandra Borah.

3.9.80 Appl-^{APN}

on Sr Lab Asst

382-640

1981

perm on

Tech Asst

423-700

1987 perm on JTA

550-900

(5,500-9000)

2

So L

1.2.81 perm

423-700

RS, perm
1.2.7.82

5. Shri Ajit Baruah, Technical Officer(B),
Regional Research Laboratory, Jorhat,
Assam. perm 1.2.82

6. Gobin Borah, Technical Officer(B),
Regional Research Laboratory, Jorhat,
Assam. perm 1.2.85

7. K.C. Deori, Technical Officer
(B), Regional Research Laboratory,,
Jorhat, Assam. perm 1.2.85

8. Nilim Neog, Technical Officer
(B), Regional Research Laboratory,
Jorhat, Assam. perm 1.2.85

9. Jogamaya Hazarika, Technical Officer
(B), Regional Research Laboratory, perm 1.12.87
Jorhat, Assam.

10. T.K. Bhattacharjee, Technical Officer
(B), Regional Research Laboratory,
Jorhat, Assam. perm 1.2.82

.....Opposite parties
(Respondents)

I. Particulars of the order against which , this application is
made.

Pranfulla Chandra Borah.

This application is made against the order dated 21.11.2000 passed by the Administrative Officer, Regional Research Laboratory, Jorhat, rejecting the representation filed by the applicant (Annexure - 6).

II. Jurisdiction:

The applicant declares that the cause of action of the application is within the jurisdiction of the Tribunal.

III. Limitation :

The applicant further declares that this application is filed within the prescribed period of limitation.

IV. Facts of the case :

1. That your humble applicant is a citizen of India and is a permanent resident of Jorhat and presently working as Technical Officer(A) in the Regional Research Laboratory, Jorhat, Assam.

2. That your humble applicant passed B.Sc Examination and was initially appointed as Senior Laboratory Assistant in the scale of pay Rs.380 - 640/- p.m. on 3.9.80. That your humble applicant was promoted on up gradation as Jr. Technical Assistant in the scale of pay of Rs. 425 - 700/- p.m. as per Velluri Committee Report and he was upgraded on 1.2.1981.

3 That your humble applicant beg to state that respondent No.5 to 10 were initially appointed as Jr.Laboratory Assistant in scale of pay of Rs.260-430/-. The respondent No. 5 to 10 were giving the benefit as per Valluri/Varadrajan Committee and they were promoted to the next higher

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Porfulla Choudra Borah

3/9/80 Sr Lab Asst.
1.2.81 up graded as Jr Tech Asst.

grade by the office Memorandum No. RLJ-1(24)-Estt/62 dated 2.7.82. As per the said promotion order the respondents were promoted as Sr. Laboratory Assistant in scale of pay of Rs.380-640/- and they were given the benefit of promotion from 11.2.81.

4. That your humble applicant begs to state that the respondent No.5 to 10 were promoted as Sr.Laboratory Assistant in scale of pay of Rs.380-640/- with effect from 1.2.81 and the order was issued on 2.7.82. When the applicant was appointed as Sr. Laboratory Assistant on 3.9.80 in scale of pay of Rs.380-640/- and he was upgraded to the scale of pay of Rs.425-700/- from 1.2.81 as Jr. Technical Assistant which is a higher grade post then the respondent No.5 to 10. Your humble applicant was promoted as Jr. Technical Assistant in scale of pay of Rs.425-700/- with effect from 1.2.81 and the respondent no.5 to 10 were promoted on 1.2.81 in scale of pay of Rs.380-640/-.

A copy of the office memorandum dated 2.7.82 is enclosed herewith and marked as Annexure - 1.

5. That your humble applicant begs to state that as per Valluri Committee Scheme after every 5 years of service in one grade an assessment is to be held for promotion to the next higher grade and accordingly in 1985-86 assessment was held for next higher grade and so your humble applicant was allowed to appear along with Shri R.K.Bora and Shri Bimal Saikia for promotion to the next higher grade.

6. That your humble applicant begs to state that in the said selection your humble applicant could not come out successful and in the next assessment interview which was held in 1986-87, your humble applicant was declared

Penfulla Chandra Bora

passed and he was considered for promotion for the post of Sr. Technical Assistant in scale of pay of Rs.1640-2900/- p.m.

7. That your humble applicant begs to state that Shri Ajit Baruah the respondent No.5 appeared in the assessment interview in 1986-87, 1987-88 and lastly in 1988-89. In 1988-89 selection Shri Ajit Baruah was declared as passed in the assessment interview and he was considered for the post of Sr. Technical Assistant in scale of pay of Rs.1640-2900/- p.m.

It may be mentioned herein that your humble applicant was promoted as Sr. Technical Assistant in 1986-87 and he was considered for promotion in the post of Sr. Technical Assistant in 1986-87 and he was given the scale of pay of Rs. 1640-2900/- in 1986. But the respondent No.5 was promoted in scale of pay of Rs.1640-2900/- in the year 1994 although he was declared to have qualified for the same in the year 1988-89. As such Shri Ajit Baruah is junior then your humble applicant in scale pay of Rs.1640-2900/- as Sr. Technical Assistant.

8. That your humble applicant begs to state that Respondent No.5 to 10 who were promoted in Grade -III (I) in scale of pay of Rs.425-700/- (PR) earlier but by office memorandum No.RLJ-9(2)Estt/91 dated 14.6.91 issued by the Administrative Officer giving promotional benefit from the date shown in column as follows :-

Respondent No.5	Shri Ajit Baruah	1.2.82
Respondent No.6	Shri Gobin Bora	1.2.85
Respondent No.7	Shri K.C. Deori	1.2.85
Respondent No.8	Shri Nilim Neog	1.2.85
Respondent No.9	Mrs. Jogamaya Hazarika	1.12.87

Pratulla chandra Borah

A copy of the office memorandum dated 14.6.91

is enclosed herewith and marked as Annexure- 2.

9. That your humble applicant begs to state that by an office memorandum No.RLJ-10(2) Estt./94 dated 2.11.94 Shri Ajit Baruah respondent No.5 was again promoted on and from 2.11.86 in scale of pay of Rs.1640-2900/- in the name of recommendation of the assessment Committee. But in fact, as stated earlier Shri Ajit Baruah was declared fail in the assessment which was held in 1986-87 and lastly he was declared passed in 1988-89 selection in scale of pay of Rs.1640-2900/-.

A copy of the office memorandum No. dated 2.11.94 is enclosed herewith and marked as Annexure- 3.

10. That your humble applicant begs to state that in the same way and in the name of assessment under MANAS Scheme Mrs. Jogamaya Hazarika, the respondent No.9 was shown to be promoted from grade Rs.1640-2900/- to Rs. 2000 – 3200/- as Technical Officer(A).

It may be mentioned herein that the said Mrs. Jogamaya Hazarika was absent from services during the said period as she has gone abroad with her husband and she came to India and she was allowed to join in the service after a break in service and she was shown to have join as Jr. Technical Assistant with effect from 5.4.1991. But ultimately this date was changed and it was shown as 1.12.1987, the reason of which is best known to the authority.

Pratulla Chandra Borah

Acknowledged
in
Pratulla

11. That your humble applicant begs to state that when the services of any officers was declared discontinued and the services of respondent No.9 was discontinued the said services cannot be shown as continuity of services and given her undue benefit of promotion in the name of new MANAS Scheme..

A copy of the office memorandum dated 17.5.1995 is enclosed herewith and marked as Annexure -4.

12. That your humble applicant begs to state that normally an assessment in the higher grade may take place after every 5 years as per the recommendation of Valluri Committee which is replaced by MANAS. In both the schemes, assessment in the next higher grade may take place after every 5 years. As such when by this memorandum dated 14.6.1991 issued by giving effect the date of promotion in 1982-85 the next memorandum was issued on 2.11.1994 again giving effect of the next promotional benefit under another scheme within one or two year. But the office memorandum dated 2.11.94 normally shows that the benefit of promotion to the respondent No.5 once giving in 1982 and thereafter in 1986 but the respondent No.5 was declared unsuccessful in the assessment in interview in the year 1986 and 1987 and lastly he appeared in 1988 and came out successful.

13. That your humble applicant begs to state that after 5 years the assessment for next higher grade was held in the year 1985-86 but the case of your humble applicant was not considered for promotion in the next grade but ultimately on ~~1987~~¹⁹⁸⁷ your humble applicant was promoted after duly assessed for promotion in scale of pay of Rs.550-900/(~~PR~~) as per new assessment scheme.

14. That your humble applicant begs to state that thereafter he again appeared for next assessment promotion as Technical Officer (A) after 5 years and he was promoted as Technical Officer (A) in scale of pay of Rs. 2000-3500/- on and from 1.2.92.

15. That your humble applicant begs to state that as per the Valluri Committee, which was substituted by MANAS all the assessment for next higher grade promotions are to be fixed after 5 years in a particular grade and accordingly your humble applicant was first promoted in 1981 next he was promoted in 1987 and the last promotion was in 1992 and thereafter though the assessment was due in case of your humble applicant but the same was not done till to-day for the reason best known to the authorities. The last promotion of your humble applicant was due in 1997 but the assessment was not held till to-day in case of your humble applicant but the promotion were given to the respondent No. 5 to 10 without any duration as specified in the scheme of every 5 years. The respondent No.5 to 10 were promoted illegally and without authority and in the name of assessment the respondent No.5 to 10 were given undue benefit and they were promoted by the authority without any norms and guidelines issued by the Valluari Committee and MANAS and now all the respondents are shown to be promoted as Technical Officer(B) in scale of pay of Rs.2200-4000/- (PR) which is a higher grade then your humble applicant.

16. That your humble applicant begs to state that the office memorandum No.RLJ-106(REC)/99/SA dated 27.11.2000 was issued by which all the

Pratfulla chandra Borah

respondents were shown to be promoted in the name of special assessment but the case of your humble applicant was not considered for next higher grade promotion which was due from 1997.

A copy of the office memorandum dated 27.11.2000 is enclosed herewith and marked as Annexure- 5.

17. That your humble applicant begs to state that your humble applicant submitted representation one after another against illegal action of the respondents for violation of guidelines issued under the scheme of promotion but the said representation was not considered.
18. That your humble applicant begs to state that as per representation filed by the humble applicant a Committee was constituted by the Director of Regional Research Laboratory, Jorhat to examine these aspects and on the basis of the representation filed by your humble applicant the entire matter was studied and a note was put up by the Sectional Officer (Recruitment), Shri B.J. Deori in which all the anomalies was discussed serially and on the basis of the said report a Committee was constituted to examine the matter.
19. That your humble applicant begs to state that as per the report submitted by Sectional Officer (Recruitment) cell prepared a note stating all the anomalies and it was placed before the committee to consider the case of your humble applicant. The office note dated 12.1.99 prepared by the Sectional Officer of Recruitment cell may be called for by the Hon'ble Tribunal to examine the matter.

Pratulla chandra Borah.

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Prafulla Chandra Borah

20. That your humble applicant begs to state that the recruitment cell by its office note dated 12.1.1999 examine the entire matter and it was held that irregularities has been committed in case of promotion and a Committee was constituted with the following members viz :-

1. Shri P.C. Borthakur
2. Shri T.C. Sharma,
3. Shri P.C. Rajkhowa.

21. That your humble applicant begs to state that a Committee was constituted and examine everything and the committee opined that there were anomaly and irregularity in case of promotion and they suggested to take appropriate action and to fix up responsibility against the officers concerned for such irregularities.

22. That your humble applicant begs to state that as per the representation submitted by your humble applicant that though a Committee was constituted and it was assured by the authority that the case of your humble applicant was considered but ultimately by an office memorandum No.RLJ-95(REC)/97 dated 21.11.2000 it was informed to your humble applicant that the case of your humble applicant cannot be considered.

23. That your humble applicant begs to state that though the representation was considered by the duly constituted Committee and the Committee has submitted report under the signature of Shri B.J.Deori, Sectional Officer (Rectt) on 12.1.1999 nothing was done on the basis of the

recommendation and ultimately the prayer of your humble applicant was rejected and allowed the illegal activities to continue by which the respondent No.5 to 10 who are junior to your humble applicant at the time of initial appointment are now enjoying the benefit of promotion gaining illegally and are now shown to be senior than your humble applicant.

A copy of the office memorandum dated 21.11.2000 is enclosed herewith and marked as Annexure -6.

24. That your humble applicant begs to state that there is no other alternative but to file this applicant before this Hon'ble Tribunal as the representation of the humble applicant was rejected by the authority.

I. LEGAL GROUND FOR RELIEF

1. For that your humble applicant is senior to the Respondent No.5 to 10 as your humble applicant was initially appointed as Sr. Laboratory Assistant and was promoted as Jr. Technical Assistant in the pay of Rs.425-700/- on 1.2.81 while the respondents No.5 to 10 were promoted as Sr. Laboratory Assistant in scale of pay of Rs.380-640/- on 2.7.82.
2. For that your humble applicant was promoted in the scale of pay of Rs.1640-2900/- in 1986⁸⁷ and Shri Ajit Baruah, the respondent No.5 was promoted in the year 1988⁸⁹ so he cannot be made senior than your humble applicant.
3. For that your humble applicant is always senior than the respondent No.5 to 10 as the promotion of your humble applicant was routed as per the guide line for duration of 5 years but the respondent No.5 to 10 cannot be

made senior giving undue benefit by violating the guidelines issued by Valluri Committee or MANAS as the minimum duration of promotion from one to another grade is 5 years in all the schemes.

4. For that your humble applicant is senior in entry level than the respondent No.5 to 10. As such the respondent No.5 to 10 cannot be promoted earlier than your humble applicant but they were shown promoted as Technical Officer (B) by the office memorandum dated 27.11.2000 for the reason best known to the authority.
5. For that the promotion order which was issued on 27.11.2000 giving effect the scale of Rs.2200- 4000/- to all the respondents No.5 to 10 in the name of special assessment is illegal as your humble applicant was all along senior but ignoring the claim of your humble applicant respondents No.5 to 10 cannot be promoted again and again to make them senior than your humble applicant.
6. For that your humble applicant was promoted as Technical Officer(A) in the scale of pay of Rs.2000-3500/- on 1.2.92 and the respondents no.5 to 10 were not promoted in 1992 in the scale of pay of Rs. 2000-3500/-.
7. For that your humble applicant was promoted as Technical Officer(A) in 1992 his next promotion was due in 1997 but the assessment was not held for the reason best known to the authority. On the other hand the respondent No.5 to 10 who were not promoted as Technical Officer (A) in 1992 are now promoted as Technical Officer(B).by the order dated 27.11.2000. which is illegal and without any authority of law.
8. For that your humble applicant was senior in initial appointment and also senior in the grade of Rs.2000- 3500/-who was promoted in 1992. He cannot be deprived of from getting next higher promotion after 5 years

i.e. 1997 on the other hand the respondents No.5 to 10 were promoted in the next higher scale of pay of Rs.2200-4000/- by the office memorandum dated 27.11.2000 which is highly irregular and illegal.

9. For that the actions of the respondents giving undue benefit to the respondents No.5 to 10 is not tenable in law and as per Valluri or under MANAS scheme.

10. For that while giving undue benefit to the respondents No.5 to 10, the respondents authority acted illegally and misinterpreted the Valluri Committee report and the scheme of promotion under the scheme of MMANAS.

11. For that in any view of the matter the action of the respondents depriving humble applicant and declare him the Junior from the respondents No.5 to 10 is illegal and without any jurisdiction.

II. DETAILED OF THE REMEDY EXHAUSTED

There is no other remedy except filing this application before this Hon'ble Tribunal.

III. MATTERS NOT PENDING IN ANY OTHER COURT/TRIBUNAL

The applicant declared that he has not filed any other application before any court/Tribunal.

Forbulla chandra Borah

IV. RELIEF PRAYED FOR

That the respondent may be directed to cancel the office memorandum No.RLJ- 106(REC)99-SA dated 27.11.2000 and also to cancel the promotion order of respondent No.5 to 10 above your humble applicant as your humble applicant is senior than the respondents No.5 to 10 in initial appointment as well as in scale of pay of Rs.2000-3500/- as the humble applicant was promoted in 1992 in the said scale.

Ans V P23

OR

Direct the respondents to issue the promotional benefit order to your humble applicant from the date of his juniors were promoted.

V. INTERM RELIEF PRAYED FOR

Not to effect the promotional order dated 27.11.2000 issued under the office memorandum No.RLJ-106(REC)/99-SA dated 27.11.20-00.

VI. PARTICULARS OF POSTAL ORDER -

Postal order No. 791237.
Date of issue 20-7-2001.
Issued from G.P.O, Guwahati.
Payable at Guwahati.

VII. DETAILS OF INDEX

An index showing the particulars of documents is enclosed.

VIII. LIST OF ENCLOSURES:

As per Index..

VERIFICATION

I Shri Prafulla Chandra Borah, son of Late Puspa Dutta, aged about years, resident of A. T. Road, Jorhat, Assam, District Jorhat, do hereby solemnly affirm and verify the statements made in this application as follows:-

1. That I am the applicant in the above application and as such I am acquainted with the facts and circumstances of the case.
2. That I am fully competent to verify this application and I do verify this application as true to my knowledge and belief and I have not suppressed any material facts.

And I sign this verification on this the 24 Day of July, 2001, at Guwahati.

Place: Jorhat.

Date: 24.7.2001.

Prafulla Chandra Borah
DECLARANT.

3 copies

- 18 -

ANNEXURE - I

C O P Y

ANNEXURE - I

28

REGIONAL RESEARCH LABORATORY::JORHAT::ASSAM.
(Council of Scientific and Industrial Research)

No.RLJ-1(24)-Estt/62

Dated 2.7.82.

OFFICE MEMORANDUM

Sub:-Promotion to the next higher grade under new
assessment Valluri/Varadrajan Committee -
Fixation of pay

Consequent on assessment and promotion of the following incumbents to the next higher grade based on new Assessment & promotion Rules, the Director, R.R.L., Jorhat has been pleased to approve the fixation of their pay as shown below :-

Sl. No.	Name with Designation	Grade No. to which promoted	Effective dt. of promotion	Pay fix- ed.	Next dt. of incre- ment.	Pay after incre- ment.
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	Dr.P.C.Baruah,SSA.	IV(I)	1.2.81	Rs.740/-	1.2.82	Rs.780/-
2.	Sri B.P.Misra "	IV(I)	1.2.81	Rs.740/-	1.2.82	Rs.780/-
3.	Sri Binod Kr.Gogoi,SSA	IV(I)	1.2.81	Rs.740/-	1.2.82	Rs.780/-
4.	" N.C.Baruah, SSA	IV(I)	1.2.81	Rs.740/-	1.2.82	Rs.780/-
5.	" Arun Borthakur,SSA	IV(I)	1.2.81	Rs.740/-	1.2.82	Rs.780/-
6.	" Ranju Duarah,SSA	IV(I)	11.2.81	Rs.740/-	1.2.82	Rs.780/-
7.	Mrs.Neelima Saikia,SLA	III(I)	1.2.81	Rs.455/-	1.2.82	Rs.470/-
8.	Sri D.K.Dutta,SLA	III(I)	1.2.81	Rs.455/-	1.2.82	Rs.470/-
9.	Mrs.A.P.Saikia,"	III(I)	1.2.81	Rs.470/-	1.2.82	Rs.485/-
10.	Miss A.Talukdar,SLA	III(I)	1.2.81	Rs.425/-	1.2.82	Rs.440/-
11.	Sri Dipak Kr.Bordoloi	III(I)	22.10.81	Rs.425/-	1.10.82	Rs.440/-
12.	Sri T.P.Saikia, SLA	III(I)	1.2.81	Rs.455/-	1.2.82	Rs.470/-
13.	Mrs.Niva Baruah,N/Sister	II(4)	1.2.81	Rs.485/-	1.2.82	Rs.500/-
14.	Sri Lilim Kr.Neog,JLA	II(3)	1.2.81	Rs.380/-	1.2.82	Rs.392/-
15.	Mrs.J(Saikia)Hazarika,JLA	II(3)	1.2.81	Rs.380/-	1.2.82	Rs.392/-
16.	Sri Ajit Ch.Baruah,JLA	II(3)	1.2.81	Rs.392/-	1.2.82	Rs.404/-

Contd.....2.

Attended
Babu

Sl. No. Name with Designation: Grade No.: Effective: Pay :Next :Pay after
to which date of fixed dt. incre-
promoted promotion of ment.
incre-
ment.

17.	Sri K.C.Deori, JLA	II(3)	1.2.81	Rs.350/-	1.2.82	Rs.392/-
18.	Sri Om Prakash Sahu, JLA	II(3)	1.2.81	Rs.380/-	1.2.82	Rs.392/-
19.	Sri T.K.Bhattacharjee "	II(3)	1.2.81	Rs.392/-	1.2.82	Rs.404/-
20.	Sri R.K.Buragohain, JLA	II(3)	1.2.81	Rs.380/-	1.2.82	Rs.392/-
21.	Sri N.N.Dutta, JLA	II(3)	1.2.81	Rs.380/-	1.2.82	Rs.392/-
22.	Sri Gobin Ch.Borah, JLA	II(3)	1.2.81	Rs.380/-	1.2.82	Rs.392/-
23.	Sri Surendra Nath Borah,	II(1)	1.2.81	Rs.284/-	1.2.82	Rs.290/-
24.	Sri Norendra Nath Borah,	II(1)	1.2.81	Rs.266/-	1.2.82	Rs.272/-
	F/Asstt.					
25.	Sri Hiren Ch.Boza, F/Asstt.	II(1)	1.2.81	Rs.266/-	1.2.82	Rs.272/-

Sd/- N.C.Sarmah.
Section Officer.

Copy to :- All person concern.

Copy to :- 1) Accounts Section.
2) Bill Section.
3) All personal file.

Sd/-
Section Officer.

REGIONAL RESEARCH LABORATORY::JORHAT-785 006

No.RLJ-9(2)-Estt/91

June, 14 -1991.

OFFICE MEMORANDUM

In partial modification of office Memorandum quoted against each individual and in accordance with CSIR circular No.17(65)/83-CTE(PPS)/IV dated February 26, 1983 the Director, RRL, Jorhat has been pleased to approve that the following incumbents who were earlier promoted to Grade III (1) Rs.425-700(PR) from the dates mentioned against their names be placed in Grade III (1) with effect from November 2, 1981 :-

Name of incumbents	Office Memorandum & Date of promotion
1. Shri Gobin Borah	No.RLJ-10(2)-Estt/85 dt 15.7.85 1.2.85
2. " D.P.Sahu	-do- 1.2.85
3. " K.C. Deuri	-do- 1.2.85
4. " R.K.Buragohain	-do- 1.2.85
5. " Nilim Neog	-do- 1.2.85
6. " N.N.Butta	No.RLJ-10(2)-Estt/86 dt.4.8.86 1.2.85
7. " Mukul Borkotoky	-do- 1.9.85
8. " T.K.Bhattacharjee	No.RLH-10(2)-Estt/86dt 30.4.84 1.2.82
9. " Ajit Baruah	No.RLJ-10(2)-Estt/84 dt. -do- 1.2.82
10. Mrs. Jogomaya Hazarika	No.RLJ-10(24)-Estt/90(NRAS) dt. 5.4.91. 1.12.87

All other conditions of their appointment on promotion to the Grade III (1) Rs.425-700 (PR) as notified earlier will remain unaltered.

Sd/- N.C.Sarmah.
Administrative Officer

To

All concerned.

Copy to :- 1. Accounts Section
2. Bills Section.
3. Personal Files.

Sd/-
Administrative Officer.

attested
[Signature]

1.2.82 R³ & R10 prw w.e.f 1.2.82.

1.2.85 R⁶ & R9 prw

4+2 =

- 19 -

ANNEXURE - 3

C O P Y

91

REGIONAL RESEARCH LABORATORY :: JORHAT 785 006

No.RLJ -10(2)Estt/94

94
83
11/11/94

Dated 02.11.94

OFFICE MEMORANDUM

On the recommendation of the Assessment Committee which met on 25.10.94, the Director, RRL, Jorhat has been pleased to accord approval to the promotion on assessment of the following incumbents under the New Recruitment & Assessment Scheme.

SL No Name of candidate : Present Grade & Pay scale : Grade to which promoted & Pay scale : Effective dt of promotion

01	Sh O.P. Sahu	Gr.III(1) Rs.1400-2300	Gr.III(2) Rs.1640-2900	02.11.86
02	Sh K.C.Deori	-do-	-do-	02.11.86
03	Sh Mukul Barkatoky	-do-	-do-	02.11.86
04	Sh R.G.Bharali	-do-	-do-	20.01.87
05	Sh Somiran Borthakur	-do-	-do-	19.01.87
06	Sh Ajit Baruah (fais)	-do-	-do-	02.11.86
07	Sh Govind Ch Borah	-do-	-do-	02.11.86
08	Sh N.C.Laskar	-do-	-do-	10.02.87
09	Sh Nilim Neog	-do-	-do-	02.11.86
10	Mrs Jogomaya Hazarika	-do-	-do-	02.11.86
11	Sh K.C.Lekhok	-do-	-do-	15.01.87

- 1983 pmt
Siv eff
P72 Rej
- (i) The above incumbents will continue to perform the same duties and such other and higher duties as may be assigned by the Director.
- (ii) Their pay will be fixed according to normal rules and as indicated in the Valluri Committee recommendations.

1.2.87

....25

attested
[Signature]

1.4.88 to 31.3.94 - Menas G

1.4.92 to

Revision

New Recruit & Assessment Scheme to be in 1988.

-2-

- (iii) They will be on probation for a period of two years w.e.f. the date of issue of this order. The period of probation may be extended or curtailed at the discretion of the competent authority. On satisfactory completion of the probationary period, they will be eligible for regular appointment in the grade till further orders.
- (iv) They will continue to be governed by other terms & conditions of their appointment in CSIR.

Sd/- P.P. Bhattacharjee.
Controller of Administration

To

All the promotees listed above.

- Copy to :-
- 1) Accounts Section
 - 2) Bills Section.
 - 3) Personal File - 11 copies
 - 4) PS to Director.
 - 5) All Head of Division.

Sd/-
Controller of Administration

ANNEXURE- 4

C O P Y

REGIONAL RESEARCH LABORATORY : JORHAT 785 006

No. RLJ-10(24)Estt/95

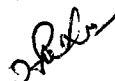
Dated 17.5.95

OFFICE MEMORANDUM

On the recommendation of the Assessment Committee which was met on 14.05.95, the Director, RRL, Jorhat has been pleased to accord approval to the promotion of the following incumbents on their assessment under MANAS.

Sl No	Name of candidate	: Present Grade & pay scale	: Grade to which promoted & Pay scale.	: Effective date of promotion.
01	Sh Bhuden Baruah	III (1) Rs. 1400 - 2300	III (2) Rs. 1640 - 2900	12.05.91
02	Mrs P. Deka	-do-	-do-	02.12.91
03	Sh Jayanta Bora	-do-	-do-	02.05.91
04	Sh Mukibur Rehman	-do-	-do-	27.11.91
05	Sh Anujjal Sarmah	-do-	-do-	28.11.91
06	Sh U S Bhattacharjee	-do-	-do-	27.11.91
07	Sh K.C. Lekhok	III (2) Rs. 1640 - 2900	III (2) Rs. 2000 - 3500	15.01.92
08	Sh N.C. Laskar	-do-	-do-	10.02.92
09	Sh Somiraoon Borthakur	-do-	-do-	19.01.92
10	Mrs. Joganaya Hazarika	-do-	-do-	02.11.91
11	Dr S.C. Dutta	IV (2) Rs. 3000 - 4500	IV (2) Rs. 3700 - 5000	02.04.91
12	Dr K.S. Singh	-do-	-do-	01.02.92
13	Dr P.C. Borthakur	IV (3) Rs. 3700 - 5000	IV (3) Rs. 4500 - 5700	01.01.92
14	Dr K.V. Rao	-do-	-do-	09.07.91
15	Dr A Garg	-do-	-do-	22.10.91

.....2.

attested


- (i) The above incumbents will continue to perform the same duties and such other and higher duties as may be assigned by the Director.
- (ii) Their pay will be fixed according to normal rules and as per provisions of MANAS.
- (iii) They will continue to be governed by other terms and conditions of their appointment in CSIR.

Sd/-P.P.Bhattacharjee.
Controller of Administration.

To

All promotees.

Copy to :- 1. Accounts Section
2. Bills section
3. Personal file
4. PS to Director
5. Head, Planning Divn.
6. Heads of Divisions concerned.

Sd/-
Controller of Administration.

C O P Y

Annexure - 5

REGIONAL RESEARCH LABORATORY::JORHAT:: 785006(ASIAM)
(Council of Scientific & Industrial Research)

No.RLJ-106(REC)/99-SA

Dated 27.11.2000

OFFICE MEMORANDUM

On the recommendation of the Special Assessment Committee which met on 24 & 24th November, 2000 the Director, RRL, Jorhat has been pleased to accord approval to the promotion of the following incumbents belonging to Gr.III (3) for touching the stage at Rs.2240/- in the scale of pay Rs.2000-3500/-(Pre-revised) to their next higher grade. The date of promotion will be effective from the date as shown against respective name :-

Sl. No. Name of candidate : Present Grade: Grade to which: Effective
& Pay scale promoted & date of
(Pre-revised) Pay scale. promotion.

01 Mr O.P.Sahu	III (3) Rs.2000 - 3500 (Pre-revised)	III (4) Rs.2200 -4000 (Pre-revised)	01.02.93
02 Mr M Borkotoky	-do-	-do-	01.09.93
03 Ms Lakhmi Bora	-do-	-do-	01.02.94
R6 04 Mr G.C.Borah	-do-	-do-	01.02.94
R9 05 Mr N.K.Neog	-do-	-do-	01.02.94
R7 06 Mr K.C. Deuri	-do-	-do-	01.02.94
R5 07 Mr A.Baruah	-do-	-do-	01.02.94
08 Mr P.Baruah	-do-	-do-	01.02.94
R10 09 Mr T.K.Bhattacharjee	-do-	-do-	01.02.94
R9 10 Ms Jogamaya Hazarika	-do-	-do-	01.02.94
11 Mr.A Sarmah	-do-	-do-	01.02.94

i) The above incumbents will continue to perform the same duties and such other higher duties as may be assigned by the Director.

(ii) Their pay will be fixed according to normal rules.

(iii) They will continue to be governed by other terms and conditions of their appointment in CSIR.

Sd/- N.K.Barbaruah.
Administrative Officer.

To

All the promotees.

Copy to :- 1 Accounts Section
2.Hills Section
3.Personal file
4.PS to Director
5.Head, Planning Divn.

6.Head, PNE Cell
7.Heads, concerned Divn.
8.Head, HRD Cell.
9.Head, P&BDG Divn.

Sd/-
Administrative Officer.

attested
[Signature]

REGIONAL RESEARCH LABORATORY B: JORHAT::ASSAM
(Council of Scientific & Industrial Research)

No.RLJ-95(REC)/97

Dated 21.11.2000

OFFICE MEMORANDUM

With reference to their representation Shri R.K.Bora, Gr.III(3), Shri P.C.Bora, Gr.III(3), Shri B.C.Saikia, Gr.IV(2), Ms Dilara Begum, III (3), Ms A.P.Saikia, Gr.III(3) Ms Anjana Goswami, Gr.III(3), Shri N.N.Dutta, Gr.III(3), Shri R.K.Buragohain, Gr.III(3), Shri K.R.Baruah, Gr.III(3) and Shri M.M.Borah, Gr.III(3) are informed that their representations were carefully considered in the light of relevant CSIR circulars/letters but it is regretted that their request cannot be acceded to.

This issues with the recommendatin of the committee and approval of the competent authority.

Sd/- N.K. Barbaruah.
Administrative Officer

To

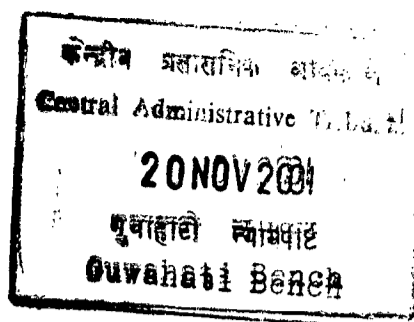
1. Shri R.K. Bora, Gr.III (3)
2. Shri P.C.Bora, Gr.III(3)
3. Shri B.C.Saikia, Gr.IV(2)
4. ~~Saxi~~ Ms. Dilara Begum, III(3)
5. Ms.A.P.Saikia, Gr.III(3)
6. Ms Anjana Goswami, Gr.III(3)
7. Shri N.N.Dutta, Gr.III(3)
8. Shri R.K.Buragohain, Gr.III(3)
9. Shri K.R.Baruah, Gr.III(3)
10. Shri M.M.Borah, Gr.III(3).

Copy to :-

1. Section Officer(E)
2. Finance & Accounts Officer
3. P.A to Director
4. Personal file of concerned Officials.

Sd/-
Administrative Officer.

attested
[Signature]



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH ::: GUWAHATI.

O.A. NO. 278 OF 2001

Shri P.C. Borah

- Vs -

Union of India & 9 others

- And -

In the matter of :

Written Statements submitted by
the respondents

The written statements of the above noted
respondents are as follows :

1. That with regard to para 1 and 2, the respondents beg to offer no comments.
2. That with regard to para 3, the respondents beg to state that the contents of this para is admitted. The benefit of promotion as Sr. Laboratory Assistant was effective from 01.02.1981 and not ~~from~~ from 11.02.1981 as has been contended by the applicant.
3. That with regard to para 4 to 6, the respondents beg to offer no comments.

26-
38

4. That with regard to para 7, the respondents beg to state that the contents of this para is partly admitted. It is true that the respondent No.5 was promoted in scale of pay of Rs. 1640/- - 2900/- in the year 1994. But promotion was given retrospectively from 1986-87 as per Curcykar Bi, 17(65)/83-CTE(PPS)/IV dated 26.02.1983. ✓

5. That with regard to para 8 and 9, the respondents beg to offer no comments.

AD

6. That with regard to para 10, the respondents beg state that the contents of this para is admitted. It was done as per recommendation of the Assessment Committee.

7. That with regard to para 11, the respondents beg to state that the contents of this para is admitted. She was given the benefit as per O.M. No. RLI-10(24)/Estt/95 dated 17.05.1995 which was recommended by a duly constituted Assessment Committee and the respondents have got nothing to do in it.

8. That with regard to para 12, the respondents beg to state that the contents of this para is admitted. Although it apparently seems to have occurred as per version of the applicant, nothing has happened which is inconsistent with the recommendation of the duly constituted Assessment Committee. Moreover, the benefit of promotion extended to these respondents were the results of the late implementation of the Circular No.17 (65)/83-CTE(PPS)/IV dated 26.02.1983

and the respondents have got nothing to do in it, nor they may be arrayed for this which was done as per the existing rules and procedures.

9. That with regard to para 13 and 14, the respondents beg to offer no comments.

10. That with regard to para 15, the respondents beg to state that while admitting the statements made by the applicant in the first portion of the para, the respondents stoutly deny that the respondent No.5 to 10 were promoted illegally and without authority. The contention made by the applicant that the respondents No. 5 to 10 were given undue benefit and they were promoted by the authority without any norms and guidelines issued by the Valluri Committee and MANAS are also stoutly denied. The benefit which is due and admissible to the applicant will be made available to him as per existing rules and procedures and in due course of time. Moreover, the benefit of promotion extended to these respondents were the results of the late implementation of the Circular No. 17(65)/83-CTE(PPS)/IV dated 26.02.1983 and the respondents have got nothing to do in it nor they may be arrayed for this which was done as per the existing rules and procedures.

11. That with regard to para 16, the respondents beg to state that the case of the applicant for consideration for his promotion to the next higher grade which was due from 1997 will be made available to him after following the prescribed

-4-

rules and procedure. The benefit of Special Assessment given to incumbents when anyone touches Rs. 2240/- in the scale of Pay of Rs. 2000-3500 on or before 31.08.1994 as per CSIR Circular No. 17(65)-83-CTE(PPS)/IV dated 26.02.83. Since the applicant, Shri P.C. Boarah could not touch Rs. 2240/- in the Scale of Pay of Rs. 2000-3500/- on or before 31.08.1994, he was not given the benefit of Special Assessment.

12. That with regard to para 17 to 22, the respondents beg to offer no comments.

13. That with regard to para 23, the respondents beg to state that the contents of this para is partly admitted. Whatever benefits were given to the respondent No.5 to 10 were made available to them after following the prescribed rules and procedures and as per the recommendation of the duly constituted Assessment Committee.

14. That with regard to para 24, the respondents beg to offer no comments.

~~The respondents, therefore, pray~~

It is, therefore, prayed that Your Lordships would be pleased to hear the parties, peruse the records and after hearing the parties and perusing the records, shall further be pleased to dismiss the application with cost.

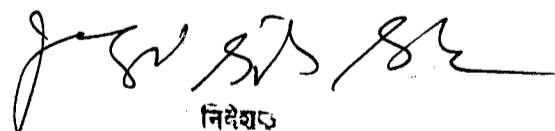
Verification.....

- 5 -

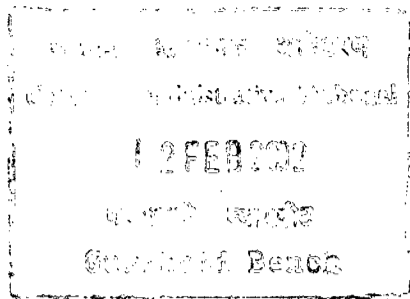
V E R I F I C A T I O N

I, Dr. Jagir Singh Sandhu, Director, RRL, Jorhat being authorised do hereby verify and declare that the statements made in this written statement are true to my knowledge, information and believe and I have not suppressed any material fact.

And I sign this verification on this th
day of , 2001, at Guwahati.



निदेशक
DIRECTOR
अश्वय वनस्पति प्रयोगशाला
Regional Research Laboratory
जोरहाट - ६
JORHAT-6



Filed by - Rahman Advoca
Hansu
On behalf of Shri Prafula
Chandra Baruah
12/2/02

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

O.A. NO.278 of 2001

Shri Prafula Chandra Baruah

-Vs-

The Union of India & others

And

IN THE MATTER OF

Rejoinder filed by the applicant Shri
Prafula Chandra Baruah in reply to
the written statement submitted by
the respondent.

I, Shri Prafula Chandra Baruah, Son of Late
Puspa Dutta, working as Technical Officer (AO) Regional
Research Laboratory, Jorhat, Assam and I am the
applicant in the present case. A copy of the written
statement filed by the Director, Regional Research
Laboratory, Jorhat, on behalf of all the respondents
was received by me and having gone through the written
statement I have understood the contents thereof and
I file this rejoinder as follows:-

Contd...2/-

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- 2 -

1. That, in reply to the statement made in paragraph 4, it is not correct that the letter dated 26.2.83 authorises the respondents to promote the respondent No.5 with retrospective effect. The letter No. 17(65) 83-CTE (PPS)/IV which was taken into consideration by the Director, Regional Research Laboratory, Jorhat was received by the Director, Regional Research Laboratory, Jorhat, long back. The letter was circulated on 26th Feb'1983 with the subject ' New Personal Policy' by which a guideline was issued by the Council of Scientific and Industrial Research, New Delhi for giving effect of the promotion Order as per the Valluri Committee and Thyagrajan Sub- committee.

A copy of the letter dated 26.2.83 is enclosed herewith and marked as Annexure-1.

2. That, in reply to the statement made in paragraph 8, it is not correct that the circular dated 26.2.83 was given effect lately. The circular was issued in 1983 and the circular was issued with a direction to implement the said circular in case of promotion. But the respondents have not acted as per the said circular while giving the promotion to the respondents. But this circular was given

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effect only in case of the respondents promotion that too after a long gap of 17 years.

3. That, in reply to the statement made in paragraph 10, it is not correct that the benefit of promotion extended to the respondents were the results of the late implementation of the circular dated 26th Feb'83. The respondent Director of Regional Research Laboratory, Jorhat is not authorised by the said circular to give undue benefit of extending the retrospective promotion order as stated in paragraph - 10 of the written statement. The circular nowhere authorises anybody for giving effect to the promotion order with retrsopective effect.

4. That, in reply to the statement made in paragraph 11, it is not correct that the benefit of Special Assesment was given as per the circular dated 26.2.83 , because the circular never authorise anybody for giving effect the promotion with retrospective effect. The purpose of special assesment was made to give undue benefit to the respondents though they are not entitle as per the circular dated 26.2.83. The duty of the assesment committee is to consider the case of the candidates for promotion and the assesment committee is not

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authorised to consider the case of promotion and the date of effect of the promotion. The date of effect is to be considered in case of promotion by the respondentx, Director of Regional Research Laboratory, and hence the Assesment Committee cannot consider the date of effect to the promotion as stated in the written statemennt.

5. That, in reply to the statement made in paragraph - 13, the deponent begs to state that the benefits were given to the respondents No. 5 to 10 were illegal as no procedure and rules prescribed by any authority to give promotion to the unsuccessful candidate in the assessment that too for two times like Sri Ajit Baruah who could not successful in any of the selection which was held earlier once in 1986-87 and 1988-89. Both the selection he was declared fail and so he cannot be given undue benefit of promotion with retropsective effect by superceeding your humble applicant. Mrs. Jugamaya Hazarika, the respondent No.9 was also promoted illegallt when she was not in the service and she was in abroad and she has returned and joined as Junior Technical Assistant w.e.f. 5.4.91 and she was shown senior than your humble applicant. In the written statement filed by the respondents the statement of the present applicant in paragraph 10 was admitted in paragraph 6 of the

- 5 -

of the written statement. As such Mrs. Jugamaya Hazarika cannot be shown to be senior than your humble applicant. But promotion order of the respondent No. 5 to 10 were not as per as the existing rules and circular and respondent is not authorised by any authority to give the undue benefit of promotion with retrospective. effect.

V E R I F I C A T I O N

I, Shri Prafulla Ch. Boruah, Son of Late Puspa Dutta, working as Technical Officer (A), Regional Research Laboratory, Jorhat, Assam, and I am the applicant in the present case, do hereby solemnly declare that the particulars given above are true and correct to the best of my knowledge, belief and information & sign this verification on this the 12th day of February, 2002 at Guwahati.

Prafulla Ch. Boruah
Deponent.

COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH

RAFI, PARG.,
NEW DELHI-110001.

No. 17(65)/83-CTE(PPS)/IV

26 February, 1983

From:

The Joint Secretary (Adm.)
COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH

To:

The Heads of all National Laboratories/Institutes.

Subject:- New Personnel Policy - Orders issued on the recommendations of the Valluri Committee and Thyagarajan Sub-Committee.

Sir,

I am directed to state that consequent to the issue of modified orders in our letter of even number dated 24/11/1982, on the subject mentioned above, clarifications have been sought on some of the issues by the Laboratories/Institutes/Staff Associations and individual staff members. While the points raised have been clarified individually to the Laboratories/Institutes/Staff Associations, the same have now been consolidated and are given hereunder:-

1. The staff engaged in the Civil Engineering/Maintenance and Architectural Sections of the Laboratories/Institutes will be assessed in Group-V(A). All Junior Engineers and Assistant Engineers in the grade of Rs.650-1200 as on 2/11/1981 who hold B.E. or equivalent degree are eligible for assessment for promotion to the next higher grade w.e.f. 1/2/1981 or from the respective dates of their appointment if the same is after 1/2/1981, under Group-V(A) under the faster track promotion rule. The faster track promotion in Group-V is admissible for promotion upto the grade of Rs.700-1300 only. The same conditions as are applicable to the employees in Group-III for Faster Track promotion will be applicable to the staff in Group-V(A), for promotion under this rule.

2. The employees who have been assessed as on 1/2/1981 but could not be promoted either due to percentage limit or for having not been found fit for promotion, will again be eligible for assessment w.e.f. 1/4/1981 or any subsequent date on which they complete the prescribed length of service in the grade for 2nd chance of assessment, along with the staff who might have become eligible for assessment during the assessment year ending 31st March, 1982. If found fit for promotion, they will be promoted w.e.f. 1/4/1981 or any subsequent date following the date on which they became eligible for 2nd chance of assessment, whichever is later, subject to percentage limits.

R S were called upon

M.B.M.

has been issued again

- 3) Those who are abroad on foreign assignments or leave or on deputation abroad for training etc. will not be assessed in absentia. They will be assessed on their return and if found fit for promotion, they will be promoted from the date they became eligible for assessment, subject to percentage limits. For the purpose of percentage limits, post(s) will have to be reserved for them in the relevant assessment year. They will, however, get the benefit of pay of the promoted post from the date they join the Laboratory/Institute on return from foreign assignments, leave etc.
- 4) Those who have retired/resigned from the services or have died, but became eligible for assessment before their retirement/resignation/death, will be assessed for promotion from the date they became eligible for assessment. The same procedure for assessment in these cases will be followed as is applicable in respect of serving employees except that in the case of deceased personnel, the element of interview/personnel discussions/trade test etc. will be done without.
- 5) The Scientific and Technical Staff as on 2/11/1981 who hold M.Sc. or B.E. or equivalent degree will move to Group-IV on promotion to the grade of Rs.700-1300 irrespective of the fact whether they are holding scientific or technical posts. The staff appointed to entry level posts now introduced in Group-III on or after 24/11/1981 will remain in Group-III even if they hold M.Sc./B.E. degree and shall be eligible for assessment promotion grade by grade in Group-III.
- 6) Four or three assessment chances are available for assessment of staff in various grades of Groups-I, II, III, IV & V(A). The first chance in all grades except in Grade-IV(2), will be when the employees complete the requisite length of service prescribed for particular grade and the last chance when they remain for one year at the top of the grade. The employees will, therefore, have to complete the minimum length of service prescribed for first assessment chance to become eligible for assessment to the next higher grade even if they have completed one year at the top of the grade earlier. Thus in the case of an employee who has completed one year at the top of the grade earlier than the prescribed length of service in his grade, the first chance will be when he completes the minimum prescribed length of service and the subsequent three chances will be offered to him in the succeeding three assessment years.
- 7) SIAs and other technical staff in the grade of Rs.360-640 holding qualifications of M.Sc./B.E. degrees as on 2/11/1981, will be assessed for promotion to the grade of Rs.425-700 and if found fit for promotion, they will be promoted to the grade of Rs.425-700 and placed in Grade-III(1). Their pay will be fixed under FR-22(1). If such fixation of pay results in their reaching the salary of Rs.550/- or more, they will be deemed to have crossed over to the

Also see circular
no. 22-9-84.

grade of Rs.550-900(Grade-III(2)), but if they reach the stage of Rs.550/- from a later date, they will then again be assessed for promotion to the grade-III(2) from the date on which their pay is raised to Rs.550/- and promoted from the date, if found fit, without any percentage limit.

8) JSAs who hold B.Sc. degree or three years diploma in Engineering will belong to Group-III and be placed in Grade-III(1). They will be assessed for promotion to the next higher grade after completing the requisite length of service in that grade. Such of the JSAs may be given functional designations, i.e. Technical Assistants etc.

9) The staff in Grade-II(3), holding the qualifications of B.Sc./B.Lib. or three years diploma course as on 2/11/1981 will be assessed for promotion to the grade of Rs.425-700 and if found fit for promotion, will be promoted to that grade and placed in Grade-III(1). They will have to complete the requisite length of service prescribed for further assessment to Grade-III(2).

10) The grade of Rs.330-560/- (Grade-II(2)) has been replaced by the Grade of Rs.380-560. This change is effective from 21/10/1982 as already notified in this office letter of even number dated 31st December, 1982. The employees whose assessment fell due before 21/10/1982 and were promoted to the grade of Rs.330-560, will now be given the scale of Rs.380-560 w.e.f. 21/10/1982. Similarly, the orders contained in para 2 of our letter dated 31/12/1982 will not apply to cases where assessment fell due before 21/10/1982.

11) The Scientists-B/B-I and C/C-I as on 2/11/1981 who hold B.Sc. or three years diploma in Engineering or B.Lib. Science will be placed in Group-III and assessed for promotion grade by grade in that Group only.

12) All employees in Group-I, II and III for whom assessment has been introduced for the first time and who have completed the requisite length of service or more as on 1/2/1981 shall be assessed for promotion to the next higher grade w.e.f. 1/2/1981 and promoted, if found fit, from that date subject to percentage limits.

It has been noticed that in a particular Institute the employees who had completed more than the requisite length of service were promoted on the basis of number of chances notionally completed by them prior to 1-2-1981 which has resulted in exceeding the percentage limits prescribed for promotion in a particular grade. It is clarified that all such employees whose assessment fell due on 1/2/1981, will be assessed and if found fit for promotion, they will be promoted from that date subject to prescribed percentage limits. The percentage limits cannot be enhanced on account of their having completed more than the requisite length of service or on the number of chances notionally completed by them.

in circular
22-9-84

Signature

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- 13) The employees who acquire qualifications prescribed for the next higher group after 2/11/1981 will not be eligible for assessment under the faster track promotion rule.

YOURS FAITHFULLY,

(C. L. MALHOTRA)
UNDER SECRETARY

RRL - Forhat

NO. RLT. 10(2) - E. A. (SS) -

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DL. 8-8-85-

Copy to ① SO. (E)

② Chairman R.C.

③ F. A. C. O.

Section Officer

Received at
4 p.m.
NB
8/5/02

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

JLA

O.A.No. 278/01

Prafulla Ch.Bora

..... Applicant.

-versus-

U.O.I & Ors.

..... Respondents.

WRITTEN STATEMENT ON BEHALF OF THE RESPONDENT NO.5 TO 10.

1. That the respondents have received the copy of the OA and have gone through the same. Save and except the statements which are specifically admitted herein below, rests may be treated as total denial.

2. That instead of dealing with the parawise reply the respondents beg to apprise the factual background of the case which is as follows:-

In the instant case two grades of posts are involved and same are grade II. and Gr-III.

(1) Junior Laboratory Asstt. (JLA)

(2) Senior Laboratory Asstt. (SLA).

(3) Jr Tech Asstt. (JTA)

(4) Sr Tech Asstt. (STA)

(5) Tech. Officer. A.

(6) Tech. Officer. B.

(7) Tech. Officer. C.

Gr-II.

Gr-III

8
A1 = 52
Filed by
Alsha Das
Advocate
8/5/02

The normal mode of promotion from JLA to SLA is 5 yearly assessment promotion by holding DPC for suitability.

The required qualification for the post of JLA is HSSLC. Persons recruited in JLA having B.Sc will get 10 advance increments during their appointment. In the instant case all the private respondents are holder of B.Sc degree and hence they got the benefit of 10 advance increment during their initial appointment. ✓✓

Faster track promotions are results of recommendation of Valluri Committee Report. As per the said report employees having B.Sc degree working in lower category posts (Grade-II) can be promoted to Grade-III posts (JLA) subject to suitability. The aforesaid committee set up to remove the anomaly regarding the qualification (initial) in aforesaid two posts JLA and SLA.

Features of Valluri Committee's Report

The Council of Scientific and Industrial Research (CSIR), New Delhi has constituted the Valluri Committee/ Varadarajan Committee and Normal Recruitment And Assessment Scheme (NRAS) for recruitment and assessment promotion of CSIR employees. In these schemes the entire scientific staff of CSIR are divided into 4 groups (Group-I, Group-II, Group-III and Group-IV) basing on qualification and nature of duty. Each group contains number of grades/posts, the said committee also prescribed the minimum qualification in each grade. The minimum qualification prescribed for entry into the group-II posts in B.Sc/B.Lib or 3 years Diploma in Engineering. Thereafter all promotions are made as per 5 yearly Assessment Promotion Committee.

Under the provision of Faster Track Promotion employees who have joined the CSIR before 31.12.81 has got the opportunity to move one step up subject to fulfillment of entry qualification in the higher grade. As per the said Report if an employee reaches the stage of the basic pay of the next higher grade/group, than he is entitled to be assessed by the Assessment Committee even before the prescribed length of service i.e. 5 years in that group.

The recommendation of Velluri/Varadarajan Committee and NRAS was effective from 1.2.81. To eliminate the anomaly after existing staff due new recruitment made in Group-III- (1) after 31.12.81 the CSIR issued a circular dated 26.2.83 (relevant portion at Para-9 of the said circular).

A copy of the said circular dated 26.2.83 is annexed herewith and marked as Annexure-1.

Special Assessment

As per the circular dated 7.12.90 certain benefits such as special assessment has been given to the CSIR employees. When an employee of group-III and V-(A) in scale of pay of Rs.2000.00- Rs.3500.00 reaches the stage of 2200, they will be eligible for the said special assessment for the next scale of Rs.2200.00-4000.00 in the same group. The said benefit of the above circular continued up to 31.8.94 and by a circular dated 24.5.96 same lost its effect w.e.f. 1.9.94.

Copy of the said circulars dated 24.5.96 is annexed herewith and marked as Annexure-2.

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Date of initial entry

Applicant- 3.9.80 as SLA
Respondent No.5- 1977 as JLA
Respondent No.6- 26.9.80 as JLA
Respondent No.7- 26.9.80 as JLA
Respondent No.8- 26.9.80 as JLA
Respondent No.9- 26.9.80 as JLA
Respondent No.10- 28.10.77 as JLA

As per the Valluri Committee's Report all became JTA w.e.f. 1.2.81 including the applicant.

In the instant case the basic grievance of the applicant is against the Respondent No.5. To highlighting the factual background a comparative statement in respect of applicant vis-a-vis the Respondent No.5 is given below-

<u>APPLICANT</u>	<u>RESPONDENT NO.5</u>
85-86 Called-Not Selected	due- but Not called.
86-87 Selected,	Not Selected
87-88	Not Selected
88-89	Selected ✓

N.B.: Respondent No.5 was given the benefit of 88-89 assessment w.e.f. 1.2.89. A review Selection/assessment was convened as of 85-86 in the year 1994 and vide order dated 5.10.94. Respondent No.5 was called for the said selection. In the said review selection as of 85-86 the official respondents found the respondent No.5 fit for such promotion and the benefit given to him as of 1.2.89 was made effective w.e.f. 2.11.85. Thereafter by another order dated 5.11.97 the promotion made effective w.e.f. 2.11.86 was further

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modified giving effect w.e.f. 1.2.86 instead of 2.11.86. In fact, the Respondent No.5 had to appear twice for the same examination.

Copies of the memo dated 5.10.94 and 5.11.97 are annexed herewith and marked as Annexure-3 & 4 respectively.

Preliminary Objection:

3. That the basic reliefs sought for by the applicant are as follows:-

(i) Direction for setting aside the OM dated 27.11.2000.

(ii) And to cancel the promotion order of Respondent No.5 to 10.

As regard the relief no.(i) it is contended by the Respondents that as per circular dated 7.12.90 conveying the following decision of the GB effective from 25.9.90, the applicant is not entitled to special assessment as has been granted to the private respondents. The operative part of the said circular dated 7.12.90 reads as follows:-

"When the employees of group-III and .. in the scale of pay of Rs.2000-3500/- reach the stage of Rs.2200/- they will be eligible for a special assessment for the next higher scale of Rs.2200-4000/- in the same group minimum of threshold will be 70%."

The benefit of the circular is continued up to 31.8.94 and ceased its effect w.e.f. 1.9.94 vide circular dated 24.5.96.

Apart from that promotion given to Respondents No.5 to 10 by the special assessment is only the matter under challenge but the applicant has not challenged the recommendation of the said special assessment committee. On

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the other hand the circular dated 7.12.90 is not under challenge as well as the applicant has not also challenged the circular dated 24.5.96 and as such challenge made to the order dated 27.11.2000 is baseless. It is pertinent to mention here that by recommendation of a assessment committee which met during 20-24 December, 2001, the applicant has been promoted to next higher grade from group-III (3) in pay scale of Rs.6500-10500/- to grade III (4) in the pay scale of Rs.8000-13500/- w.e.f. 19.1.97 and in that view of the matter the reliefs sought for by the applicant since been granted, this OA has become infructious.

The service particulars of the respondent No.5 to 10 are annexed herewith and marked as Annexure-RJ.5 colly.

In view of the above the applicant bears no merit and liable to be dismissed.

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VERIFICATION.

I, Shri Ajit Ch Borah, aged about 52 years, son of Late C.S.Borah, resident of RRL, Jorhat do hereby solemnly affirm and verify that the statements made in para...¹..... are true to my knowledge and those made in para...^{2 and 3}... are matters of record which I believed to be true and rests are my humble submission before the Hon'ble Tribunal.

I am the respondents No 5 in the present case and I have been authorised by the other respondents i,e, Respondents No 6 to 10 to swear this verification.

And I sign this verification on this the 6 th day of May 2002.

✓

Ajit Ch Borah.

No. 165/83-CTE(PPS)/IV

26 February, 1983

From:

The Joint Secretary (Adm.)
COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH

To

The Heads of all National Laboratories/Institutes.

Subject:- New Personnel Policy - Orders issued on the recommendations of the Valluri Committee and Thyagarajan Sub-Committee.

Sir,

I am directed to state that consequent to the issue of modified orders in our letter of even number dated 24/11/1982, on the subject mentioned above, clarifications have been sought on some of the issues by the Laboratories/Institutes/Staff Associations and individual staff members. While the points raised have been clarified individually to the Laboratories/Institutes/Staff Associations, the same have now been consolidated and are given hereunder:-

1. The staff engaged in the Civil Engineering/Maintenance and Architectural Sections of the Laboratories/Institutes will be assessed in Group-V(A). All Junior Engineers and Assistant Engineers in the grade of Rs.650-1200 as on 2/11/1981 who hold B.E. or equivalent degree are eligible for assessment for promotion to the next higher grade w.e.f. 1/2/1981 or from the respective dates of their appointment if the same is after 1/2/1981, under Group-V(A). The faster track promotion in Group-V(A) is admissible for promotion upto the grade of Rs.700-1300 only. The same conditions as are applicable to the employees in Group-III for Faster Track promotion will be applicable to the staff in Group-V(A), for promotion under this rule.

2. The employees who have been assessed as on 1/2/1981 but could not be promoted either due to percentage limit or for having not been found fit for promotion, will again be eligible for assessment w.e.f. 1/4/1981 or any subsequent date on which they complete the prescribed length of service in the grade for 2nd chance of assessment along with the staff who might have become eligible for assessment during the assessment year ending 31st March, 1982. If found fit for promotion, they will be promoted w.e.f. 1/4/1981 or any subsequent date following the date on which they became eligible for 2nd chance of assessment, whichever is later, subject to percentage limits.

Attested

P.K. Bora

28.8.2001

SCIENTIST

Regd.

Attested

Advocate,

- 3) Those who are abroad on foreign assignments or leave or on deputation abroad for training etc. will not be assessed in absentia. They will be assessed on their return and if found fit for promotion, they will be promoted from the date they became eligible for assessment, subject to percentage limits. For the purpose of percentage limits, post(s) will have to be reserved for them in the relevant assessment year. They will, however, get the benefit of pay of the promoted post from the date they join the Laboratory/Institute on return from foreign assignments, leave etc.
- 4) Those who have retired/resigned from the services or have died but became eligible for assessment before their retirement/resignation/death, will be assessed for promotion from the date they became eligible for assessment. The same procedure for assessment in their cases will be followed as is applicable in respect of serving employees except that in the case of deceased personnel, the element of interview/personnel discussions/trade test etc. will be done away with.
- 5) The Scientific and Technical Staff as on 2/11/1981 who hold M.Sc. or B.C. or equivalent degree will move to Group-IV on promotion to the grade of Rs.700-1300 irrespective of the fact whether they are holding scientific or technical posts. The staff appointed to various entry level posts now introduced in Group-III on or after 24/11/1982, will remain in Group-III even if they hold M.Sc./B.E. degree and shall be eligible for assessment promotion grade by grade in Group-III.
- 6) Four or three assessment chances are available for assessment of staff in various grades of Groups-I, II, III, IV & V(A). The first chance in all grades except in Grade-IV(2), will be when the employees complete the requisite length of service prescribed for particular grade and the last chance when they remain for one year at the top of the grade. The employees will, therefore, have to complete the minimum length of service prescribed for first assessment chance to become eligible for assessment to the next higher grade even if they have completed one year at the top of the grade earlier. Thus in the case of an employee who has completed one year at the top of the grade earlier than the prescribed length of service in his grade, the first chance will be when he completes the minimum prescribed length of service and the subsequent three chances will be offered to him in the succeeding three assessment years.
- 7) STAs and other technical staff in the grade of Rs.380-640 holding qualifications of M.Sc./B.E. degrees as on 2/11/1981, will be assessed for promotion to the grade of Rs.425-700 and if found fit for promotion, they will be promoted to the grade of Rs.425-700 and placed in Grade-III(1). Their pay will be fixed under FR-22(C). If such fixation of pay results in their reaching the salary of Rs.550/- or more, they will be deemed to have crossed over to the

attested

P.K. Bera.

28.8.2001

SCIENTIST

Regional Research Laboratory (C.S.I.R.)
JORHAT-785006

grade of Rs.550-900(Grade-III(2)), but if they reach the stage of Rs.550/- from a later date, they will then again be assessed for promotion to the grade-III(2) from the date on which their pay is raised to Rs.550/- and promoted from the date, if found fit, without any percentage limit.

- 8) JSAs who hold B.Sc. degree or three years diploma in Engineering will belong to Group-III and be placed in Grade-III(1). They will be assessed for promotion to the next higher grade after completing the requisite length of service in that grade. Such of the JSAs may be given functional designations, i.e. Technical Assistants etc.
- 9) The staff in Grade-II(3), holding the qualifications of B.Sc./B.Lib. or three years diploma course as on 2/11/1981 will be assessed for promotion to the grade of Rs.425-700 and if found fit for promotion, will be promoted to that grade and placed in Grade-III(1). They will have to complete the requisite length of service prescribed for further assessment to Grade-III(2).
- 10) The grade of Rs.330-560/- (Grade-II(2)) has been replaced by the Grade of Rs.380-560. This change is effective from 21/10/1982 as already notified in this office letter of even number dated 31st December, 1982. The employees whose assessment fell due before 21/10/1982 and were promoted to the grade of Rs.330-560, will now be given the scale of Rs.380-560 w.e.f. 21/10/1982. Similarly, the orders contained in para 2 of our letter dated 31/12/1982 will not apply to cases where assessment fell due before 21/10/1982.
- 11) The Scientists-B/B-I and C/C-I as on 2/11/1981 who hold B.Sc. or three years diploma in Engineering or B.Lib. Science will be placed in Group-III and assessed for promotion grade by grade in that Group only.
- 12) All employees in Group-I, II and III for whom assessment has been introduced for the first time and who have completed the requisite length of service or more as on 1/2/1981 shall be assessed for promotion to the next higher grade w.e.f. 1/2/1981 and promoted, if found fit, from that date subject to percentage limits.

It has been noticed that in a particular Institute the employees who had completed more than the requisite length of service were promoted on the basis of number of chances notionally completed by them prior to 1-2-1981 which has resulted in exceeding the percentage limits prescribed for promotion in a particular grade. It is clarified that all such employees whose assessment fell due on 1/2/1981, will be assessed and if found fit for promotion, they will be promoted from that date subject to prescribed percentage limits. The percentage limits cannot be enhanced on account of their having completed more than the requisite length of service or on the number of chances notionally completed by them.

Attested
Advocate,

attested
P.K. Bara
28.2.2001

Regional Project Director
Regional Project Director
Regional Project Director

22-9-84

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- 13) The employees who acquire qualifications prescribed for the next higher group after 2/11/1981 will not be eligible for assessment under the faster track promotion rule.

YOURS FAITHFULLY,

(C.L. MALHOTRA)
UNDER SECRETARY

RRL - Forhul

21-

NO. RLT. 10(2) - E.H.(S)

DL 8-8-81

Copy to (1) Sec. (E)

(2) Chairman R.C.

(3) F & A.C.

Section Officer

attested

P.K. Bora

28.8.2001

SCIENTIST

Regional Research Laboratory (C.S.I.R.)

JORHAT-781003

वैज्ञानिक तथा औद्योगिक अनुसंधान परिषद्
COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH

राष्ट्र मार्ग,
RAJ MARG,

संख्या
No.

17/66/94-PPS

पत्रांक-110 001

New Delhi-110001, the 24.5.1996

सेवा
FROM

संयुक्त सचिव (प्रशासन)
Joint Secretary (Admn.)
Council of Scientific and Industrial Research

सेवा
To

The Directors/Heads of all
National Labs./Instts.

Sub: Assessment of Scientists A/A1 in Group III & V(A).

Sir,

I am directed to state that it has been decided by the competent authority to allow continuation of the benefit of special assessment on reaching the stage of Rs.2200/- in the scale of Rs.2000-3500, as notified vide CSIR circulars dated 7-11-1990 and 7-12-1990 upto 31.8.1994. The benefit in terms of circulars referred to above will cease with effect from 1.9.1994.

The above modification may kindly be brought to the notice of all concerned in your Lab./Instt. for information, guidance and necessary action.

Yours faithfully,

B.S. Gaira
(B.S. Gaira)
Deputy Secretary.

Received
24/5/96
21/5/96

Copy to:-

1. SPA to Joint Secretary (Admn.), CSIR.
2. Financial Adviser, CSIR.
3. SPA to OSD, CSIR
4. Sr. Dy. FA (F), CSIR.
5. DS CO), CSIR.
6. Legal Adviser, CSIR.
7. Shri M. Bapuji, General Secretary, CSIR-SWA, C/o RRL, Bhubaneswar.
8. Shri N. Suresh Prasad, General Secretary, Federation of EWUA, C/o CFTRI, Mysore.

c.c. (1) H.O.

(2) All Notice Board.

attested

P.K. Barc.

28-8-2001

SCIENTIST

Regional Research Laboratory (CSIR)

JORHAT-781001

Attested

Wm

Attested

राष्ट्र मार्ग
R M MARG

सी.एस.आई. मार्ग, नयी दिल्ली

CSIR Dt. No.

293

24/5/96

- 13 -

2537

ANNEXURE— 43

REGIONAL RESEARCH LABORATORY, JORHAT 785 006

No. RLJ-9(2)Estt/94

Dated 05.10.94

OFFICE MEMORANDUM

Shri .AJit. Baruah..... Tech Asst III (1) is informed that his assessment interview for promotion to next higher grade has been scheduled to be held on 25th October 1994 at 9.00 AM in the Conference Room of this Laboratory. He is, therefore, requested to appear before the Assessment Committee for interview on the date, time and venue mentioned above.

*Assessed
N. G. S. 30/10/94*

Scientist,
Regional Research Laboratory
Jorhat

[Signature]
05/10/94

(S N Bhadawati)
Administrative Officer

To,

Shri .AJit. Baruah...
Tech Asst III (1),
RRL, Jorhat.

*Assessed
WMS
4/10/94*

64

REGIONAL RESEARCH LABORATORY, JORHAT, ASSAM
(Council of Scientific & Industrial Research)

No.RLJ-13(262)/Estt/97

Dated: 05.11.97

54 = 5

OFFICE MEMORANDUM

In partial modification of O.M. No.RLJ-1(24)-Estt/90 dated 24.07.91 and in accordance with CSIR circular No. 17(65)/83-CFE(PPS)/IV dated 26.02.83, The Acting Director, Regional Research Laboratory, Jorhat has been pleased to approve that the effective date of placement of following incumbents who were earlier promoted to Grade III(1) Rs.425-700 (PR) from the dates mention against their names be placed in the Grade III(1) with effect from 1.2.81 instead of 2.11.81 with DNI 1.2.82.

All other terms & conditions as laid down in their respective appointment on promotion to the III(1) (Rs.425-700 (PR)) as notified earlier will remain unaltered.

Name and, Designation.	Effective date of Placement	Pay after place ment	Pay to be fixed	Date of Next incre- ment.	Pay after increment.
1. Shri Nilim Kr. Neog Gr. III(1)	01.02.81	425	425	01.02.82 01.02.83 01.02.84 01.02.85 Revision 01.01.86 01.02.86 01.02.87 01.02.88 01.02.89 01.02.90	440 455 470 485 1480 1520 1560 1600 1640 1680
2. Mrs. J.M. Hazarika Gr. III(1)	01.02.81	425	425	01.02.82 01.02.83 01.02.84 01.02.85 Revision 01.01.86 01.02.86 01.02.87 01.02.88 01.02.89 01.02.90	440 455 470 485 1480 1520 1560 1600 1640 1680.
3. Shri Ajit Baruah Gr. III(1)	01.02.81	425	425	01.02.82 01.02.83 01.02.84 01.02.85 Revision 01.01.86 01.02.86 01.02.87 01.02.88 01.02.89 01.02.90	440 455 470 485 1480 1520 1560 1600 1640 1680.

Attested
P.K. Barua
28.8.2001

Regional Research Laboratory (C.S.I.R.)
Jorhat, Assam

Attested
W.D. Barua
Advocate.

4. Shri K.C. Deori
Gr. III(1)

01.02.81	425	425	01.02.82	440
			01.02.83	455
			01.02.84	470
			01.02.85	485
		Revision	01.01.86	1480
			01.02.86	1520
			01.02.87	1560
			01.02.88	1600
			01.02.89	1640
			01.02.90	1680.

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5. Shri O.P. Sahu
Gr. III(1)

01.02.81	425	425	01.02.82	440
			01.02.83	455
			01.02.84	470
			01.02.85	485
		Revision	01.01.86	1480
			01.02.86	1520
			01.02.87	1560
			01.02.88	1600
			01.02.89	1640
			01.02.90	1680.

6. Shri T.K. Bhatta.
Gr. III(1)

01.02.81	425	425	01.02.82	440
			01.02.83	455
			01.02.84	470
			01.02.85	485
		Revision	01.01.86	1480
			01.02.86	1520
			01.02.87	1560
			01.02.88	1600
			01.02.89	1640
			01.02.90	1680.

7. Shri R.K. Bura Gohain
Gr. III(1)

01.02.81	425	425	01.02.82	440
			01.02.83	455
			01.02.84	470
			01.02.85	485
		Revision	01.01.86	1480
			01.02.86	1520
			01.02.87	1560
			01.02.88	1600
			01.02.89	1640
			01.02.90	1680

8. Shri N.N. Dutta
Gr. III(1)

01.02.81	425	425	01.02.82	440
			01.02.83	455
			01.02.84	470
			01.02.85	485
		Revision	01.01.86	1480
			01.02.86	1520
			01.02.87	1560
			01.02.88	1600
			01.02.89	1640
			01.02.90	1680

attested

P. K. B. me.

28.8.2001

Attested

W. S. M.

Advocate.

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67

✓ 9. Shri Gobin Ch. Bora
Gr. III(1)

01.02.81	425	425	01.02.82	440
			01.02.83	455
			01.02.84	470
			01.02.85	485
		Revision	01.01.86	1480
			01.02.86	1520
			01.02.87	1560
			01.02.88	1600
			01.02.89	1640
			01.02.90	1680

10. Shri M. Borkotoky
Gr. III(1)

11.09.81	425	425	01.09.82	440
			01.09.83	455
			01.09.84	470
			01.09.85	485
		Revision	01.01.86	1480
			01.09.86	1520
			01.09.87	1560
			01.09.88	1600
			01.09.89	1640
			01.09.90	1680

[Signature]

(B.D. Podder)
Administrative Officer

To

1. All Concerned
2. Accounts Section
3. Bill Section
4. P.F. of concerned person
5. S.O.(R)

Attested

P.K. Bora.

28.8.2001

SCIENTIST

Regional Director, Laboratory (C.S.I.R.)
Kolkata-700002

Approved

[Signature]

Advocate

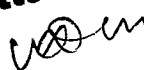
Dear Sir,

With reference to the subject cited above, furnished below are my service particulars as desired by you.

Event	Date/Remarks
1. Joined RRL, Jorhat as Junior Laboratory Assistant	August 1977
2. Promoted to Senior Laboratory Assistant, vide OM No. RLJ-1(24)-Estt/62, dated 02.07.82	01.02.1981
3. Promoted to JTA, vide OM No. RLJ-10(2) Estt/84 dated 30.04.1984	(i) wef 01.02.1982 (ii) wef 02.11.1981, vide OM No. RLJ-9(2)-Estt/91, dt. 14.06.91 (iii) wef 01.02.1981, vide OM No. RLJ-1 (24)-Estt/90 dt. 24.07.1991
Interview for S.T.A [Gr III (2)]	
(a) 1985-86	Not called to sit for interview, Sri Prafulla Bora (applicant) appeared in the same interview.
(b) 1986-87	Appeared for assessment promotion interview but came out unsuccessful
(c) 1987-88	do
(d) 1988-89	Promoted to S.T.A., wef 01.02.89 vide OM No. RLJ-10 (24)-Estt/90 dt. 11.06.91
5. 'Review' of S.T.A. assessment promotion interview for period 1985-86 (JTA wef 1981-STA 1986 is due for assessment interview) vide OM No. RLJ-9(2) -Estt/94 dt. 05.10.1994 [NB: I was called to sit for this interview with 1985-86 group]	Promoted to STA wef 02.11.86 vide OM No. RLJ-10(2)-Estt/94 dt. 02.11.94 and lastly wef 01.02.86 vide OM No. RLJ-13 (262)/Estt dt 17.12.97
6. Interview for T.O. Gr III (3)	Promoted to T.O. Gr III(3) wef 02.11.91 vide Om No. RLJ 10(24)-Estt/95 dt. 05.07.1995 and lastly wef 01.02.91, vide OM No. RLJ-13 (262)/Estt dt. 17.12.97
7. Interview for T.O. Gr. III (4)	Promoted to T.O. Gr III(4) wef 01.02.94, vide OM No. RLJ 106(REC)/99-SA dt 27.11.2000.

5/11/97

Attested



Advocate.

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SERVICE PARTICULARS

OF SHRI GC BOPA CASE NO 278

Respondent no. 6582

1. Joined as JLA on 9.9.1980 with ten advance increment a basic pay Rs.340 in the scale pay of Rs.260-430 vide O.M.No.RLJ-13(403)Estt/79 dtd.1.10.1980.
2. Promoted as (SLA) Grade II(3) in the scale Rs.380-640 w.e.f. 1.2.1981 vide O.M.No.RLJ-1(24)Estt/62 issued dtd.2.7.1982
3. Promoted as JTA Gr.III(1) in the scale of Rs.425-700 w.e.f. 1.2.1985 vide O.M.No.RLJ-10(2)Estt/85 issued on 15.7.1983 (under faster tract)
4. Modification
The benefit of CSIR circular No.17(65)/83-CTE(PPS)/IV of para 9 dtd.26.2.1983 was awarded retrospectively to me and moved to Gr.III(1) w.e.f. 2.11.1981 vide OM No.RLJ-9(2)Estt/91 dtd.14.1.1991 (This circular was implemented under the provision of para 9 of the CSIR circular as I was in Grade II(3) basic pay 380-640) w.e.f. 1.2.1981 having B.Sc. qualification.
5. Promoted to Gr.III(2) w.e.f. 2.11.1986 vide O.M.No.RLJ-10(2)Estt/94 dtd.02.11.1994
6. Promoted to Gr.III(3) w.e.f. 2.11.1991 vide OM No.RLJ-10(24)Estt/95 dtd.05.07.1995
7. Partial modification
The effecting date of promotion to Gr.III(1) was modified from 2.11.1981 to 1.2.1981 vide OM No.RLJ/13(262)Estt/97 dtd.05.11.1997. In consequent of this OM the effecting dates of promotion to Gr.III(2) and Gr.III(3) were modified from 2.11.1986 and 2.11.1991 to 1.2.1986 and 1.2.1991 respectively.
8. In the Gr.III(3) (Basic pay Rs.2000-3500) my basic has reached Rs.2240 w.e.f. 1.2.1994. Subsequently I was eligible for special promotion to the next higher grade III(4) vide CSIR circular No. 17/66/94-PPS dtd.24.5.1996. Hence I was promoted to Gr.III(4) w.e.f. 1.2.1994 vide OM No. RLJ-106(REC)/99-SA dated 27.11.2000.

Attested


Advocate.

- 19 -

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SERVICE PARTICULARS
OF SHRI K.C. DEURI CASE NO 278

Respondent No. 7

1. Joined as JI.A on 16.9.1980 with ten advance increment at a basic pay Rs.340 in the scale pay of Rs.260-430 vide O.M.No.RLJ-13(457)Estt/80 dtd.26.9.1980.
2. Promoted to Gr.III(1) in the scale Rs.380-640 w.e.f. 1.2.1985 vide O.M.No.RLJ-10(2)Estt/85 issued on 15.7.1985 (faster track)
3. Modification
The benefit of CSIR circular No.17(65)/83-CTE(PPS)/IV of para 9 dtd.26.2.1983 was awarded retrospectively to me and moved to Gr.III(1) w.e.f. 2.11.1981 vide OM No.RLJ-9(2)Estt/91 dtd.14.1.1991 (This circular was implemented under the provision of para 9 of the CSIR circular as I was in Grade II(3) basic pay Rs.340-640 w.e.f. 1.2.1981 having B.Sc. qualification.
4. Promoted to Gr.III(2) w.e.f. 2.11.1986 vide O.M.No.RLJ-10(2)Estt/94 dtd.02.11.1994
5. Promoted to Gr.III(2) w.e.f. 2.11.1991 vide OM No.RLJ-10(24)Estt/95 dtd.05.07.1995
6. Partial modification
The effecting date of promotion to Gr.III(1) was modified from 2.11.1981 to 1.2.1981 vide OM No.RLJ/13(262)Estt/97 dtd.05.11.1997. In consequent of this OM the effecting dates of promotion to Gr.III(2) and Gr.III(3) were modified from 2.11.1986 and 2.11.1991 to 1.2.1985 and 1.2.1991 respectively.
7. In the Gr.III(3) Basic pay(Rs.2000-3500) my basic has reached Rs.2240 w.e.f. 1.2.1994. Subsequently I was eligible for special promotion to the next higher grade III(4) vide CSIR circular No. 17/66/94-PFS dtd.24.5.1996. Hence I was promoted to Gr.III(4) w.e.f. 1.2.1994 vide OM No. RLJ-106(REC)/99-SA dated 27.11.2000.

Admitted
Advoc.

SERVICE PARTICULARS
OF SHRINK NEOG CASE NO 278

- 20 -

Respondent No. 871602

1. Joined as JIA on 1.4.1980 with ten advance increment at a basic pay Rs.340 in the scale pay of Rs.260-430 vide O.M.No.RLJ-13(442)Estt/80 dtd.2.5.1980 (Appointment letter No.RLJ-9(31) Estt/80 dated 18.03.1980).
2. Promoted as (SLA) Grade II(3) in the scale Rs.380-640 w.e.f. 1.2.1981 vide O.M.No.RLJ-1(24)Estt/62 issued dtd.2.7.1982
3. Promoted as JTA Gr.III(1) in the scale of Rs.425-700 w.e.f. 1.2.1985 vide O.M.No.RLJ-10(2)Estt/85 issued on 15.7.1985 (under faster tract)
4. Modification
The benefit of CSIR circular No.17(65)/83-CTE(PPS)/IV of para 9 dtd.26.2.1983 was awarded retrospectively to me and moved to Gr.III(1) w.e.f. 2.11.1981 vide OM No.RLJ-9(2)Estt/91 dtd. June 14, 1991 (This circular was implemented under the provision of para 9 of the CSIR circular as I was in Grade II(3) basic pay 380-640) w.e.f. 1.2.1981 having B.Sc. qualification
5. Promoted to Gr.III(2) w.e.f. 2.11.1986 vide O.M.No.RLJ-10(2)Estt/94 dtd.02.11.1994
6. Promoted to Gr.III(3) w.e.f. 2.11.1991 vide OM No.RLJ-10(24)Estt/95 dtd.05.07.1995
7. Partial modification
The effecting date of promotion to Gr.III(1) was modified from 2.11.1981 to 1.2.1981 vide OM No.RLJ/13(262)Estt/97 dtd.05.11.1997. In consequent of this OM the effecting dates of promotion to Gr.III(2) and Gr.III(3) were modified from 2.11.1986 and 2.11.1991 to 1.2.1986 and 1.2.1991 respectively.
8. In the Gr.III(3) Basic pay Rs.2000-3500) my basic has reached Rs.2240 w.e.f. 1.2.1994. Subsequently I was eligible for special promotion to the next higher grade III(4) vide CSIR circular No. 17/66/94-PPS dtd.24.5.1996. Hence I was promoted to Gr.III(4) w.e.f. 1.2.1994 vide OM No. RLJ-106(REC)/99-SA dated 27.11.2000.

Attested

[Signature]

Advocate.

: Service particular of Jogamaya Hazarika.

21
Respondent No. 9

= 61 92

Event	Date
1) Joined RRL, Jorhat as J.L.A Vide memo No. RLJ-13(400)-Estt/79 dtd. 18.1.79.	w.e.f. 3.1.79
2) Promoted to Gr II (2) Vide memo No. RLJ-1(24)-Estt/82 dtd. 28.4.82.	w.e.f. 1.3.82
3) Promoted to Gr III (1) Vide memo No. 10 (24)-Estt/90 (NRAS) dtd 5.4.91.	(i) 1.12.87 (ii) 2.11.81 placed to 1.2.81 In partial modification of O.M.No.RLJ-1(24)- Estt/90 dtd. 24.7.91 (iii) 1.2.81 vide memo No. RLJ-13(262)/ Estt 197 dtd. 5.11.97
4) Promoted to Gr III(2) Vide memo No. RLJ-10(2) Estt/94 dtd 2.11.94 Vide O.M. No. RLJ-13 (262)/Estt dtd 17.12.97	2.11.86 : Lastly w.e.f 1.2.86
5) Promoted to Gr III(3) Vide O.M. No. RLJ-13(262)/Estt dtd. 17.12.97	w.e.f. 1.2.91
6) Promoted to Gr III(4) Vide memo No. RLJ-106(REC)/99-SA dtd 27.11.2000	w.e.f 1.2.94

N. B. Leave particulars submitted along with earlier papers.

Amr
ndm
2000

EC 22 19

1. Appointed as J.L.A and joined on 28.10.1977 on pay scale of Rs. 260.00 - Rs.480.00 with ten advance increments at Rs. 340.00 as basic .
2. Promoted to S.L.A. Gr.-II (3) w.e.f. 01.02.1981 at the pay scale of Rs. 380.00 - Rs.640.00 vide O.M. dt. 01.03.1982, 02.07.1982 and 30.08.1982 (As per Velluri/ Varadarajen Committee Report).
3. Promoted to J.T.A. Gr.-III(1) in the pay scale of Rs. 425.00 - 700.00 w.e.f 01.02.1982 vide O.M. dt. 30.04.1984 and finally w.e.f 01.02.1981 vide O.M.nos.14.07.1991, 05.11.1997 and 17.12.1997(As per CSIR circular).
4. Promoted to S.T.A. Gr.-III(2) in the pay scale of Rs. 1640.00 - Rs. 2900.00 w.e.f.01.02.1987 vide O.M. dt. 26.09.1987 under NRAS and finally w.e.f. 01.02.1986 vide O.M. dt. 17.12.1997(In accordance with CSIR circular).
5. Promoted to T.O.(A) Gr.-III(3) in the pay scale of Rs.2000.00 - Rs. 3500.00 w.e.f. 02.11.1991 vide O.M. dt. 05.07.1995(MANAS) and finally w.e.f. 01.02.1991 vide O.M. no. 17.12.1997(In accordance with CSIR circular).
6. Promoted to T.O. (B) Gr.- III(4) in the pay scale of Rs. 2200.00 - Rs. 4000.00 (Pre-revised) w.e.f. 01.02.1994 vide O.M. dt. 27.11.2000.

Tapas Kumar Bhattacharya 7a
Signature of the applicant. 26-03-2002
(Respondent No. - 10)

Amended
Wm
1888