

30/100

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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Disposed Order - 27/03/02

O.A/T.A No. 190/02

R.A/C.P No.

E.P/M.A No. 81/02

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2. Judgment/Order dtd. 27/03/2003Pg. 1to 3 Disposed
3. Judgment & Order dtd.Received from H.C/Supreme Court
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8. Rejoinder.Pg.to
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11. Memo of Appearance.
12. Additional Affidavit.
13. Written Arguments.
14. Amendement Reply by Respondents.
15. Amendment Reply filed by the Applicant.
16. Counter Reply.

SECTION OFFICER (Judl.)

FORM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 190/2002
Misc Petition No. _____
Contempt Petition No. _____
Review Application No. _____

Applicants. Pilerson Das

-Vs-

Respondant(s) H.O. I Jans

Advocate for the Appellant(s) H. Rahman, Ibrahim Deka, W. J. Konyak

Advocate for the Respondant(s) CASE.

Notes of the Registry	Date	Order of the Tribunal
-----------------------	------	-----------------------

20.6.02

Heard Mr. H. Rahman learned
counsel appearing on behalf of the
applicant.

Issue notice on the respondents
to show cause as to why ^{the} application
shall not be admitted. Returnable by
4 weeks. List on 22.7.02 for Admission

IC Ushar
Member

[Signature]
Vice-Chairman

lm

22.7.2002

Keeping the question of limita-
tion open the application is admitted.
The respondents are ordered to file writ-
ten statement.

List the case on 20.8.2002 for
order.

[Signature]
Vice-Chairman

bb

79577381
10-6-2002
NO steps has been
filed. JTS
19/6/02
Notice prepared
and sent to D. Section
for issuing of the
same to the respondent
through Regd. post
with A/D. D. No. 1827 to 1829
Dtd - 27/6/02
25/02

(2)

O.A. 190/2002

No. written statement
has been filed.

30
19.8.02

20.8.02 On the prayer of learned counsel
for the Respondents further four weeks
time is allowed to the Respondents to
file written statement. List on
17.9.2002 for orders.

1 C. U. Sharma
Member

[Signature]
Vice-Chairman

mb

No. written statement
has been filed.

30
5.11.02

17.9.02 On the prayer of Mr. B.C. Pathak,
learned Addl. C.G.S.C. for the respondents
four weeks time is allowed to the respondents
for filing written statement.

List on 6.11.2002 for orders.

[Signature]
Vice-Chairman

mb

No. written statement
has been filed.

30
4.12.02

6.11.02 List again on 5.12.2002 to enable
the respondents to file written statement.

1 C. U. Sharma
Member

[Signature]
Vice-Chairman

mb

5.1.2002

Written statement has been filed.
Copy has been served to the learned
counsel for the applicant. List the
case for hearing on 30.1.2003.

1 C. U. Sharma
Member

30.12.02

Not submitted
by the Respondent.

mb

30.1.2003

Mr. Rabi Sagar, learned counsel
appearing on behalf of Mr. H. Rahman,
learned counsel for the applicant prayed
for adjournment of the case on the ground
of absence of Mr. H. Rahman. Mr. Sagar
also submitted to be listed O.A. 191/02
alongwith this O.A. Mr. Sagar, learned
counsel further submitted that in O.A.
191/02 though written statement was file
earlier he is yet to get the copy of the

30.1.2003 Mr. Rabi Sagar, learned counsel appearing on behalf of Mr. H. Rahman, learned counsel for the applicant prayed for adjournment of the case on the ground of absence of Mr. H. Rahman. Mr. Sagar submitted that the like case O.A. No. 191/2002 to be listed alongwith this O.A. Mr. Sagar also submitted that in O.A. 191/2002 though written statement was filed earlier he is yet to get the copy of the same. Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents ^{has} requested to undertake ^{to serve a} copy of the written statement ^{to the counsel for the Applicant} in course of the day. ^{are} The both cases accordingly adjourned and posted for hearing on 19.2.2003.

Member

Vice-Chairman

mb

19.2.2003

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

The Hon'ble Mr. S. Biswas, Administrative Member.

Mr. H. Rahman, learned counsel for the applicant prays for adjournment of the case on personal ground. Learned counsel for the respondents has no objection. The case is accordingly, adjourned. List the matter again on 27.3.2003 for hearing.

Member

Vice-Chairman

mb

27.3.2003

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.

Member

Vice-Chairman

nkm

W/S has been filed

26.3.03

16.4.2003

copy of the order has been sent to the office for stamp the same to the applicant as well as to the Sr. C.G.S.C.

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. / ~~R.A.~~ XXXX No. 190 . . . of 2002

And

O.A.No. 191 of 2002

DATE OF DECISION 27.3.2003.....

1. Shri Tileswar Das (in O.A.No.190/2002)

2. Shri Majoj Kumar Das (in O.A.No.191/2002)

..... .APPLICANT(S).

Mr H. Rahman, Ivalina Deka and

W.T. Konyak

..... .ADVOCATE FOR THE
APPLICANT(S).

- VERSUS -

The Union of India and others

..... .RESPONDENT(S).

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

Mr B.C. Pathak, Addl. C.G.S.C.

..... .ADVOCATE FOR THE
RESPONDENT(S).

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

THE HON'BLE MR S. BISWAS, 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 Ho'ble Vice-Chairman

No

6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.190 of 2002

And

Original Application No.191 of 2002

Date of decision: This the 27th day of March 2003

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

The Hon'ble Mr S. Biswas, Administrative Member

(I) O.A.No.190/2002

Shri Tileswar Das,
S.o Late Loknath Das,
Resident of Chandradhar Baruah Nagar,
Regional Research Laboratory, Jorhat.

(II) O.A.No.191/2002

Shri Manoj Kumar Das
S/o Late Lakheswar Das
Resident of Regional Research Laboratory Colony,
Jorhat.

.....Applicants

By Advocates Mr H. Rahman, Ivalina Deka
and W.T. Konyak.

-versus-

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

.....Respondents

By Advocates Mr A. Deb Roy, Sr. C.G.S.C. and
Mr B.C. Pathak, Addl. C.G.S.C.

.....



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O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

Both the cases were taken up together since common questions of law and facts are involved.

2. Both the cases relate to consideration of the case of the applicants for promotion in the light of the scheme of MANAS as amended from time to time.

3. The applicants are working under the respondents in the Regional Research Laboratory, Jorhat. The respondents authority with a view to provide promotional benefit, introduced a scheme, more effectively known as the MANAS which came into force on and from 1.4.1992 and continued upto 1.4.1992. The said Scheme was revised and the revised Scheme came into effect from 1.4.1992. Admittedly, the applicants did not possess the entry level qualification at the time of their initial appointment. They, however, acquired the special qualification in 1988 and 1991 respectively.

4. The applicant in O.A.No.190/2002 was first appointed on 31.12.1977 as Group 1(I) in the scale of pay of Rs.196/-. Since he was a non-Matriculate he was initially appointed in the lowest category of post, i.e. Group I (1) in the scale of pay of Rs.196/- (revised scale of Rs.750-940). As per the prevailing policy of promotion, he was assessed in 1984 and promoted as Group I(2) in the scale of pay of Rs.210/- (revised scale of Rs.802-1150). He was again promoted in the year 1992 as Group I(3) in the scale of pay of Rs.260/- (revised scale of Rs.950-1400). The applicant thereafter passed the ITI Plumber Trade.....

Trade in 1991 and his grievance is that after he acquired the higher qualification he was not considered for promotion under the Scheme though he was considered for promotion in the normal channel.

5. Similarly, the applicant in O.A.No.191/2002 was first appointed as Technical Group (1) in the year 1979 in the scale of pay of Rs.196/-. He was promoted as per assessment in the year 1986 in the scale of pay of Rs.210 in Group I(2). This applicant also passed the ITI examination in Fitter Trade in the year 1988. According to the applicant he was entitled for promotion in the year 1988 after acquiring the qualification of Feeder Trade. He was, no doubt promoted as Group 1(3) in the year 1994 as a normal assessment promotion in the scale of pay of Rs.260-4500. The applicant is also smarting under the grievance that his case was not considered in the light of the MANAS Scheme which was revised subsequently.

6. The respondents contested the claim of the applicants and stated that there is no illegality in the action of the respondents and their cases were duly considered.


7. We have heard Mr H. Rahman, learned counsel for the applicants in both the cases and also Mr A. Deb Roy, learned Sr. C.G.S.C. appearing on behalf of the respondents in O.A.No.190/2002 and Mr B.C. Pathak, learned Addl. C.G.S.C. appearing on behalf of the respondents in O.A.No.191/2002. We have also perused the promotional scheme which is of beneficial nature.

8. From a perusal of the materials submitted before us, it is found that the applicants submitted their representations.....


representations for consideration of their case for promotion in the light of the Scheme which was subsequently revised. It is also a fact that both the applicants acquired the entry level qualification. Considering the facts of the cases and the materials placed before us, we are of the opinion that ends of justice will be met if a direction is issued on the applicants to submit their representations before the authority for consideration of their case for promotion. Accordingly the applicants are directed to submit their representations ventilating their grievances before the authority claiming promotion under the Scheme within four weeks from the date of receipt of the order. If such representations are made the respondents are ordered to consider the same justly and fairly in accordance with law and pass appropriate orders according to law.

9. Needless to state that while considering the case of the applicants the respondent authority shall take note of the Scheme as amended from time to time as well as any other existing scheme and pass a speaking order. The respondents are directed to complete the above exercise as expeditiously as possible preferably within three months from the date of receipt of the representations from the applicants.

10. With the above observations both the applications stand disposed of. There shall, however, be no order as to costs.


(S. BISWAS)

ADMINISTRATIVE MEMBER


(D. N. CHOWDHURY)
VICE-CHAIRMAN

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

Original Application No. 190 /2002

Tileswar Das

..... Applicant

- VS. -

Union of India & others

..... Respondents

I N D E X

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Filed by

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL:
GUWAHATI BENCH AT GUWAHATI.

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

ORIGINAL APPLICATION NO. 190 / 2002.

Shri Tileswar Das,

S/o late Loknath Das, resident of
Chandradhar Baruah Nagar, Regional
Research Laboratory, Jorhat.

..... Applicant.

- VERSUS -

1. The Union of India,
2. Director General, Council of
Scientific & Industrial Research,
Raj Marg, New- Delhi: 110001.
3. Director, Regional Research Laboratory,
Jorhat, Assam.
4. The Controller and Administration,
Regional Research Laboratory, Jorhat,
Assam.
5. Section Officer, Regional Research
Laboratory, Jorhat, Assam.

..... Opposite Party.
Respondents.

Sri Tileswar Das -
Filed by - Chandradhar Baruah
Advocate
17/6

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Sri Hilerwer Das

1. PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION IS MADE:-

This application is made against Order No. 17/66/32/95-PPS dated 20.12.99 issued under the signature of the Under Secretary to the Council of Scientific & Industrial Research and communicated under Memo No. RLJ.14(161) ESTT/79 dtd. 10.1.2000 rejecting the prayer petition of the applicant .

.....(Annexure- 1)

II. JURISDICTION :-

The applicant declares that the cause of action of the application is within the jurisdiction of this Hon'ble Tribunal.

III. LIMITATION :-

The applicant further declares that this application is not within the prescribed period of limitation and, as such, a separate application has been filed for condoning the delay.

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 Group I(4) in the Regional Research Laboratory at Jorhat, Assam.
2. That your humble applicant was initially appointed

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Sri Hileswar Das

Group 1(I) in the scale of pay of Rs. 196/- on 31.12.1977 . At the time of appointment your humble applicant was Non-Matric and he was initially appointed in the lowest category of post i.e. Group I(1) in the scale of pay of Rs. 196/- (Revised scale of pay Rs. 750- 940).

3. That your humble applicant was initially appointed in 1977 and thereafter as per prevailing policy of promotion , he was assessed in 1984 and was promoted as Group I(2) in the scale of pay of Rs. 210 (now revised in the scale of pay of Rs. 802- 1150).

4. That your humble applicant again~~xx~~ promoted as a usual course in 1992 as Group I(3) in the scale of pay of Rs. 260/- now revised as Rs. 950- 1400/--

5. That your humble applicant passed out the ITI Plumber Trade in the year, 1991 and by virtue of acquiring a higher qualification in entry level is entitled for the next promotion as per prevailing promotion policy in the Regional Research Laboratory, Jorhat . But after acquiring the entry level higher qualification in the year, 1991 he was not considered for promotion as a special case and in a normal way he was again promoted as Group I(4) in the scale of pay of Rs. 330- 560/- presently Rs. 1350- 2200/-.

6. That your humble applicant is presently working

as Group I(4) and this post was occupied by your humble applicant as per normal promotion policy of assessment promotion. As per normal assessment promotion of the eligible candidates are entitled for promotion after assessment to every seven years and your humble applicant is also promoted as Group I(4) in 2001 in his normal promotion policy and since then he is still working in the same post from 2001 although he is entitled to the next grade of promotion for acquiring the entry level higher qualification in the year, 1991.

7. That your humble applicant begs to state there/
that though ~~he~~ was no clear-cut guidelines for promotion to Group I staff under the Regional Research Laboratory, Jorhat and after introduction of merit and normal assessment scheme hereinafter referred to as "MANAS" effective from 1.4.1988, your applicant is entitled for promotion to the next higher grade as per 2.5.8 of the Scheme.

8. That your humble applicant begs to state that when the MANAS came into operation on and from 1.4.1988 and it continued up to 1.4.1992. During this period your applicant acquired the special qualification of ITI Plumber Trade in 1991 and as the applicant has acquired the entry level higher qualification in 1991 and he was appointed in 1977 as per Circular No. 171/66/94-PPS dtd. 17.6.95 issued under

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Sri Yileswar Das

the signature of Deputy Secretary of Council ~~xxxx~~ of Scientific and Industrial Research, your humble applicant is entitled for the benefit of promotion as he has acquired the special qualification. The circular clearly mentioned that the condition of qualification in respect of those who were in position on 1.2.1981 in Group I in the pre-revised scale of 260- 550/- and in Group II in the pre-revised scale of Rs. 425- 700/- has been relaxed as an exceptional case by the Director General, C.S.I.R. by virtue of acquiring experience, specialised skill etc. assessment of these persons can be considered up to Group II(3) in the scale of Rs. 1400- 2300/- and Group III(3) in the scale of Rs. 2200- 4000/- in the respective groups. As per letter dtd. 17.6.95, your humble applicant is entitled for consideration of his next promotion on an assessment as a special case for acquiring higher qualification. But your humble applicant was not considered for assessment promotion as per the circular though your applicant has acquired the entry level qualification of I.T.I. passed in 1991.

8. A copy of the letter dtd. 17.6.95 is enclosed herewith and marked as Annexure- 2.

9. That your humble applicant begs to state that as per letter issued on 19.6.95 your humble applicant is entitled for the promotion for acquiring the entry level higher qualification in 1991, but his case was not considered by the authority and as such, your

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Hileswar Das.
Sri

humble applicant has submitted a representation before the authority for redressal of his grievances. *Sri Nileswar Das*

10. That your humble applicant begs to state that after receipt of the representation from the applicant the Regional Research Laboratory, Jorhat sought for some clarification regarding the revised MANAS effective from 1.4.1992 from the Council of Scientific & Industrial Research, New Delhi. In reply to the letter from the laboratory a clarification letter was issued on 13.2.1996 by the Joint Secretary, Council of Scientific and Industrial Research, Jorhat in which it was clarified that those employees who were in position as on 1.2.1981 and have acquired higher qualification i.e. the entry level qualification for movement from one group to another is eligible as per provision 6.4.7 and 2.3.5 of the pre-revised and revised MANAS RESPECTIVELY. It was also clarified in this regard that the benefit as envisages under the above provision is admissible prospectively to all the employees who were in position ~~as~~ as on 1.2.1981 and acquired the qualification of the next higher grade at any time after 31.12.1981 without restriction of any cut of date for acquiring the same. As such, your applicant is entitled for the benefit of promotion as your humble applicant was initially appointed on 31.12.77 and he was in the service on 1.2.1981 and he acquired higher qualification i.e. entry level qualification of ITI in the year, 91.

A copy of the circular dated 13.2.1996 is enclosed herewith and marked as Annexure- 3.

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Sri Jileswar Das.

11. That your humble applicant begs to state that as per letter dtd. 19.6.95 and 13.2.1996, your humble applicant is entitled for the benefit of promotion, they were not promoted and so they have submitted the memorandum, representation etc. . Ultimately, the Section Officer of the Regional Research Laboratory Jorhat issued a notice on 1.5.1997 directing all the employees to submit their entry level qualification and detailed information who were eligible as per circular for consideration of their case. The said notice was circulated on the Notice Board of Regional Research Laboratory, Jorhat on 1.5.1997.

A copy of the said notification is enclosed herewith and marked as Annexure- 4.

12. That your humble applicant begs to state that though the applicant has submitted his application before the authority, but his case could not be considered and still he is working in the same post as a Grade- I and his case of promotion is not considered in the light of the circular dated 19.6.1995 and 13.2.96.

13. That your humble applicant begs to state that as per the date of appointment, your humble applicant was appointed on 13.12.1977 in Grade I(1) and he

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Hileswar San

and he acquired qualification ~~en~~ of I.T .I. (Plumber) in 1991 and for acquiring entry level qualification in 1991, your humble applicant is entitled for movement & from Grade I to Grade II as per MANAS revised MANAS

It may be mentioned herein that the MANAS was introduced on and from 1.11 . 1988 and revised MANAS on 1.4.1992. In both the MANAS AND revised MANAS ^{re} the was a clear-cut guidelines as per the Schemes for which your humble applicant is entitled for consideration of promotion from Grade I to Grade II.

14. That your humble applicant begs to state that as the applicant was not promoted after several representations , he has no other alternative but to file this application before this Hon'ble Tribunal for redressal of his grievances so that the case of your applicant for promotion may be considered by this Hon'ble Tribunal.

I. LEGAL GROUNDS FOR RELIEF:-

1. For that your humble applicant is entitled for promotion as per MANAS and also revised MANAS as the MANAS WAS implemented on 1.4.1988 and revised MANAS was implemented on 1.4.1992, your humble applicant acquired the qualification of ITI in 1991.

2. That your humble applicant is also entitled for promotion as per revised MANAS and also under MANAS in the year, 1991. But his case of promotion is not considered till today even after issuance of circular

by the Council of Scientific and Industrial Research,

3. For that your humble applicant was initially appointed on 31.12.1977 in Grade I(1) and still he is working in Grade I although he has acquired the entry level qualification in the year, 1991 and as per MANAS and revised MANAS your applicant is entitled for consideration of his promotion as per MANAS and revised MANAS AND ALSO as per letter dtd. 13.2.1996.

4. For that your humble applicant is entitled for prospective promotion on and from 1991 as MANAS was introduced in 1988 and it was in force up to 1.4.1992 and revised MANAS was introduced on 1.4.1992 and as per both the schemes your humble applicant is entitled for promotion on Group change from Group- I to Group- II.

5. For that your humble applicant is entitled for promotion as per circular issued by the Council for Scientific and Industrial Research dtd. 19.6.95 and 13.2.1996.

6. For that in any view of the matter, your humble applicant is entitled for promotion from Group I to Group II, which was considered by the authority till today and, as such, your humble applicant filed this application before this Hon'ble Tribunal.

II. DETAILED OF THE REMEDY EXHAUSTED:-

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

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Sri Yileshwar Das

III. MATTERS NOT PENDING IN ANY OTHER COURT/TRIBUNAL.

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

IV. RELIEF PRAYED FOR:-

That the respondents may be directed to consider the case of the applicant as per provision of MANAS and revised MANAS and the letter dated 19.6.95 and 13.2.1996 issued by the Council for Scientific and Industrial Research .

AND/OR

Pass necessary orders as your Lordships may deem fit and proper.

V. INTERIM RELIEF PRAYED FOR:-

VI. Particulars of Postal Order:-

Postal Order No.:- 7A 577381
Date of Issue:- 10.6.2002
Issued from:- R.P.O Raichak
Payable at Raichak

VII DETAILS OF INDEX:-

An index showing the particulars of documents is enclosed.

VIII. LIST OF ENCLOSURES :-

As per index.

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

I, Shri Tileswar Das, S/O late Loknath Das, aged about 42 years, resident of Regional Research Laboratory Colony, Jorhat, do hereby solemnly affirm and verify that the statements made in this application is 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 as true to my knowledge and belief and I have not suppressed any material facts.

AND

I sign this verification on this the 17th Day of June, 2002 at Guwahati.

Place:-

Date:-

Shri Tileswar Das

DECLARANT

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COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH

Anusandhan Bhavan, 2, Rafi Marg, New Delhi-110 001

No. 17/66/32/95-PPS

Dated 20.12.1999

The Director,
Regional Research Laboratory,
Jorhat-785 006.

Sir,

With reference to your letter No. RLJ-14(161) Estt¹⁷~~75~~, dated 29.11.99 forwarding representations from S/Shri Tileswar Das and Manoj Das regarding movement to next group under para 6.4.7 of MANAS, I am directed to state that under the special provision contained in paras 6.4.7 and 2.3.5. of pre-revised and revised MANAS approved by the G.B. the benefit of movement to next group is admissible from prospective effect from the date of notification of the approval of the competent authority to the recommendations of the Selection Committee. This amounts to fresh selection and cannot take effect from retrospective effect. The qualification possessed by such employees at the time of consideration of their cases under the said paras is taken into consideration.

Attested
S. Deka
Advocate

It is, therefore, regretted that the cases of the employees under reference cannot be considered under para 6.4.7 of MANAS at this stage and the decision already communicated vide this office letters dated 26.10.98, 18.3.99, 29.4.99 and 23.8.99 is reiterated. However, the existing assessment scheme including the issue under reference has also been considered by the Apex Committee and if there is any change in the existing position on the recommendations of the

Contd....2/-

committee as may be finally approved by the competent authority, the same will be notified to the Labs./ Instts. and their cases could be considered accordingly.

Sd/- Y. Ramakrishna
Under Secretary

.....

REGIONAL RESEARCH LABORATORY: JORHAT

No. RLJ-14(161)/Estt./79

Dated: 10.1.2000

Copy to :

1. Sri M.K.Das, Tech, RRL, Jorhat for information.
2. Sri Tileswar Das, Tech, RRL, Jorhat for information.
3. Personal File of S/Sri M.K.Das & Tileswar Das.

SECTION OFFICER.

*Attested
J. De Ka
Advocate*

COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH

RAFI MARG

No. 17/66/94-PPS

New Delhi-11001, the 17.6.1995

From

Joint Secretary(Admn)
Council of Scientific and Industrial Research

To,

The Heads of all the
National Labs./Instts.

Sub: Revised MANAS effective from 1.4.1992 - some
clarifications regarding.

Sir,

I am directed to invite your kind attention to D.U. letter No.17(66)/94-PPS dated 1st Sept., 1994 from Shri Dilip Kumar, J.S. (Admn.) CSIR forwarding a copy of the revised MANAS approved by the competent authority for implementation w.e.f. 1.4.92 and to state that references have been received in this office from some of the Labs-/Instts. after issuance of the above document, seeking clarifications regarding some of the provisions of the revised MANAS. These points are clarified as under for your kind information, guidance and necessary action.

1. There was a provision under the pre-revised MANAS made effective from 1.4.88 vide para 2.5.8 to the effect that

" Those (employees) in Group III Sc V(A)

Attested
J. Delka
Advocate

Contd....2/-

who did not not possess qualifications of the lowest Grade of these Groups on 1.2.81 will be eligible on consideration for assessment upto Grade III (2) ^{v(A)} ~~v(A)~~ (2) (Rs.1640-2900) only. However, condition of qualification in respect of these position on 1.2.81 in Groups I & II pre-revised scales of Rs.260 ~~350~~ (revised Rs.950-1400) and Rs.475 (revised Rs.1400-2500) has been relaxed and an exceptional case by the DVC, CSIR by virtue of acquiring experience, specialised skill etc. assesment of these persons can be considered upto Grade II (v) in the scale of Rs.1400-2300 and Grade III (4) in the Scale of Rs.2200-4000."

The Governing Body while considering the revision of the MANAS, decided to delete the above provision from MANAS taking a view that there may be stray cases requiring the application of the said provision under Para 2.5.81 of the pre-revised MANAS. While deciding to delete the said provision, the Governing Body at the same time also decided that separate administrative instruction could be issued to decide such stray cases that may come up in future.

Pursuant to the decision of the Governing Body and above, it has administratively been decided that under the revised MANAS implemented w.e.f. 1.4.92 also, the employees in Group III ^{v(A)} ~~v(A)~~ who did not possess the qualifications of the lowest grade (entry level qualifi

cations prescribed under NRAS of these Groups on 1.2.1981, will be eligible for consideration for assessment upto Gr.III(2) and V (A) (2) Rs.1640-2900 only. However, if the condition of qualification in respect of those who were in position on 1.2.81 in Group-I in the pre-revised scale of Rs.260-350 (revised Rs. 950-1400) and in Group II in the pre-revised scale of Rs.425-700 (revised Rs.1400-2300) has been relaxed as an exceptional case by the DCA, SSIR by virtue of acquiring experience, specialised skill etc., assessment of these persons can be considered upto Grade II (3) in the scale of Rs.1400-2300 and Grade III (4) in the scale of Rs.2200-4000 in the respective Groups. Accordingly, para 1.3.2 of the revised MANAS containing the provision that "for assessment promotion within the same group, the restriction of minimum qualification and experience will not apply for the existing employees" may be deemed to have been modified to the above extent in respect of the above categories of employees in Group III and V(A).

2. Para 0.6.7. of the revised MANAS provides that "For foreign assignment/deputation, study leave EOL which has not resulted in break of service where no ACRs/APARS are available, average of percentage of marks as obtained for interview and peer review combined for Group IV and interview(including trade test) for other Groups will be counted for Normal assessment only by

Contd....4/-

conversion of rating given by the outside organisation into 7 point scale. For this purpose, at least three ACRs/ APARs written in CSIR Labs. Hqrs. are required."

It may kindly be seen from the above that the provision has been made under the said para for regulating the cases of assessess involving foreign assignment/deputation, study leave, EOL, with or without the availability of ACRs/APARs for the period of their foreign assisgnment/ deputation etc . The conversion of rating given by the outside organisation into 7 point scale in envisaged only in respect o f the cases where the ACRs/APARs may be available. But this is not very clear from the language of the para as it is. It is , therefore, claridied that Para 0.6.7. under the revised MANAS may be deemed to have been modified as under:-

% For foreign assisgnment/ deputation study leave EOL which has not resulted in break of service where no ACRs/ APARs are available, average of percentage of marks as obtained for interview and peer review combined for Group IV and interview (including trade test) for other Groups will be counted for Normal Assessment only.If, However, the ACRs |APARs for the said period are available , then the rating given by the outside organisation will be converted into 7 pointst scale. For above purposes, at least three ACRs /APARs written in CSI R Labs/ Instts are required."

3. It has also been noted that para 6.4.7. and 2.3.5. of the old and revised MANAS respectively are being misinterpreted by some of the Labs./Instts. who are taking them at par with other provisions of MANAS applicable for assessment promotions for the next higher grades for the purpose of determining the effective date of promotion to the higher group post, and are giving the benefit to the concerned employees with retrospective effect of 1.4.1988 i.e. the effective date of implementation of the old MANAS ~~containing~~ this provision, on the basis of the interviews conducted by them under the provisions of the said paras much after 1.4.1988, which is not in order. It is , therefore, clarified here that the benefit of placement in the higher group under the provisions of the said paras is admissible to the concerned employees from prospective effect from the date of their joining on the higher Group post after their selection for the same on acquiring a comparable level expected in open recruitment to such positions through the selection Committee constituted as per the instruction.

4. Clarifications are also being sought by the Labs/Instts. whether there is any cut off date for acquiring the qualification of next higher group by the employees who were in position as on 1.12.81 for being eligible for the benefit of movement to higher group under the provision of paras 6.4.7. and 2.3.5 of the pre-revised and revised MANAS,

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respectively. It is clarified in this regard that the benefit envisaged under the above provision is admissible prospectively as explained in para 3 here above, to all the employees who were in position as on 31.12.81 and acquire the qualifications of the next higher group at any time after 31.12.81 without the restriction of any cut off date for acquiring the same.

5. It has also been observed that inspite of the fact that it has been clearly stipulated under the relevant provisions under the old as well as the revised MANAS that ASsessment Committees will be consituted from the approved panel of experts, as per prescribed constitution, some~~exx~~ of the labs/instts. are not following these guidelines strictly, inasmuch as they are including the expert ~~members~~in the Assessment Committees from outside the approved expert panels and in some cases more members than the number prescribed under the relevant provisions are being put in the Assessment Committee. In this connection, it is clarified that the asessment Committees have to be consitituted invariably out of the experts panels (both internal CSIR as well as outside experts) only, and the number of experts should also not exceed the number prescribed under the relevant provisions. Needless to emphasize any kind of violation of the procedure/ guidelines approved by the competent authority, irrespective of its magnitude, could be challanged and may not withstand the legal scrutiny. It is therefore,

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necessary to ensure that all actions are taken strictly in accordance with the prescribed provisions/ guidelines and related instructions without allowing any violation of any kind.

It is ~~requested~~ that the above clarifications may kindly be brought to the notice of all concerned in your Labs./Instts. for their information, guidance and necessary actions.

Kindly, acknowledge the receipt.

Sd/- B.S.Gaira
Deputy Secretary.

Copy to :

1. F&AOs | F&AOs at all labs/instts.
2. Sr.F&AOs /F&AOs in CSIR Hqrs.
3. DS CU/US(CO)
4. Sr.Dy. FA(F) /Dy FA(B) (R),

Attested
Sd/-
Advocate

COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH

Rafi Marg

No. 17/66/9A-PPS New Delhi 110001, the 15th Feb, 1996

From

Joint Secretary(Admn,)

Council of Scientific & Industrial Research

To

The Directors of Heads of all the
National Labs.Instts.Sub :- Revised , MANAS effective from 1.4.1992-
Some clarifications regarding.

Sir,

I am directed to refer to CSIR letter of even number dated 19.6.1995, on the above subject and to state that the benefit envisaged under paras 6.4.7., 2.3.5 of the pre-revised and revised of MANAS respectively is admissible only to the employees who were in position on 1.2.81. Keeping this position in view, it is , requested that para 4 of the said CSIR circular letter may be deemed to have been modified to read as under:-

" Clarifications are also being sought by the Labs/Instts. whether there is any cut off date for acquiring the qualification of next higher group by the employees who were in position as on 1.2.81 for being eligible on the benefit of movement to higher group under the provisions of Paras 6.4.7. and 2.3.5 of the pre-revised and revised MANAS respectively, It is clarified in this regard that the benefit envisaged under the

Attested
Indika
Advocate

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above provisions is admissible prospectively as explained in para 3 herein above to all the employees who were in position as 1.2.1981 and acquire the qualifications of the next higher group at any time after 31.12.81 without the restriction of any cut off date for acquiring the same."

~~Sd/-~~ Girish Chopra
Under Secretary.

Copy to :

1. Sr. F&AOs/F&AOs of all Labs/Instts.
2. All Heads of Divisions /Sections in CSIR Hqrs. /CSIR.

Attested
Indira Deka
Advocate

REGIONAL RESEARCH LABORATORY: JORHAT (ASSAM)

No. RRL J/REC/97

Dated : 01.05.97

NOTICE

The competent Authority likes to consider the cases of employees who were in position on 01.02.81 and acquired after 31.12.81, the entry level qualifications of the group next higher to the one in which they were placed as per the revised MANAS Clause 7.3.5. All the eligible candidates are requested to submit their applications with detail information accordingly on or before 20.5.97 failing which it will be difficult to consider their cases.

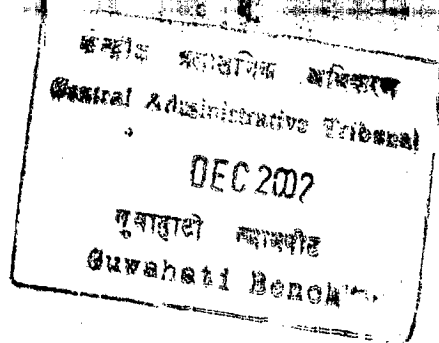
Sd/- B.J. Deuri

Section Officer.

CC:

1. All Heads of Divn/ Sec for kind information and circulation among the staff members of their Divns/Sec.
2. All Notice Boards.
3. Scientist-in-charge, BLT, Itanagar.
4. SPA to Director.

Attested
S. Debi
Advocate



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI.

O.A. NO. 190 OF 2002

Shri Tilenwar Das.

-vs-

U.O.I. & Ors.

-And-

IN THE MATTER OF :

Written statement submitted by
the respondents.

The Respondents beg to submit written statement
as follows :-

1. That with regard to para - 1 to 4, the respondents beg to offer no comments.
2. That with regard to para - 5, the respondents beg to state that the applicants has passed ITI trade in the year 1991. However merely acquiring higher qualification does not make one eligible for changing the existing group to higher group automatically. Moreover, all scientific/technical posts in a National Laboratory/Institute are

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created on functional needs. It is also pertinent to mention that as per para -6,4,7 of MANAS-"Whenever posts are not advertised in any particular year or if advertised do not cover the specialisation of any particular scientist/technologist of above category, special interviews may be arranged for them only as a one measure. Their selection will be on acquiring a comparable level expected in open recruitment to such position".

3. That with regard to para - 6, the respondents beg to state that the applicants was promoted to Gr.1(4) on 31.21.1996 as a normal promotional policy, not in 2001 as mentioned in this para.

4. That with regard to para - 7, the respondents beg to state that there was clear cut promotional policy for Gr.I staff even prior to introduction of MANAS w.e.f.

01.04.1988. The Scheme was known as NRAS (Normal recruitment and Assessment Scheme). However, para - 2,5,8 of MANAS was not relevant to Group change ~~Scheme~~ Scheme. Whatever contention of Group change scheme, it was included in para 6,4,7 of MANAS.

On introduction of NRAS w.e.f. 1.2.81 the entire S & T staff had been divided into 4 groups, each group consisting of a number of grades. This internal assessment Scheme had been extended down to the level of Class - IV/ Group - D Numbers of Years of service required for consideration for assessment to the next higher group and grade and number of chances have been specified. The Scheme was modified as MANAS introduced w.e.f. 1.4.88 and 1.4.92 respectively. Under the existing assessment Scheme, the employees in each group are considered for assessment promotion on completion of specified number of years of service in the same group. There is no movement from one group to another and the employees could move to next group against open selection.

For those who were in position as on 1.2.81 and acquired entry level qualification of next group after 31.12.81 a special provision has been made under paras 6, 4, 7 & 2, 3, 5 of MANAS and revised MANAS. Such employees could be considered for movement of next group as per procedure laid down on therein on the recommendations of the Selection Committee on their acquiring a comparable level expected in open recruitment to such positions. This amounts to fresh

selection and the benefits is admissible from prospective effect. The qualification possessed by the employees at the time of consideration of their cases under the said paras is taken into consideration. This is not an assessment for which an employee is considered for assessment promotion on completion of specified number of years in the existing grade in the same group.

As regards para - 2,5,8 of MANAS and CSIR circular dated 19.6.95 the same relates to restriction of Assessment in the same group and do not pertain to the issue under reference. Shri Tilaswar Das is not possession of entry level qualification of Group - II he is eligible for consideration for movement to Group-II under the guidelines.

5. That with regard to para - 8, the respondents beg to state that the applicant has acquired the qualification. HOWEVER, changing the group was not ~~quite~~ automatic method, if post was advertised and no suitable candidate found then special assessment may be arranged as a one time

Qb

- 5 -

measure among the internal candidates. In second part of this para, he has again mentioned the para - 2,5,8 of MANAS, which was not at all relevant to Group change scheme. Whatever necessary guidelines for this, it was incorporated in para 6,4,7 of MANAS.

6. That with regard to para 9, the respondents beg to state that Group change para was incorporated in 6,4,7 of MANAS. Not as he mentioned in the letter issued on 19.06.95 and Group change is not a regular phenomenon of normal assessment.

7. That with regard to para - 10, the respondents beg to state that however, changing the Group from existing Group to higher Group is not automatic. It is need based, as it is mentioned earlier in para - 6,4,7.

8. That with regard to para - 11, the respondents beg to state that notice was circulated to all employees having such grievances and a committee was constituted to discuss the pros and cons of the issue. Based on the recommendation of the committee the case of the petitioner was referred to C.S.I.R.

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Head Qrs. New Delhi for future examination. The C.S.I.R. Headquarters, on their part too examined the case several times with their wisdom and found that the applicant is not covered by the existing rules in force.

9. That with regard to para - 12, the respondents beg to state that since group change is done prospectively, it cannot be considered at this stage, since he does not possess entry level qualification under the extant

Revised MANAS. As per Revised MANAS, entry level qualification for group - II is SSC/10th standard with 50% marks in the aggregate and ITI certificate of two years certificate, he is not SSC/10th standard passed for which his request for group change was turned down by CSIR.

10. That with regard to para - 13, the respondents beg to state that though he acquired ITI qualification as per Revised MANAS, this qualification was not in conformation with Group - II, because as per revised MANAS, he should be a matriculate along with ITI Diploma.

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

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

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

I, Sri Naba Kumar Barman presently
working as Administrative Officer be duly
authorised to sign this verification, do hereby solemnly
affirm and declare that the statements made in ~~this~~
paras 2 to 10 are true to
my knowledge and belief, these made in paras
are true to my information derived
therefrom and rest are my humble submission, I have not
suppressed any material fact.

And I sign this verification on the 26 th
day of Nov , 2002.


26/11/2002
DECLRANT.

Administrative Officer

Regd

No-185000 (Assam)