

FORM NO. 0
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Original Application No. 19/06
Misc. Petition No. _____
Contempt Petition No. _____
Review Application No. _____

Applicant(s) Smt. Depti Devi

Respondent(s) H. D. I. G. M.

Advocate for the Applicants M. Chanda, G. R. Chakraborty
S. Nath

Advocate for the Respondent(s) CGSC
Rly St. Counsel

Notes of the Registry Date _____ Order of the Tribunal _____

10.01.2006 Present : Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman.

This application is in form
is filed/C. F. P. Rs. 20/-

deposited with _____

Dated 23.12.05

11/01/06
10.1.06
10.1.06

Hearst Mr. M. Chanda, learned
counsel for the applicant and Mr. G.
Baishya, learned Sr. C.G.S.C. for the
respondent.

Admit. Issue notice to the
respondents.

Post on 28.2.2006. Written
statement, if any, in the meantime.

G. Sivarajan
Vice-Chairman

← Pl. comply order dated
10.1.06.
10.1.06.

Notice & order sent
to D/Section for
issuing to resp.
Nos. 1 to 5 by regd.
A/D post

mb

No- 150 to 154

Clear 20/1/06. DT= 30/1/06

27-2-06

① Service report awaited.

② No W/Ls has been filed.

Contd.....

BA. 11/2006

28.2.2006

Mr.G.Baishya, learned Sr.C.G.S.C. requests for further time to reply statement. Let it be done. post on 12.4.2006.

Vice-Chairman

bb

~~XXXXXX. XXXXXXXX XXXXXXXX XXXXXXXX.~~

~~XXXXXX XXXXXXXX~~

5.5.06.

Counsel for the respondents wanted to file reply. Post the matter on 9.6.06.

Vice-Chairman

9.6.2006

Mr.G.Baishya, learned Sr.C.G.S.C. submits that reply statement has been filed. Registry is directed to receive the same if otherwise in order. Mr.S. Math, learned counsel for the applicant seeks for time to file rejoinder. Let it be done. post the matter on 3.7.2006.

Vice-Chairman

bb

03.07.2006

Post on 18.07.2006.

Vice-Chairman

mb

18.07.2006

Learned counsel for the applicant wanted time to file rejoinder. Post on 08.08.2006.

Vice-Chairman

mb

4-5-06

No reply filed
1/3

No Wb has been
filed.

8-6-06

12-6-06

Wb filed by the
respondents.

30-6-06

No rejoinder has
been filed.

No rejoinder has
been filed.

17-7-06

3-8-06

No rejoinder has
been filed.

08.08.2006 Present: Hon'ble Sri K.V. Sachidanandan, Vice-Chairman
Hon'ble Sri Gautam Ray, Administrative Member.

18-8-06

No Rejoinder has been filed.

mb

Learned counsel for the applicant wanted time to file rejoinder. Post on 18.08.2006.

Member

Vice-Chairman

mb

21.08.2006 Learned counsel for the applicant wanted time to file rejoinder. Post on 07.09.2006.

26-10-06

No rejoinder filed so far.

26.10.06

Rejoinder filed by Applicant. Filed.

mb

mb

27.10.06.

Pleadings are completed. Post the matter on 20.11.06. for hearing.

Vice-Chairman

mb

20.11.2006. Present: Hon'ble Sri K.V. Sachidanandan Vice-Chairman.

Post on 06.12.2006 for hearing.

Vice-Chairman

/mb/

06.12.2006 Present: Hon'ble Sri K.V. Sachidanandan Vice-Chairman.

Post after second week of January, 2007.

Vice-Chairman

/mb/

The case is ready for hearing.

mb
17.11.06

The case is ready for hearing.

mb
5.12.06

The case is ready for hearing.

mb
19.3.07

20.03.2007 Present: HOn'ble Shri K.V. Sachidanandan, Vice-Chairman
Hon'ble Shri Tarsem Lal, Administrative Member

Post the matter before the next Division Bench.



Member



Vice-Chairman

The case is ready for hearing.


6.5.08

07.05.2008 Heard Mr M. Chanda, learned Counsel appearing for the Applicant and Mr G. Baishya, learned Sr. Standing Counsel for the Union of India, in part.

Call this matter on 16.05.2008 for further hearing.



(Khushiram)
Member (A)



(M.R. Mohanty)
Vice-Chairman

The case is ready for hearing.

15.5.08

16.05.2008 Call this part heard matter on 26.06.2008 alongwith O.A.No.06/2006.



(Khushiram)
Member (A)



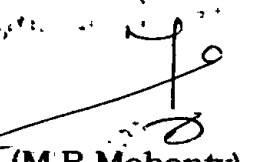
(M.R. Mohanty)
Vice-Chairman

The case is ready for hearing.

25.6.08

26.06.08 Mr M.Chanda, learned counsel for the Applicant and Mr G.Baishya, learned Sr. Standing counsel for the Respondents are present.

Call this part heard matter on 11.08.2008 for hearing along with O.A.6/06.




(M.R. Mohanty)
Vice-Chairman

The case is ready for hearing.


28.08.2008


11.08.2008 Mr. M. Chanda learned counsel appearing for the Applicant and Mr. G. Baishya, learned Sr. Standing Counsel appearing for the Union of India are present.

Call this matter on 27.08.2008 for hearing.


(M.R. Mohanty)
Vice-Chairman

The case is ready
for hearing.


26.09.08 lm

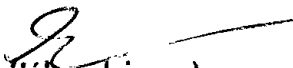

(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

lm

27.08.2008 Mr. M. Chanda, learned counsel appearing for the Applicant is present. Mr. G. Baishya, learned Sr. Standing counsel for the Union of India seeks an adjournment of this part heard case to obtain instructions and to cause production of the Notification referred to in the counter/written statement.

In the aforesaid premises, call this matter on 29th September 2008, for further hearing ; when the Respondents should place materials to substantiate their stand taken in the written statement.


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

lm

-6-
OA-11/2006

29.09.2008

Mr.M.Chanda, learned counsel
appearing for the Applicant is present.
Mr.G.Baishya, learned Sr. Standing counsel
appearing for the Union of India is also present.

*The case is ready
for hearing.*

Call this matter on 28.11.2008 for hearing.

26.11.08

(S.N.Shukla)
Member (A)

(M.R.Mohanty)
Vice-Chairman

/bb/

28.11.2008

Mr M. Chanda, learned Counsel
appearing for the Applicant, is present. Mr
G. Baishya, learned Sr. Standing Counsel
for the Union of India, is also present.

*The case is ready
for hearing.*

Call this matter on 09.01.2009 for
hearing.

2.1.09

(M.R. Mohanty)
Vice-Chairman

09.01.2009

Mrs. U. Dutta, learned counsel
appearing for the Applicant is present. Mr.
G. Baishya, learned Sr. Standing Counsel
for the Respondent is absent.

Call this matter on 17.02.2009

for hearing.

*The case is ready
for hearing.*

(M.R.Mohanty)
Vice-Chairman

25.3.09

*17-2-09 Bench is not available
list on 26.3.09*


12/09

-7-
O.A.11/2006

26.03.2009


With the consent of the counsel for the parties, call this matter on 13.05.2009.


(Khushiram)
Member (A)

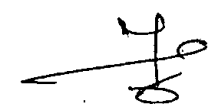

(A.K. Gaur)
Member (J)

/bb/

The case is ready
for hearing.

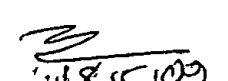

12.5.09.

13.05.2009 Call this matter on 29.06.2009 for hearing.


M.R. Mohanty)
Vice-Chairman

lm

The case is ready
for hearing.


14.8.5.09

14.05.2009 Mr.G.Baishya, learned Sr. Standing Counsel appearing for the Respondents prays to list this matter before Division Bench on 19.05.2009. Mrs. U. Dutta, learned counsel appearing for the Applicant, has no objection to list this matter on 19.05.2009.

Accordingly, list this matter on 19.05.2009 for hearing.



M.R. Mohanty)
Vice-Chairman


lm

~~The case~~

19.05.2009

On the prayer of the counsel for the parties call this matter on 11.06.2009 for hearing.


(N.D. Dayal)
Member(A)


(M.R. Mohanty)
Vice-Chairman

pg

O.A. 11/06 -8-

11.06.2009 Call this matter on
06.08.1009.

(M.R. Mohanty)
Vice-Chairman

lm
The case is ready
for hearing.

06.08.2009 Mr. M. Chanda, learned
counsel appearing for the Applicant
is present.

Call this matter on
08.09.2009.

Send copies of this order to
the Respondents who should come
ready to participate of the hearing of
this case on 08.09.2009.

10-8-2009

Copy of The Order

Dated - 6-8-2009 prepared

and send to D. Section

for issuing of the

same to the respondents.

Vide D. No - 9313 to 9317

Date: 10/8/09

(M.K. Chaturvedi)
Member(A)

(M.R. Mohanty)
Vice-Chairman

10.09.2009 Mrs. U. Dutta, learned counsel for
the Applicant is present. Ms. U. P.
Bharadwaz, Advocate, representing on
behalf of the Respondents prays for an
adjournment of this case.

Call this matter 04.11.2009.

(M.K. Chaturvedi)
Member (A)

(M.R. Mohanty)
Vice-Chairman

The case is ready
for hearing.

/lm/

04.11.2009

Mr M.Chanda, learned counsel
appearing for the applicant is present.
Mrs M.Das, learned Sr. Standing counsel
states that she has been requested to
appear in the matter. On the other
hand Miss U.Das, learned Addl. Standing
counsel states that she has been
appearing in the matter for some time
and all the official records have been
provided to her.

Be that as it may, we adjourn the
matter very reluctantly to 11.11.2009.

(Madan Kr. Chaturvedi)
Member (A)

(Mukesh Kr. Gupta)
Member (J)

O.A. 11/06

11.11.2009

Heard both sides. Hearing concluded. Order reserved.

10-12-09

Judgment / Final order

dated 30/11/09 sent to

the D/ Secy for
issuing the all the
disposals by Post

vide No 12873-12877

dated — 10.12.2009

(Madan Kr. Chaturvedi)
Member (A)

(Mukesh Kr. Gupta)
Member (J)

/pg/

30.11.2009

For the reasons recorded separately,
this O.A. stands dismissed.

(Madan Kr. Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/pb/



उमेश सागल
सदस्य सचिव (प्रशासन)
OMESH SAIGAL
Joint Secretary (Admin.)

D.O.No. 17(65 /P-42)90-PPS

वैज्ञानिक एवं औद्योगिक अनुसंधान परिषद्
सदस्य सचिव

एसी मार्ग, नई दिल्ली-110001

COUNCIL OF SCIENTIFIC &
INDUSTRIAL RESEARCH

Anuvandhan Bhavan
Raj Marg, New Delhi-110001

September 12, 1990

Dear Director,

I enclose a Merit and Normal Assessment Scheme (MANAS) which contains latest decisions of the CSIR on the subject.

Some of the salient features of the scheme were explained in detail to the Controllers of Administration in a conference recently. At that time it was suggested that meeting should be held with scientists at the laboratory level to explain some of the important features of the scheme to them to ensure greater understanding and participation. We would like you to consider this and organise suitable programmes at the laboratory level. If you want any help from the CSIR, we will be glad to do so.

In the scheme a schedule has been suggested for carrying out the assessments. It may not be possible to follow this schedule for the assessments of 1988-89 and 1989-90 because of the delay in issue of this document; however, a suitable schedule could now be worked out to complete these assessments as far as possible within the next three to four months.

I am enclosing ten copies of this document. It is important that the contents thereof should be widely circulated. You may like to place two or three copies in the library. As and when more copies are received, they could be given to the various divisions and project scientists as well.

The instructions contained in MANAS do not apply to those S&T staff who are governed by the erstwhile Bye-Law 71(b). Certain liberalisation and changes have been made for the operation of this scheme, and these will follow shortly.

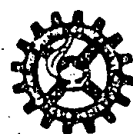
With regards,

Yours sincerely:

Omish Saigal
(Omish Saigal)

Encl: As above.

MERIT AND NORMAL ASSESSMENT SCHEME
(MANAS)
FOR SCIENTIFIC AND TECHNICAL STAFF



COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH
NEW DELHI

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COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH

MERIT AND NORMAL ASSESSMENT SCHEME

(MANAS)

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MERIT AND NORMAL ASSESSMENT SCHEME

PREFACE

There has been a long standing need in the CSIR for simplification and ~~consolidation of all instructions relating to the recruitment and assessment of scientific and technical personnel.~~

This document, MANAS, will meet this felt need since it gives in one place all instructions and procedures relating to the assessment of scientific and technical employees of the CSIR.

One of the most important features of the new scheme is that it integrates the normal and merit schemes and provides ample avenues for younger scientists to move quickly to the higher positions.

This scheme does not cover those who have been or are being governed by erstwhile Bye-law 71 (b) and for whom existing instructions (including erstwhile Merit Promotion/Advance Increment Scheme) will continue to apply.

I hope this document will prove useful both to Scientists and Technologists as also to those charged with its implementation.

A.P. Mitra
A.P. MITRA

MERIT AND NORMAL ASSESSMENT SCHEME

0. INTRODUCTION

0.1 Scientific and Technical employees of CSIR are governed by two different assessment schemes viz. (i) Assessment Scheme under erstwhile Bye-Law 71(b); and (ii) New Assessment Scheme known as NRAS. These two schemes are independent of each other and were implemented w.e.f. 1-1-1966 and 1-2-1981 respectively.

0.2 Consequent on the implementation of the New Assessment Scheme the existing employees as on 1-2-1981 governed by Bye-Law 71(b) were given option to elect either of these two schemes.

0.3 The Scheme as adopted on 1-2-81 covered all scientific/technical employees including those classified in Government as Group 'D' (Class IV). All the scientific/technical/engineering staff have been classified in five Groups namely, Groups I and II (Support Staff), Group III (Technical), Group IV (R&D - Scientific) and Group V (Engineering/Architecture). In principle the assessment was based on (a) percentage limits; (b) quantification of comparative merit; (c) minimum educational qualifications; and (d) completion of specified years of service in the grade; under different groups for scientific/technical/engineering services.

0.4 The Scheme also provided benefit of faster track assessment for movement from one group to another for the staff in position as on 1-2-1981 and those who were recruited/acquired requisite qualifications upto 31-12-1981 for entry level positions for the next higher groups. While the quantification of merit was the criteria for assessment generally, no uniform specific threshold criteria was laid down centrally; it was left to be decided by each Lab./Instt. As a result widely varying practices prevailed in different laboratories/Assessment Committees.

0.5 During its operation over the years some other difficulties/anomalies were also noticed, including those relating to the operation of the percentage limits. Many of these were rectified by the issue of suitable amendments/instructions from time to time though many others remained unresolved.

0.6 The High Powered Committee, set up to implement the recommendations of the Fourth Pay Commission in the CSIR, was also asked to review the functioning of the existing assessment merit schemes.

MERIT AND NORMAL ASSESSMENT SCHEME

0.7 The recommendations of this Committee were considered by the G.B. at its meeting held on 23-12-1987. This was followed by discussions by DGCSIR with Member (Finance) after which a scheme entitled 'Integrated Recruitment and Assessment Scheme' (IRAS) was circulated to the laboratories on 14-10-88. However, before this could be implemented, certain other issues and problems needing resolution were raised. These were examined at various forums and a revised document incorporating some of these issues was issued on 9-1-90 but this also was not implemented. The present document supersedes all these documents and also incorporates the latest decisions taken in the GB meeting on 26-4-90.

0.8 The final scheme given herein (titled 'Merit and Normal Assessment Scheme' - MANAS) has the essential features for assessments based on threshold quality criteria, uniformity in quantification of marks, system of peer review etc. and integrates merit and normal assessment. This publication supersedes previous instructions on (i) Recruitment and Assessment, ii) Merit Scheme; to the extent of topics covered under MANAS.

0.9 Since essential features of the Assessment Scheme remain unchanged, no fresh option is permissible to those governed by NRAS as on 1-4-88 except to the extent mentioned in this document.

MERIT AND NORMAL ASSESSMENT SCHEME

1. GROUPS WITH QUALIFICATIONS FOR INDUCTION

Groups

1.1 The entire scientific and technical staff (including engineering and architectural staff) are divided in five groups, namely Groups I & II (support staff), Group III (technical), Group IV (R&D - Scientific) & Group V (Engineering/Architecture). Each group has a number of grades. The groups are described in Roman numerals and the grades within the groups are described in Arabic numerals. For example I(2) refers to the second grade in Group I and IV(5) refers to the fifth grade in Group IV. Since there is no concept of designation and seniority in this Scheme, what is important is the grade laid in a particular group.

Induction

1.2 Induction is normally made only at the lowest grade in each group. Normally, therefore, a vacancy arising due to any reason will occur at the lowest grade. However, in all grades of Groups III, IV and V(A) the position be filled up at any grade except Grades III(6), III(7), IV(6), IV(7) and V(A)(5) with the approval of Research Council/Director General for CSIR Headquarters provided there is an assessed need for the same. As already mentioned, all positions will revert to the lowest grade on vacation.

1.2.2 The Engineering & Architectural staff in Group V(A) will be governed by the procedure as applicable to Group III staff except positions in pre-revised pay scales of Rs.1500-2000, 1800-2250 and 2000-2500 will be filled up by direct recruitment as per Group V(B) only though positions in pre-revised scale of Rs.1800-2250 will be non-functional.

1.2.3 Relaxations in qualifications are not permissible. However, these could be made in exceptional cases with the prior approval of the DGCSIR on the recommendations of the Research Council. This must be done prior to advertising the post.

1.2.4 Cases for equivalence of qualification may be referred to CSIR Headquarters for approval before notification/consideration for assessment purposes. While taking administrative decision in respect of existing employees as on 31.12.81, guidelines suggested by Kailash Chandra Committee including other relevant factors will be kept in view.

1.2.5 There may be pending cases of those who were in service as on 31.12.81 for equivalence of qualifications with those prescribed in NRAS. The laboratory should refer such cases to CSIR Headquarters for decision.

MERIT AND NORMAL ASSESSMENT SCHEME

1.3 Qualifications for new entrants.

Entry level qualifications have been prescribed for each group and relevant grade as under:

Sl. No.	Grade	Pay Scale	Qualification
Group I			
1.	I(1)	Rs. 750-940	VIII standard
Group II			
1.	II(1)	Rs. 950-1400	ITI Trade Certificate/ Matriculation (10 years in the new system) + two years experience
Group III			
1.	III(1)	Rs. 1400-2300	B.Sc. (Sc.)/ B.Lib.Sc./Dip. in Engg./ Technology of three years duration or equivalent
2.	III(2)	Rs. 1640-2900	B.Sc. (Science)/B.Lib.Sc./ Dip. in Engineering./Tech. of three years duration or equivalent plus 3-5 years relevant experience OR M.Sc./B.E./B.Tech. or equivalent
3.	III(3)	Rs. 2000-3500	B.Sc. (Sc.)/B.Lib.Sc./ Dip. in Engg./Tech. of 3 years duration or equivalent plus 5-8 years relevant experience OR M.Sc./B.E./ B.Tech. or equivalent with 2-4 yrs relevant experience
4.	III(4)	Rs. 2200-4000	B.Sc. (Sc.)/B.Lib.Sc./Dip. in Engg./Tech. of 3 yrs duration or equivalent plus 8-10 yrs relevant experience OR M.Sc./B.E./ B.Tech. or equivalent with 4-6 yrs relevant experience

MERIT AND NORMAL ASSESSMENT SCHEME

5.

Group IV

1.	IV(1)	Rs. 2200-4000
2.	IV(2)	Rs. 3000-4500
3.	IV(3)	Rs. 3700-5000
4.	IV(4)	Rs. 4500-5700
5.	IV(5)	Rs. 5100-6300

B.Sc. (Sc.)/B.Lib.Sc./
Dip. in Engg./Tech.
of 3 years duration
or equivalent plus 10-12
years relevant experience
OR M.Sc./B.E./B.Tech. or
equivalent with 6 years
relevant experience

1st class M.Sc./1st class
B.E., or M.Tech./ME/MBBS/
M.V.Sc./M.Pharm/Ph.D. (Sc.)

1st class M.Sc./1st class
B.E. with 6 years
experience/ME with 4 yrs
experience/Ph.D. (Sc) with
2 years experience/Ph.D.
(Engg.). Minimum yrs of
experience relaxable
only in exceptional cases

1st class M.Sc./1st class
BE with 12 yrs experience
OR M.Tech./ME/MS/M.D./
Ph.D. or corresponding
degrees in other disci-
plines with original
work as evidenced by
patents or publications.
Evidence of leadership
with about 10 years of
R&D experience

-do-

-do-

MERIT AND NORMAL ASSESSMENT SCHEME

Group V(A)

1. V(A)(1) Rs.1400-2300

3 years Diploma in Engg/
Architecture or equivalent

2. V(A)(2) Rs.1640-2900

3 years Diploma in Engg/
Architecture or equivalent with 3-5 years
relevant experience OR
BE/B.Tech.

3. V(A)(3) Rs.2000-3500

3 years Diploma in Engg/
Architecture or equivalent with 5-8 years
relevant experience
OR BE/B.Tech with 2-4
yrs relevant experience

4. V(A)(4) Rs.2200-4000

3 years Diploma in Engg/
Architecture or equivalent with 8-10 years
relevant experience OR
BE/B.Tech with 4-6 yrs
relevant experience

1.3.1 Explanation

Cases of employees relating to period before MANAS comes into operation (i.e. prior to 1.4.88) will continue to be regulated as per circulars etc. issued for the earlier scheme.

MERIT AND NORMAL ASSESSMENT SCHEME.

2. NORMAL ASSESSMENT - ELIGIBILITY AND THRESHOLD

2.1 In this Scheme there will be no percentage restriction for assessment in any group; assessment will be on the basis of prescribed thresholds. Since thresholds are being prescribed in lieu of percentage restrictions, no relaxations/changes will be made without the approval of the authority which made the rule i.e. GB.

2.2 Except for those who are still eligible for consideration under faster track scheme under NRAS, there is no movement by assessment from one group to the other; existing incumbents can move to higher groups against open selection provided that they have acquired relevant qualifications. For those who were in service as on 1-2-81 but could not be covered by the faster track scheme since they acquired the higher qualifications after 31-12-81, a special provision has been made in this scheme.

2.3 Eligibility for consideration for assessment against a chance will be determined with reference to completion of required length of service in the Grade/reaching maximum of the scale/remaining for one year at maximum of the scale as given below in the table against each Grade in the respective Group.

Table: Eligibility for assessment/threshold

GROUP & GRADES	SCALE OF PAY	ELIGIBILITY FOR ASSESSMENT (Yrs.)	MINIMUM %AGE OF THRESHOLD MARKS
----------------	--------------	-----------------------------------	---------------------------------

2.3.1.1

GROUP-I

I (1)	Rs.750-940	7,8,9,11 and after remaining for one year at maximum of the scale	60
I (2)	Rs.800-1150	-do-	60
I (3)	Rs.950-1400	-do-	70
I (4)	Rs.1350-2200		

MERIT AND NORMAL ASSESSMENT SCHEME

2.3.1.2 GROUP II

II(1)	Rs.950-1400	7.8,9,11 and after remaining for one year at maximum of the scale	60
II(2)	Rs.1350-2200	-do-	65
II(3)	Rs.1400-2300	-do-	70
II(4)	Rs.1640-2900	-do-	75
II(5)	Rs.2000-3500		

2.3.1.3 GROUP-III

III(1)	Rs.1400-2300	5,6,7,9 and after remaining for one year at maximum of the scale	60
III(2)	Rs.1640-2900	6,7,8,10 and after remaining for one year at maximum of the scale	65
III(3)	Rs.2000-3500	5,6,7,9 and after remaining for one year at maximum of the scale	70
III(4)	Rs.2200-4000	-do-	75
III(5)	Rs.3000-4500	-do-	75
III(6)	Rs.3700-5000	5,6,8 and at maximum of scale.	75
III(7)	Rs.4500-5700		

* Staff in Grade III (6) of Rs.3700-5000 who have acquired qualification equivalent to those prescribed for Group IV will only be eligible for assessment to Grade III (7) of Rs. 4500-5700. The condition of first class will, however, not be applicable in these cases.

@ Residency period under review

MERIT AND NORMAL ASSESSMENT SCHEME

2.3.1.4 GROUP -IV

IV (1)	Rs.2200-4000	5,6,7,9 and after remaining for one year at maximum of the scale	60
IV (2)	Rs.3000-4500	5,6,7,9 and/or after remaining for one year at maximum of the scale	60
IV (3)	Rs.3700-5000	5,6,8 and at maximum of the scale	70
IV (4)	Rs.4500-5700	5,8 and 7 years and at maximum of the scale	75

From 1.4.1990 i.e. for the assessment year 1990-91 scientists in Group IV will be eligible for assessment to Grades IV(6) and IV(7) after prescribed number of years of service as indicated below:

IV (5)	Rs.5100-6300	5,6,7,8 and at maximum of the scale	75
IV (6)	Rs.5800-6700	5,6,7 years	75
IV (7)	Rs.5900-7300		

2.3.1.5 GROUP V(A)

V(A)(1)	Rs.1400-2300	5,6,7,9 and after remaining for one year at the maximum of the grade	60
V(A)(2)	Rs.1640-2900	6,7,8,10 and after remaining for one year at the maximum of the grade	65
V(A)(3)	Rs.2000-3500	5,6,7,8 and after remaining for one year at the maximum of the grade	70
V(A)(4)	Rs.2200-4000	-do-	75
V(A)(5)	Rs.3000-4500		

@ Residency period under review

MERIT AND NORMAL ASSESSMENT SCHEME

2.4 Notes

2.4.1 Those who have already availed of three chances before 1-4-88 and were not successful, will be allowed an additional chance for assessment from 1-4-88 without percentage restriction, subject to the condition that no further chance will be allowed under NRAS. Thereafter, MANAS will apply.

2.4.2 Those who have not availed three chances and their assessments became due before 1-4-88 under NRAS, will be allowed third chance of assessment with reference to the maximum of the pre-revised scale subject to the condition that the number of chances will be restricted to the number admissible.

2.4.3 For normal assessments, thresholds will be 10% marks less for SC/ST assessments.

2.5 Explanations

2.5.1 Thresholds for assessment are given against each Grade of the respective Group. No relaxation/change for any reason whatsoever is permissible.

2.5.2 Reclassification of a position will require prior approval of DGCSIR on recommendations of the Research Council of the Lab./Instt.

2.5.3 Assessment period will be the financial year and assessments will be done once in a year. As far as possible these should be completed by 30th September of the year.

2.5.4 Only eligible employees during the year upto 31st March will be considered for assessment.

2.5.5 For Groups I & II the stipulation regarding minimum qualification is applicable only to the persons inducted on or after 1.2.1981 and not for the persons in CSIR service before 1.2.81.

2.5.6 Staff in Grade V(A)(5) possessing qualifications of B.E./B.E.Arch. or equivalent will be eligible for consideration for assessment to the grade of Rs.1500-2000 (pre-revised) and Rs. 3700-5000 (revised) on remaining for one year at maximum of the Grade V(A) (5) as a one time event. Such positions will revert to the lowest grade in group V(A) on vacation.

2.5.7 Scientists A/Al with M.Sc./B.E. or equivalent in service with CSIR as on 1.2.81 but not recommended for assessment so far will be considered for assessment to Gr.IV (1) irrespective of their length of service every year till assessed.

MERIT AND NORMAL ASSESSMENT SCHEME

2.5.8 Those in Group III & V(A) who did not possess qualifications of the lowest Grade of these Groups on 1-2-81 will be eligible for consideration for assessment upto Grade III (2) & V(A)(2) (Rs.1640-2900) only. However, if condition of qualification in respect of those in position on 1.2.81 in Groups I & II pre-revised scales of Rs.260-350 (Revised Rs.950-1100) and Rs.425-700 (Revised Rs.1400-2300) has been relaxed as an exceptional case by the DGCSIR 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.

2.5.9 Pre-revised grades of Rs. 225-308 and Rs. 380-560 have been omitted from Groups I and II respectively with effect from 1.2.1981. The procedure for implementation is given in Annexure 2.5.9(A).

2.5.10 The positions in Groups III (except Gr. III(6) and III(7)), IV (except IV(6) and IV(7)) and V(A) (except Gr. V(A)(5)) be normally filled up at the entry level of each Group except if otherwise decided by RC of the respective Laboratory/DGCSIR in the case of CSIR Headquarters, as the case may be. However, induction, if considered necessary, in Grade IV(6) & IV(7) will be made by CSIR Headquarters with the approval of the President, CSIR.

2.5.11 Those who have completed 5 years as on 31.3.90 in Grades IV(5) & IV(6), the due date for assessment will be 1-4-90. For others the due date will be the date on which they complete the residency period of 5 years in the respective grades.

MERIT AND NORMAL ASSESSMENT SCHEME

3. MERIT ASSESSMENT

3.1. Introduction

3.1.1 CSIR had a centrally operated merit promotion/advance increment scheme for Scientists/Technologists from the revised grade of Rs. 2000-3500 for merit assessment to the revised grade of Rs. 5100-9300 (i.e. from Scientist E-II to Scientist F). The promotions under this scheme were restricted to 5% of the total number of posts in each grade with the stipulation that total number of promotees in one calendar year will not exceed 25% of the above ceiling.

3.1.2 The procedure envisaged examination of the cases at the Laboratory/CSIR level based on comments of referees. Thereafter, such cases were placed before EC for grading either as 'outstanding' to be considered for merit promotion or 'very good' to be considered for advance increments not exceeding two at a time. The recommendations of the EC were placed before the Central Merit Promotion Committee at the CSIR (constituted with the approval of Vice-President, CSIR) for its consideration and final recommendations.

3.1.3 The procedure followed earlier was time-consuming, cumbersome and defeated the very purpose for timely recognition and reward for outstanding innovative R & D work.

3.1.4 It was, therefore, felt necessary that the scheme may be simplified so that the merit of a scientist/technologist is rewarded quickly. It was also felt necessary to ensure that brilliant young scientists could reach the highest levels by the time they reach their mid forties. Accordingly, a High-Powered Committee reviewed its functioning and proposed an integrated scheme for Merit and Normal assessments upto the level of Grade IV(5). (i.e. from grade IV(4) to IV(5)) The new scheme envisages recognition of merit for scientists engaged in research work based on higher threshold limits within the normal assessment system.

3.1.5 The new scheme envisages introduction of three new senior positions i.e. Senior Fellow, Distinguished Fellow and Shanti Swarup Bhatnagar Fellow. Whereas the first two of these are meant for outstanding young CSIR scientists, the third is open to outstanding scientists from outside the CSIR system as well. These are merit appointments without administrative responsibilities and are intended for the most distinguished scientists. The normal retirement age of 60 will not apply to Shanti Swarup Bhatnagar Fellow but a suitable term will be prescribed.

3.1.6 The revised scheme supersedes existing centrally operated merit promotion/advance increment scheme which will be applicable to optees of Bye-law 71(b) only.

MERIT AND NORMAL ASSESSMENT SCHEME

General

3.2 The merit assessment scheme applies to all Scientists in Group IV(1) to Group IV(4).

3.2.1 This scheme also applies from Group III(3) upto III(6) provided the incumbents possess entry level qualifications of Group IV and are engaged in R&D activities. However, condition of first class will not apply.

3.2.2 For the aforementioned merit scheme, thresholds will be 10 marks higher than those prescribed for normal assessments.

3.2.3 Only those scientists in the aforementioned groups who secure at least 225 marks in three years and 300 marks in four years, as the case may be, in their APARs will be eligible for consideration under the merit scheme.

3.2.4 The merit scheme will come into force w.e.f. 1.4.88.

3.2.5 No advance increments will be permissible either on normal or merit assessments.

3.3 Fellows Scheme

3.3.1 Eligibility

- | | | |
|----|---|--|
| A) | Only for CSIR Personnel | Appointment as |
| | Scientist IV(4)/IV(5) | Senior Fellow in the Grade of Rs. 5900-200-6700 |
| | Scientist IV(5)/IV(6)/IV(7)/Sr. Fellow/Director Grade Scientist/Directors of Laboratories | Distinguished Fellow in the Grade of Rs. 7300-100-7600 |

B) (From any source including CSIR)

- | | |
|--|---|
| Eminent Scientists both from within & outside CSIR | Shanti Swarup Bhatnagar Fellow (Rs. 8000/- fixed) |
|--|---|

3.3.2 Selection Procedure

3.3.2.1 Senior Fellow

3.3.2.1.1 Applications will be required to be submitted in the prescribed form as at annexure 3.3.2.1.1 (A)

3.3.2.1.2 All Scientists Gr. IV(4), IV(5) would be eligible for consideration for Senior Fellow.

MERIT AND NORMAL ASSESSMENT SCHEME

3.3.2.1.3 All scientists desirous of being considered will have to propose a suitable project/programme.

3.3.2.1.4 Applications will be given only once in a particular grade.

3.3.2.1.5 The applications will have to be given through the Director of the Lab./Head of the Division in the case of CSIR Hqrs. who will forward it, duly verified, along with his remarks/comments within one month of receipt to the DGCSIR. No application will be withheld by the laboratory.

3.3.2.1.6 Applications will be sent to three referees to be selected by DGCSIR. Only those obtaining 85 per cent marks in aggregate will be assessed by committees constituted under Para 3.3.2.1.7.

3.3.2.1.7 DGCSIR with the approval of VP, CSIR will constitute suitable committees of eminent scientists and technologists in the broad disciplines to consider these applications from time to time. The referees comments will also be placed before these committees who will also have a discussion with the assessee before they finalise their recommendations. In case of those recommended by the committees, a suitable proposal will also be made for the provision of funds and other facilities for the approved project. After the appointment and the specific proposal for research activity has been approved by the President CSIR, the approved project will also be placed before the Research Council.

3.3.2.1.8 Those selected will be given facilities to pursue their projects. Progress on the projects will be evaluated after 2 years by a committee of eminent experts set up by the DGCSIR for continuation or otherwise of the project or submission of a new project consequent on the discontinuation/successful completion of the previous project(s).

3.3.2.1.9 Final appointments will need approval of President, CSIR.

3.3.2.2 Distinguished Fellow

3.3.2.2.1 Merit of those eligible will be considered by a committee of high level experts constituted by DGCSIR with the approval of VP, CSIR. No nominations will be invited.

3.3.2.2.2 Those recommended by the above committee will be requested to give a project.

3.3.2.2.3 The project will then be evaluated by the above committee.

3.3.2.2.4 Thereafter the cases will be dealt with as for Senior Fellows.

MERIT AND NORMAL ASSESSMENT SCHEME

3.3.2.2.5 After approval of the Project they will be given facilities to pursue their project(s). Progress on the project(s) will be evaluated after 2 years by a committee of eminent experts set up by the DGCSIR for continuation or otherwise of the project or submission of the new project consequent on the discontinuation/successful completion of the previous project(s).

3.3.2.3 Notes

3.3.2.3.1 A threshold of 85% has been prescribed for merit assessment at the Grade IV(4) level. The same high standard will be the criteria for selection as Senior Fellow and Distinguished Fellows.

3.3.2.3.2 As far as possible, one of the referees/experts for Fellows will be an eminent expert from outside the country.

3.3.2.4 Shanti Swarup Bhatnagar Fellow

3.3.2.4.1 A suitable mechanism for operation of the scheme will be devised and notified in due course.

MERIT AND NORMAL ASSESSMENT SCHEME

4. EXPERT PANELS, REFEREES AND ASSESSMENT COMMITTEES

4.1 Expert Panels

4.1.1 RC will lay down and decide the areas for expert panels.

4.1.1.1 Area-wise expert panels will be prepared separately for each Group in all laboratories/CSIR Hqrs. with the approval of the RC/DGCSIR in the case of CSIR Hqrs. For this purpose suggestions will be obtained from the S&T staff working in the area and members of the RC. These panels may be sufficiently large and will include both inside (CSIR) and outside experts including scientists and technologists abroad (who may be called upon to act as referees).

4.1.1.2 The Expert Panels will be valid for a period of three years after which they will have to be reconstituted. Additional names can be added with the approval of RC during this period without affecting the tenure.

4.1.1.3 Uptodate copies of these panels will be freely available to the S&T staff; copies of the same will also be kept in the library.

4.2 Selection of Referees

4.2.1 There shall be three Referees for Peer review.

4.2.2 One Referee is to be selected from out of the list of three Referees suggested by the assessee from the Area-wise Expert Panels.

4.2.3 Two other Referees are to be nominated by the Director from the list of Area-wise Expert Panels.

4.2.4 The Referees should have at least 7 years of experience in the relevant field.

4.3 Composition of Assessment Committees

4.3.1 The Assessment Committees will be prepared area-wise from within the approved area-wise Panels.

4.3.2 There shall be a member of SC/ST category in each Assessment Committee in which reserved category employees are being considered for assessment.

MERIT AND NORMAL ASSESSMENT SCHEME

Groups

4.4 Groups I and II

4.4.1 RC will constitute separate area-wise committees as under:

Chairman

Nominated from a sister Lab) common to all committees

Member (one)

Director or his nominee

Member (two)

Supervisory level experts, one of which will be from outside the CSIR system

Quorum: Chairman/Alternate Chairman
Director or his nominee in each Committee
At least one expert in each Committee

Note

4.4.1.1 For CSIR Headquarters Joint Secy (Admn.) will constitute the Assessment Committee keeping in view the constitution prescribed for Labs./Instts.

4.4.2 Group III

4.4.2.1 Separate area-wise committees will be constituted by RC for assessment from (i) Grades III(1) and III(2); (ii) Grades III(3), III(4) and III(5); & (iii) Grades III(6) as under:

Chairman

Chairman or Specialist member of RC) common members to all committees

Member (one)

Director or his nominee

Member (one)

Expert from related area from a sister CSIR lab

Members (three)

Three experts, of which at least two from outside CSIR system

Quorum: Chairman/Alternate Chairman
Director or his nominee and at least one expert in each Committee

Note

4.4.2.2 For CSIR headquarters, DGCSIR will constitute the Assessment Committees keeping in view the constitution prescribed for laboratories.

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Note:

4.4.3.4 Alternative names for Chairman and Expert Members may be specified while constituting the Assessment Committees. If due to some unavoidable reasons, the Chairman is not able to attend, alternative Chairman will be the Chairman.

2

4.4.3.5.4 The committees will be constituted by the approval of VP, CSIR. DGCSIR with

MERIT AND NORMAL ASSESSMENT SCHEME

4.4.3.6 Group V(A)

- Chairman Chairman or Specialist member of RC) these are
) common men
) ers to all
) committees
- Member (one) Director or his nominee)
- Member (one) Expert from related area from a)
) sister CSIR lab.
- Members (three) Three experts, of which at least)
) two from outside CSIR
- Quorum: Chairmen
Director or his nominee
and at least one Expert in the
area-wise committee of the assessee.

Note

4.4.3.6.1 For CSIR Headquarters, DGCSIR will constitute the Committees keeping in view the constitution prescribed for laboratories.

MERIT AND NORMAL ASSESSMENT SCHEME

5. WORK, SELF ASSESSMENT AND PERFORMANCE REPORTS

Annual Performance and Appraisal Report (APAR)

5.1 APAR is applicable to employees of all Groups and all grades and will consist of two parts.

5.1.1 Part I: Self assessment report by the assessee and its appraisal by the Reporting/Reviewing Officer based on assigned tasks, accomplished work and S&T outputs. This part of the appraisal will be open and non-confidential and carry 75% weightage.

5.1.1.2 Part II: Assessment/Appraisal of behavioral aspects. This part of the appraisal will be confidential and carry 25% weightage.

5.1.2 The total APAR marks in a year will be 100.

5.1.2.1 APAR marks will be awarded according to the assessee's rating on a seven point scale, as under:-

Outstanding	100 marks
Excellent	90 marks - 99
Very good	75 marks - 89
Good	60 marks - 74
Satisfactory	30 marks - 59
Fair	35 marks - 49 (P)
Poor	20 marks 0-20 (F)

5.1.3 APAR, according to the new proforma prescribed for this purpose, comes into force from the current year (1990-91).

5.1.4 For all assessments falling due during 1988-89 and 1989-90, ACRs earlier prepared may be used for assessment purposes and rating may be converted into new 7-point scale by the Assessment Committee for these two years.

5.2 The "Work Report" (WR), "Self Assessment Report" (SAR), and "Annual Performance Appraisal Report" (APAR) wherever occurring in the document will be defined as under:-

5.2.1 Work Report (WR): Report of an assessee on the work done by him during the entire period on the basis of which he/she is to be considered for assessment, as per proforma at Annexure 5.2.1 (A).

5.2.2 Self Assessment Report (SAR): A candidate's statement of work done during a year for the purpose of APAR.

5.2.3 Annual Performance Appraisal Report (APAR): Report of appraisal of a candidate's annual performance, which gives 75% weightage to SAR and 25% weightage to the assessment/ appraisal of behavioral aspects.

MERIT AND NORMAL ASSESSMENT SCHEME

6. PROCEDURE FOR ASSESSMENT

6.1 Apportioning of marks for normal and merit assessment

6.1.1 Groups I, II, III & V(A)

1) Annual Performance Appraisal Reports

ii) Interview (performance including trade test in Groups I, II & III(1) II(2) and V(A)(1) & V(A)(2)

6.1.1 Group IV

1) Annual Performance Appraisal Reports

ii) Referees' comments

iii) Interview

6.2 Notes

6.2.1 For second and subsequent assessments, upto 5 marks will be awarded for each year of experience (to reach the minimum prescribed for eligibility) in the interview marks, provided the APAR for that year is satisfactory. Marks will be given on this account only for a maximum period of 3 years.

6.2.2 For normal assessment from Grade III(2) to III(3), III(3) to III(4) and IV(3) to IV(4), suitable bonus marks be added to enable them to reach the prescribed threshold if 60% marks have been obtained in peer review and interview (combined) provided their CRs/APARs, as applicable, are better than good. Similarly, those who obtain more than 60% marks in peer review and interview (combined) and CRs/APARs, as applicable, are graded as 'good' may also be given suitable bonus marks to reach the prescribed threshold. For the second and subsequent chances these bonus marks will be admissible if, after totalling peer review marks, APAR marks and interview marks including experience marks as may be awarded under Para 6.2.1, the total exceeds 60.

6.2.3 The bonus marks will be applicable in normal assessments for 1988-89 and 1989-90 only. Thereafter provisions in paras 6.2.1 and 6.2.2 above, will be reviewed along with thresholds.

6.2.4 Wherever weightages/relaxations/bonus marks, as prescribed, are applied, it shall be ensured that the cumulative effect of these weightages will not have the effect of bringing the threshold below the "satisfactory" level as described in the 7-point scale in Para 5.1.2.1.

MERIT AND NORMAL ASSESSMENT SCHEME

6.3 Procedure

6.3.1 Lists of those being considered for merit and normal assessment will be prepared separately and placed before the committee in alphabetical order.

6.3.2 The self assessment report and the work reports, of the assessee without the remarks of the Reporting/Reviewing Officer will also be placed before these committees.

6.3.3 Marks will be awarded by the committee for each assessee after the interview.

6.3.4 The sealed cover with referees markings will, thereafter be opened and marks noted.

6.3.5 The assessee in whose cases referees' comments have not been received may also be interviewed by the Assessment Committees and marks awarded for interview. Thereafter, the Assessment Committee may authorise a small group out of the committee to fillise their assessments in due course, on receipt of referees' comments.

6.3.6 The APARs will now be seen and marks added.

6.3.7 The bonus marks will then be added, wherever relevant.

6.3.8 The committee will then prepare two lists separately for Merit & Normal assessee both in order of merit. In each of these cases list of candidates equal to or above the threshold will be separated also in order of merit. This will then be recast in the third list in alphabetical order.

6.3.9 The third list as above will be placed before the competent authority for approval. The competent authority will also be told of the candidates whose results are yet to be finalised for whatever reason, including non-receipt of all the referees' reports.

6.4 Notes

6.4.1 Only non-quantified portion of APAR to be placed before assessment committees at the time of interview.

6.4.2 All members on the Assessment Committee should be at least one rank higher than the grade for which assessment is being made.

6.4.3 Provision of alternative Referees may also be kept while constituting the list of Referees. If any Referee does not send his/her views by specified date or he/she refuses to give comments, another Referee chosen out of the list of experts may be approached.

MERIT AND NORMAL ASSESSMENT SCHEME

6.4.4 While constituting Assessment Committees efforts should be made to have experts other than referees for peer review. However, in the event of non-availability of such experts referees could be members of the Expert Committees.

6.4.5 All experts and referees will be selected out of the area-wise expert panels prepared as per para 4.1.

6.4.6 Normally assessment for only one year should be done in a year. But when a more than one assessment becomes necessary for any reason whatsoever, it would be necessary to:

- 1) have separate assessment committees for each of the years
- 2) have separate refereeing done for each year;
- 3) get separate Self Assessment Reports and Work Reports
- 4) have separate assessments for each year in a separate sitting. Proceedings of each assessment committee meeting be drawn separately for each year.

6.4.7 There is no movement from one group to another. For vacant positions to be filled up - whether at entry or lateral entry levels (wherever permissible) - officers who were in position on 1.2.1981 and acquired qualifications of next higher group after 31.12.1981 could be considered along with others who apply against advertised posts. Any of the departmental employee(s), if selected, be appointed by being allowed to carry his/their post(s) over and above the number of outside candidates selected against the posts advertised. Wherever 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 time measure. Their selections will be on acquiring a comparable level expected in open recruitment to such positions.

6.4.8 Change of option will be allowed to optees of erstwhile Bye-law 71(b) to MANAS w.e.f. 1.4.1982 as a one-time measure. Placement of such personnel in Group III and IV will depend on their possession of entry level qualifications as on 31.12.1981. They must exercise their option within 3 months of the issue of this scheme and any option thus made will be final and irrevocable.

6.4.9 Option will also be allowed to employees covered under NRAS for Bye-law 71(b) provided such employees have not taken any benefit under NRAS and were governed by the provisions of Bye-Law 71 (b) as on 1.2.1981.

MERIT AND NORMAL ASSESSMENT SCHEME

6.4.10 All scientific and technical posts in the National Labs./Institutes and CSIR Hqrs. are created on functional needs. These are advertised and appointments made on merit through selection committees. Similarly, assessments based on threshold limits are delinked from the availability of vacancies and movement from one group to another is not permissible. Evidently, appointments/assessments being distinct from departmental promotions, maintenance of seniority among such scientific and technical employees is not possible. Consequently, the question of comparison of pay of one officer with the other thereby resulting in refixation of pay by stepping-up of pay with reference to pay drawn by other scientific/technical employees - whether junior or senior - will not be applicable.

6.4.11 Assessment of scientific and technical employees is effective from due dates. However, if on the date of meeting of assessment committee an employee is (a) under suspension; (b) against whom disciplinary proceedings are pending; (c) a decision has been taken by the disciplinary authority to initiate disciplinary proceedings against him; or (d) against whom prosecution has been launched/sanctioned, the findings of the assessment committee may be kept in sealed cover irrespective of the fact that the assessment is due from the date when none of these contingencies was in existence. If the officer is exonerated or suspension is held unjustified, recommendations in the sealed cover be acted upon and the employee allowed the benefit of assessment from the due date. In case disciplinary proceedings/court cases result in imposition of any of the minor/major penalties under Rule 11 of CCS(CCA) Rules, the effective date of assessment will be from the date immediately after the completion of the period of penalty. If the minor penalty of 'censure' or 'recovery from pay of the whole or part of any pecuniary loss caused to the Council by negligence or breach of orders' is imposed, the due date of assessment will be immediately after the issue of the orders imposing any of these penalties. However, where the employee is neither completely exonerated nor the disciplinary proceedings result in imposition of any of the recognised penalty, the recommendations in the sealed cover may be placed before the same Assessment Committee for deciding on whether the sealed cover is to be opened and, if so, deciding the due date of his assessment.

Suggested time schedule

6.5

Groups I and II

6.5.1

Assessment preferably be completed by 31st August of the year.

6.5.1.1

List of eligible employees for assessment to be finalised by 31st March of the year.

6.5.1.2

All ACRs/APARs and Work Reports to be got completed by 31st May of the year.

6.5.1.3

MERIT AND NORMAL ASSESSMENT SCHEME

6.5.1.4 Process for constitution of Assessment Committees be completed by 1st June and meeting of the Committee convened by the end of July or early August of the year.

6.5.2 Groups III, IV and V(A)

6.5.2.1 Assessments may preferably be completed by 30th September of the year.

6.5.2.2 Lists of eligible employees for normal assessment to be finalised by 31st March of the year.

6.5.2.3 Process to invite names of referees, wherever applicable, (assessee's choice) for normal assessment and Work Reports (WR) and Self Assessment Reports (SAR) from eligible candidates to be completed by 30th April and simultaneous action taken to constitute assessment committees and finalise referees.

6.5.2.4 All APARs/Work Reports to be got completed by 15th May of the year.

6.5.2.5 List of those eligible under Merit Scheme to be displayed/announced by 31st May of the year.

6.5.2.6 Work Reports for the assessment period and names of referees from assessees to be obtained by 15th June of the year from those covered by 6.5.2.5 above.

6.5.2.7 Work Reports for both Normal and Merit Assessments to be sent to referees by 31st May and 30th June of the year respectively. (Referees to be requested to give their reports in a month.)

6.5.2.8 Referees may be requested to give their markings on the 7-point scale in sealed cover which will be placed as such before the assessment committees. Sealed covers will be opened by the Assessment Committees only after the interview is over.

6.5.2.9 Process for constitution of Assessment Committees to be completed by 1st June and meetings of the Assessment Committees convened either by the end of August or early September of the year.

MERIT AND NORMAL ASSESSMENT SCHEME

7. GENERAL INSTRUCTIONS

7.1 The scheme will come into force w.e.f. 1-4-1988 except in respect of IV(6) and IV(7), where it will come into force w.e.f. 1.4.80.

7.2 No advance increments are permissible either on merit assessment. Pay will be fixed as per normal rules.

7.3 Assessments prior to 1.4.88 will be regulated as per MRAS.

7.4 Assessment to a higher grade does not necessarily imply higher perks in the form of office space, telephone, stenographic assistance, furniture, etc. which will continue to depend upon functional needs.

7.5 Assessment is distinct from promotion under the DPC system and does not necessarily result in change of work pattern or higher supervisory status or power though it does lead to an expectation of better scientific and technical performance.

7.6 Service rendered in the following situations, if any, will be computed for determining the eligibility for assessment:

7.6.1 Service rendered in the sponsored project/scheme subject to conditions detailed in Annexure 7.6.1(A)

7.6.2 Periods of leave including extraordinary leave to the extent it counts for earning increments and the period spent on deputation/foreign service as per FR 26(b) and Rule 21 of CCS (Pension) Rules.

7.6.3 Extraordinary leave granted for a full-time assignment within or outside the country. Annexure 7.6.3(A)

7.6.4 Service rendered in the work-charged establishment followed by regular employment allowed to be counted for pensionary benefits. Annexure 7.6.4(A)

7.6.5 Ad hoc/supernumerary service provided under rules followed by regular appointment without break. Annexure 7.6.5(A)

7.6.6 Service rendered in the special grade post as also under Scientists' Pool.

7.6.7 For foreign assignments/foreign 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/refereeing combined for Group IV and interview (including trade test) for other Groups will be applicable for ACRs/APARs.

MERIT AND NORMAL ASSESSMENT SCHEME

7.6.8 A non-technical departmental staff member acquiring skill and found fit, through a suitable trade test, for entry into Group I may be considered for induction provided vacancy exists at the lowest grade. If found fit he shall be placed in that particular grade in Group I which is closest to his present salary grade. Such induction should be justified and approved by the Research Council of the Laboratory. In such cases the entire service rendered by the staff members in the non-technical category will be taken into consideration for computing period of service towards eligibility for assessment to the next higher grade. However, the effective date of assessment of such staff members will be from the date of induction or the date of completion of minimum length of service required for eligibility for assessment on or after 1-2-1981, whichever is later. This underlines the need for imparting inhouse training of staff members.

7.6.9 Induction of non-technical (non-gazetted) staff into technical stream. Group II will be regulated in terms of letter No. 17(65)/(P-42) PPS dated 22.6.90 and 13.8.90 (Annexures 7.6.9(A) and (B)). The inductees will be placed in the lowest closest grade, then second lowest, and then third lowest, as the case may be. The existing instructions for induction of drivers into technical stream will continue to apply.

7.6.10 It shall be the primarily the responsibility of the Controller of Administration in the Laboratory/Instt. and the concerned Deputy Secretary at CSIR Headquarters to ensure that the guidelines on the scheme are strictly followed. For this purpose, he will be intimately associated at every stage in implementation of the scheme including constitution of Committees.

7.7 On introduction of Recruitment & Assessment Scheme, w.e.f. 1-2-1981 CSIR did not formulate appropriate guidelines for dealing with issues like confirmation, probation, lien etc. On the other hand, Scientist B and above inducted on contract basis with a provision for extension of contract for such period, as considered necessary, were claiming confirmation on completion of their probationary period. Thus it became difficult to maintain establishment lists for scientific and technical staff. It was, therefore, considered necessary to review the existing system. It has been decided that since confirmation has been delinked from the availability of a permanent vacant post and confirmation is a one-time event at the entry grade, an employee on successful completion of probationary period will be entitled to all benefits of confirmation and lien except the consequences of being on contract in the case of Group IV employees.

MERIT AND NORMAL ASSESSMENT SCHEME

7.8 Those employees who leave the service of the CSIR on their own volition will not be entitled for any assessment over and above the assessment already availed even though it may relate to the period when they were in CSIR service. However those who superannuate or die in service will be considered for assessment from the due date of eligibility. For deceased employees, there will be no element of interview and marks will be awarded pro rata on the basis of the marks awarded for APAR (Groups I, II, III and V(A) and APAR+Referees (Group IV)).

7.9 Two-years diploma in Draftsmanship will be treated as equivalent to the minimum qualifications prescribed for Group III in respect of those Senior Draftsmen (Selection Grade) in position on 1-2-81. National Trade Certificate/Diploma after one year's academic study followed by 6 months implant training will also be treated as minimum qualifications prescribed for Group III in such cases.

7.10 Associateship Diploma of the Institution of Chemists (India) obtained by examination has been treated as equivalent to M.Sc. degree for assessment purpose. Those who obtain 60% and above marks may be deemed to have passed in 1st class.

7.11 Associate Membership Examination of the Indian Institute of Chemical Engineers has been recognised by Govt. of India for recruitment to superior posts where a degree in Chemical Engineering is a prescribed qualification.

7.12 Master's Degree in Commerce will be treated as equivalent to M.Sc. for recruitment and assessment of scientists in Group III in the PME Cell set up in the Labs. Post Graduate degrees in Statistics/Mathematics/Computer Science will be considered equivalent to M.Sc. Degree in their respective areas for Group III. Post Graduate Degrees in subjects like Economics, Geography may be regarded as equivalent to M.Sc. Degree depending upon the relevance of the area of work, decided by the respective Research Council. Other cases of equivalence will continue to be referred to CSIR Headquarters.

7.13 Medical officers engaged in R&D work will belong to Group IV but will not get the benefit of NPA and other allied benefits, if any. However, Medical officers engaged otherwise such as those appointed in dispensaries of Labs./Instts. will belong to Group III with benefit of Non-Fractising allowance.

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9. OPERATIONAL CHARTS

TABLE I

GROUP I - RECRUITMENT & ASSESSMENT SCHEME

Group & Grade	Scale of Pay with Pre-revised scale within brackets	Minimum qualifications for Recruitment	Eligibility for Assessment (Number of yrs)	Minimum percentage of Threshold Marks
(1)	(2)	(3)	(4)	(5)
I(1)	Rs. 750-12-870-EB-14-940 (Rs. 196-3-220-EB-3-232)	VIII standard	7,8,9,11 and after remaining for one year at the maximum of scale	60
I(2)	Rs. 800-15-1010-EB-20-1150 (Rs. 210-4-226-EB-4-250-EB-5-292)		-do-	60
I(3)	Rs. 950-20-1150-EB-25-1400 (Rs. 260-6-326-EB-8-350)		-do-	70
I(5)	Rs. 1350-30-1440-1800-EB-50-2200. (Rs. 390-12-440-EB-15-560-EB-20-640)			

MERIT AND NORMAL ASSESSMENT SCHEME

TABLE II

GROUP II - RECRUITMENT & ASSESSMENT SCHEME

Group & Grade	Scale of Pay with Pre-revised scale within brackets	Minimum qualifications for Recruitments	Eligibility for Assessment (Number of yrs)	Minimum percentage of Threshold Marks
(1)	(2)	(3)	(4)	(5)
I(1)	Rs. 950-20-1150-EB-25-1400 (Rs. 260-6-326-EB-8-350)	III Trade Certificate Matriculation (10 yrs in the new system) + two years experience	7,8,9,11 and after remaining for one year at the maximum of scale	60
I(2)	Rs. 1350-30-1440-40-1820-EB-50-2200. (Rs. 390-12-440-EB-15-560-EB-20-640)		-do-	65
I(3)	Rs. 1400-40-1800-EB-50-2300 (Rs. 425-15-500-EB-15-560-700)		-do-	70
I(4)	Rs. 1640-60-2600-EB-75-2900 (Rs. 550-25-750-EB-30-900)		-do-	75
I(5)	Rs. 2000-60-2300-EB-75-3200-180-3500 (Rs. 650-30-740-35-810-EB-35-850-40-1000-EB-40-1200)			

MERIT AND NORMAL ASSESSMENT SCHEME

MERIT AND NORMAL ASSESSMENT SCHEME

TABLE III

GROUP III - RECRUITMENT & ASSESSMENT SCHEME

Group & Grade	Scale of Pay with Pre-revised scale within brackets	Minimum qualifications for Recruitment	Eligibility for Assessment (Number of yrs)	Minimum percentage of Threshold Marks
(1)	(2)	(3)	(4)	(5)
III(1)	Rs. 1400-40-1000-55-50-2300 (Rs. 425-15-500-55-15-560-20-700)	B.Sc.(Science)/ B.Lib.Sc./Dip. in Engg./Technology of 3 years duration or equivalent	5,6,7,9 and after remaining for one year at the maximum of the scale	60
III(2)	Rs. 1640-60-1600-65-75-2900 (Rs. 550-25-750-65-30-900)	B.Sc.(Science) B.Lib.Sc./Dip. in Engg./Technology of 3 years duration or equivalent plus 3-5 years relevant experience OR M.Sc./B.E./B.Tech. or equivalent	6,7,8,10 and after remaining for one year at the maximum of the scale	65
III(3)	Rs. 2000-60-2300-65-75-3200-100-3500 (Rs. 650-30-740-35-810-85-35-800-40-1000-40-1200)	B.Sc.(Science)/ B.Lib.Sc./Dip. in Engg./Technology of 3 years duration or equivalent plus 5-8 years relevant experience; OR M.Sc./B.E./B.Tech. or equivalent with 2-4 years relevant experience	5,6,7,9 and after remaining for one year at the maximum of the scale	70

III(4) Rs. 2200-75-2800-65-100-4000 (Rs. 700-40-900-65-40-1100-50-1300)

B.Sc.(Science) B.Lib.Sc./Dip. in Engg./Tech. of 3 years duration or equivalent plus 8-10 years relevant experience OR M.Sc./B.E./B.Tech. or equivalent with 4-6 yrs relevant experience

5,6,7,9 and after remaining for one year at the maximum of the scale

III(5) Rs. 3000-100-3500-125-4500 (Rs. 1100-50-1600)

B.Sc./Sc./B.Lib.Sc./Dip. in Engg./Tech. of 3 years duration or equivalent plus 10-12 years relevant experience or M.Sc./B.E./B.Tech. or equivalent with 6 years relevant experience

5,6,7,9 and after remaining for one year at the maximum of the scale

III(6) Rs. 3700-5000

M.Sc./B.E. or M.Tech./ M.E./MBS/M.V.Sc./ M.Pharm/Ph.D.(Science)

5,6,8 and at maximum of scale

III(7) Rs. 4500-5700

Staff in Grade III(6) of Rs. 3700-5000 who have acquired qualifications equivalent to those prescribed for Group IV will only be eligible for assessment to Grade III(7) of Rs. 4500-5700. The condition of 1st class will not be applicable.

MERIT AND NORMAL ASSESSMENT SCHEME

MERIT AND NORMAL ASSESSMENT SCHEME

TABLE IV

GROUP IV - RECRUITMENT & ASSESSMENT SCHEME

Group & Grade	Scale of Pay with Pre-revised scale within brackets	Minimum qualifications for Recruitment	Eligibility for Assessment (Number of yrs)	Minimum percentage of Threshold Marks
(1)	(2)	(3)	(4)	(5)
IV(1)	Rs. 2200-75-2800-EE-180-4000 (Rs. 700-40-900-EE-40-1100-50-1300)	1st class M.Sc./1st class B.E. or M.Tech./M.E./MBS/M.V.Sc./M.Farm./Ph.D. (Sci.)	5,6,7,9 and after remaining for one year at the maximum of the scale	60
IV(2)	Rs. 3000-180-2500-125-4500 (Rs. 1100-50-1600)	1st class M.Sc./1st class B.E. with 6 yrs experience/M.E. with 4 years experience/Ph.D. (Science) with 2 years experience/Ph.D. (Engg.) Minimum years of experience relaxable only in exceptional cases	5,6,7,9 and/or after remaining for one year at maximum of the scale	60
IV(3)	Rs. 3700-125-4700-150-5000 (Rs. 1500-60-1900-100-2000)	1st class M.Sc./1st class B.E. with 12 years experience OR M.Tech./M.E./MS/MD/Ph.D. or corresponding degrees in other disciplines with original work as evidenced by patents or publications. Evidence of leadership with about 10 years of R&D experience	5,6,8 and at the maximum of the scale	70

IV(4) Rs. 4500-150-5700
(Rs. 1800-100-2000-125/2-2250)

1st class B.Sc./1st class B.E. with 12 years experience
OR
M.Tech./M.E./MS/MD/Ph.D. or corresponding degrees in other disciplines with original work as evidenced by patents or publications.
Evidence of leadership with about 10 years of R&D experience

5,6 & 7 yrs and at the maximum of the scale

75

IV(5) Rs. 5100-150-5700-200-6700
(Rs. 2000-125/2-2500)

-do- 5,6,7,8 and at the maximum of the scale

75

IV(6) Rs. 5900-6700
(Rs. 2250-2750)

-do-

75

IV(7) Rs. 5900-7300
(Rs. 2500-3000)

-do-

Applicable from 1.4.1990

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TABLE V (A) - RECRUITMENT & ASSESSMENT SCHEME

Group & Grade	Scale of Pay with Pre-revised scale within brackets	Minimum qualifications for Recruitment	Eligibility for Assessment (Number of yrs)	Minimum percentage of Threshold Marks
(1)	(2)	(3)	(4)	(5)
V(A)(1)	Rs. 1400-40-1800-EP-50-2300 (Rs. 425-15-500-EB-560-20-700)	3 years Diploma in Engg./Arch. or equivalent	5,6,7,9 and after remaining for one year at the minimum of the grade	60
V(A)(2)	Rs. 1500-60-2600-EP-75-2900 (Rs. 550-25-750-EB-900-30-900)	3 years Diploma in Engg./Arch. or equivalent with 5-8 years relevant experience OR B.E./B.Tech.	6,7,8,10 and after remaining for one year at the minimum of the grade	65
V(A)(3)	Rs. 2000-80-3200-EP-75-3200-100-3500 (Rs. 650-30-750-75-EB-35-800-40-1000-EB-40-1200)	3 years Diploma in Engg./Arch. or equivalent with 5-8 years relevant experience OR B.E./E.Tech. with 2-4 yrs relevant experience	5,6,7,9 and after remaining for one year at the minimum of the grade	70
V(A)(4)	Rs. 2200-75-3800-EP-100-4000 (Rs. 700-40-900-EB-40-1100-50-1300)	3 years Diploma in Engg./Arch. or equivalent with 9-10 years relevant experience OR B.E./B.Tech. with 4-6 yrs relevant experience	-do-	75
V(A)(5)	Rs. 3000-100-3500-125-4500 (Rs. 1100-50-1600)			

Note 1: The staff engaged in the Civil Engg., Maintenance and Architectural Sections of the Laboratories/Institutes will be assessed in this Group.

Note 2: Staff in the Grade-V(A) with B.E./B.Tech. or equivalent will be considered for one-time assessment to Rs. 3200-5000 if they have remained for one year at the minimum of the grade.

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TABLE-V(B)

Filling up of cadre vacancies for Engineering and Architectural Staff

Group & Grade	Scale of Pay (Rs.) (pre-revised)	Minimum qualifications prescribed for future recruitment	Remarks
1	2	3	4
V(B)(1)	1500-2000	Bachelor's degree in Engineering/Architecture or equivalent	
V(B)(2) Non-functional Selection Grade	1600-2250		By direct recruitment
V(B)(3)	2000-2500	-do-	

MERIT AND NORMAL ASSESSMENT SCHEME

OPERATIVE SCALES (OLD & REVISED)

Revised Scales	Old Scales
Rs. 750-12-870-EB-14-940	Rs. 196-3-220-EB-3-232
Rs. 800-15-1010-EB-20-1150	Rs. 210-4-226-EB-4-250-EB-5-298
Rs. 875-15-920-EB-20-1200	Rs. 225-5-260-6-290-EB-6-300 (since omitted)
Rs. 950-20-1150-EB-25-1400	Rs. 260-6-326-EB-8-350
Rs. 1200-20-1500-EB-40-2040	Rs. 330-10-380-EB-12-500-EB-15-560
Rs. 1320-30-1500-EB-40-2040	Rs. 360-12-500-EB-15-560 (since omitted)
Rs. 1350-30-1440-40-1800-EB-50-2200	Rs. 380-12-440-EB-45-560-EB-20-640
Rs. 1400-40-1800-EB-50-2300	Rs. 425-15-500-EB-15-560-20-700
Rs. 1640-40-2600-EB-75-2900	Rs. 550-20-750-EB-30-900
Rs. 2000-60-2500-EB-75-3200-100-3500	Rs. 650-30-740-35-810-EB-35-860-40-1000-EB-40-1200
Rs. 2200-75-2800-EB-100-4000	Rs. 700-40-900-EB-40-1100-50-1300
Rs. 3000-100-3500-125-4500	Rs. 1100-50-1600
Rs. 3700-125-4700-150-5000	Rs. 1500-60-1800-100-2000
Rs. 4500-150-5700	Rs. 1800-100-2000-125/2-2250
Rs. 5100-150-5700-200-6200	Rs. 2000-125/2-2500
Rs. 5900-200-6700	Rs. 2250-125/2-2750
Rs. 6700-220-7500	Rs. 2500-125/2-3000

MERIT AND NORMAL ASSESSMENT SCHEME

9. ANNEXURES

Annexure 2.5.9(A)

I. With the omission of Grade of Rs. 380-560 (pre-revised) from Group II, following procedure for placement/assessment be followed:-

- Incumbents may be placed in Rs. 380-640 (pre-revised) with notional pay fixation and actual financial benefits from 1.2.1988 (seven years residency period from 1.2.1981);
- Length of service of incumbents promoted through DPC on or after 1.2.1981 will be determined notionally from 1.2.81;
- Those assessed/recruited in Rs. 380-560 (pre-revised) after 1.2.81 may be placed in Rs. 380-640 (pre-revised) from the date of such assessment/recruitment notional upto 1.2.1988 with financial benefits from 1.2.1981;
- Thereafter, they will be eligible for assessment to Rs. 425-700 (pre-revised) with percentage restrictions of 33-1/3% and the prescribed number of chances in HRAES. Service rendered in the grade of Rs. 380-560/380-560 (pre-revised) before 1.2.1981 may also be counted for assessment to the grade of Rs. 425-700 (pre-revised) without affecting those who have already been assessed to the grade of Rs. 425-700 (pre-revised). Relaxation in percentage restriction applies wherever inevitable.

With the omission of the grade of Rs. 225-308 (pre-revised) from Group I, following procedure for placement be followed:-

- Employees in service on 1.2.1981 in the grade of Rs. 225-308 (pre-revised) may be deemed to be notionally placed in the grade of Rs. 260-350 (pre-revised) in Group II with effect from 1.2.1981 or later, as the case may be, with actual financial benefit with effect from 1.4.1988;
- Those appointed through DPC on or after 1.2.1981 (between 1.2.1981 to 28.2.1982) will be notionally placed in the scale of Rs. 260-350 (pre-revised) with effect from 1.2.1981;
- Length of service rendered in the grade of Rs. 225-308 (pre-revised) will be counted as service in the grade of Rs. 260-350 (pre-revised). Employees will be eligible for assessment to the next higher grade of Rs. 360-640 (pre-revised) with effect from 1.4.1988 or later, as the case may be, as per the provisions of the MANAS.

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Annexure 3.3.2.1(A)

COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH

PROFORMA FOR

SENIOR FELLOWS

LABORATORY/INSTITUTE

A) 1 O-DATA

1. Name

2. Date of Birth

3. Scale of Pay

4. Date of appointment
to the present grade

5. Educational Career

DEGREE	CLASS/ GRADE	UNIVERSITY	YEAR	SCHOLARSHIPS/ AWARDS
--------	-----------------	------------	------	-------------------------

MERIT AND NORMAL ASSESSMENT SCHEME

6. Details of Career
(in reverse chronological order)

ORGANISATION	POST/ GRADE HELD	DATE OF		REASON FOR LEAVING	NATURE OF DUTIES
		JOINING	LEAVING		

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- 7 Membership of Committees
Societies, Academies, Professional
Bodies

8. Honours, Awards, etc.

MERIT AND NORMAL ASSESSMENT SCHEME

PART - B

MAIN ACHIEVEMENTS

(Mention only those during the last 5 years)

1. Five most outstanding R & D achievements

2. Best five publications (attach reprints)

3. Any other significant contribution e.g. fabrication
design of equipment patents, innovation, upscaling of
know-how marketing of CSIR knowledge base, etc.

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PART C

PROJECT PROFILE

1. Title of the Project
2. (a) Objectives(not exceeding 100 words)

(b) Please state by a mark whether the proposed work will lead to

- generation of new knowledge in natural / life / engineering sciences
- development of a new technology of production and / or a new product
- improvement of the existing technology / product
- development of a new equipment / instrument
- new insight into issues of R&D and S&T organisation and management
- any other significant output (please specify)

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3. State of art in the field and approach proposed for the project (not exceeding 400 words)

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4. Inputs required (with time schedule)

5. Monitoring
(a) Milestone chart

(b) Suggestions, if any, for monitoring the progress

Date

6. Certified that the project is in the approved thrust area of the laboratory. (Add any thing else you wish to mention)

Date

Signature of the Scientist

Signature of the Head of Laboratory

MERIT AND NORMAL ASSESSMENT SCHEME

Annexure 5.2.1(A)

Work Report for the period _____ to _____

(A) BIODATA

1. Name:
2. Date of birth:
3. Grade held & from which date:
4. Academic background

Degree (In reverse order upto Degree level only)	Class/Grade	University	Year	Scholarships/ Awards
---	-------------	------------	------	-------------------------

5. Please give title/brief description of R&D Projects (Laboratory, bench, pilot scale) on which actively worked during period under report showing separately your role therein.

Title of Project	Your role of Project Coordinator/Leader or Member of Project team	Commencement of Project	Anticipated Conclusion	Field of Project Basic Res. Applied Res. Design or Dev.
------------------	---	-------------------------	------------------------	--

6. Current Membership of Professional Bodies, Technical Committees, Societies, Academies with date from which he became member:

7. Honours, Awards, with dates etc

8. Conferences, Seminars attended during the period within or outside the country. Please attach copies of papers presented, if any, and/or state your contribution to the event:

9. Deputations/Assignments abroad during the period: Specialisation, if any, may also be indicated

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MERIT AND NORMAL ASSESSMENT SCHEME

PART-I

Main achievements during the period _____

1. Outstanding R&D achievements during the period:
2. Best Five publications in prestigious journals. Attach reprints.
3. If some or all your contributions are in the area of basic science, such contribution may be listed along with appropriate description of their importance:
4. Any other significant contribution e.g. fabrication/design of equipment, patents, innovation, upscaling of know-how, marketing of CSIR knowledge base etc.:
5. Any other remark you may wish to add in about 100 words:

Signature/Counter-signatures:

1. Head of Division
2. Director of Lab./Instt.

Note: Referee is requested to kindly go through the scientific and technical achievements of the candidate and mark his assessment on the seven point scale enclosed and return it in a sealed cover addressed to the Controller of Administration.

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Annexure 7.6.1(A)

COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH
P-1 Marg,

No.16(150)/68-E.II(Pt.II)

New Delhi:- the 13th Jan., 1981

From: Chief (Administration)
Council of Scientific & Industrial Research

To
The Directors/Heads of all the National
Laboratories/Institutes/Research Associations.

Subject : Report of the Committee constituted to look into the question of linking of the technical assistance programmes with overall plans and resources and absorption of staff employed in externally funded projects/schemes.

Sir,

I am directed to invite your kind attention to this office letter No.4/3/78-CTE dated 8.6.1979 regarding the constitution of a Committee to look into the question of linking of the technical assistance programmes with overall plans and resources and absorption of staff employed in externally funded projects/schemes and to state that the Report of the Committee was placed for consideration of the Governing Body at its meeting held on 30.9.1980.

The Governing Body has approved of the report of the Committee subject to certain modifications as proposed by the Director-General, S.I.R. The salient features of Governing Body's decision are reproduced below:-

1. The sponsored projects / Schemes under different categories should be accepted / undertaken on a selective basis i.e. (i) these should be in consonance with the approved objectives, goals and charter of the Laboratory / Institute; (ii) be in the areas / fields of the regular activities of the Institute; (iii) form part of the total plans of the Laboratory; (iv) be included in the Annual / Five Year Plan of the Institute; and (v) be of a major benefit to the country.
2. The projects should not serve merely as data bases for more advanced countries or provide a chance for dumping obsolete plants / technology in India

MERIT AND NORMAL ASSESSMENT SCHEME

and retard our growth. These should not also become a tool of diverting the Institute away from its approved priorities by lure of equipment etc. Where equipment is capital intensive, one should normally not look for the acquisition of such equipment through sponsored schemes, but C.S.I.R. should take up the responsibility for this. There could be special situations where there are clear advantages of using a Scheme for this purpose.

3. Such Projects / Schemes should first be cleared by the Research Advisory Council of the concerned Laboratory / Institute from the viewpoint of scientific merit / national relevance. Thereafter, these would be discussed with CSIR Headquarters, the nodal point for such discussions being the Planning Division. After the projects schemes are cleared by the CSIR, the same would be placed before the Executive Committee of the concerned Laboratory for approval.

4. The work relating to these projects should, as far as possible, be managed with the regular staff instead of making them a vehicle for additional manpower. The Laboratories / Institutes should themselves have inherent capability to provide the major inputs for infrastructure to take on the sponsored schemes and the incremental staff should be minimal. While planning to take up sponsored schemes, adequate thought should be given to aspects relating to the building up of staff as also for tapering it off when the scheme gets completed.

5. The prescribed procedure, as applicable for regular posts/staff, should be followed both for creating additional posts and recruiting additional staff, if any, required for UNDP, PL-480 and other Bilateral projects. It should be ensured that while making recruitment for schemes projects posts, there should be no dilution of quality. The staff recruited for such projects will be treated as temporary CSIR staff.

In sponsored projects, however, the recruitment should be on behalf of the sponsor for a fixed period for the duration of Scheme only and it should be so made clear in the appointment letter of the candidate besides stipulating therein that the appointment is not a CSIR appointment, temporary or otherwise, and does not entitle the incumbent to any claim, implicit or explicit, on any CSIR post.

MERIT AND NORMAL ASSESSMENT SCHEME

For time bound sponsored projects to start within 6 months of the agreement, the Labs. Instts. would be authorised to make adhoc appointments to various posts through local Selection Committees, without, however, diluting the qualifications and other prescribed standards.

The regular staff applying for the posts in such sponsored project, if selected, could function in that position, which may be higher, but purely temporarily, and revert to their substantive (regular) post on completion of the project.

6. The staff recruited for schemes by following the prescribed recruitment procedure, should not be required to undergo this procedure afresh for their appointment / absorption on regular side in identical post. On such absorption their scheme service will be taken into account for purposes of entitlement to various service benefits in CSIR such as Leave, Study Leave etc.

7. The staff earlier appointed in the sponsored projects / schemes, PL-480 schemes etc., who have since been absorbed on the regular side in the same Lab. / Instt. in which the scheme was under operation, will be entitled to count their service rendered under the scheme in an identical post for purpose of assessment for promotion to the next higher grade. The advantage of assessment on this basis will, however, be available with effect from 1.10.1980 or the date of completing the prescribed number of qualifying years for assessment, whichever is later.

8. The existing persons who have rendered three years continuous service in a scheme should be absorbed either against existing regular vacancies in identical posts or by creating additional posts (by following prescribed procedure) if the work load in the Laboratory / Institute so demands. The supernumerary posts could be created to absorb the staff employed in such projects / schemes, initially being a one time effort only. The Laboratories / Institutes should not recruit further staff until all such staff is absorbed.

9. The grant made for such projects should be treated as an adhoc grant to the Institute and the same should clearly figure in the overall "Income - Expenditure" and "Assets - Liabilities" statements of the Institute.

MERIT AND NORMAL ASSESSMENT SCHEME

10. More opportunities should be given to younger Scientists to visit abroad for training etc. in the scheme sponsored by U.N.D.P. etc.

A copy of the report of the Committee is enclosed for your information, guidance and necessary action.

The earlier guidelines regarding the appointment (including service conditions) of staff for scheme / projects sponsored / financed by non-CSIR bodies (both Indian and Foreign) and taken up at the Laboratories / Institutes, which are not in accord with the above decisions, will stand superseded to the extent indicated in the above paras.

Yours faithfully,

Sd/-

(C.L. Malhotra)
Under Secretary.

Copy to:

1. The Sr. Finance and Accounts Officers / Finance and Accounts Officers of all the National Laboratories / Institutes / CSIR Headquarters (including CSIR Complex).
2. The Directors / Heads of all the transferred Laboratories / Institutes / Research Associations for information.
3. All the Divisions / Sections at CSIR Headquarters / CSIR Complex.
4. P.S. to DGSIR.
5. Chief (Finance).
6. Chief (Planning).
7. Chief (Administration).
8. D.S.(E).
9. Dy. Chief (Finance).

Sd/-
Under Secretary.

MERIT AND NORMAL ASSESSMENT SCHEME

REPORT OF THE COMMITTEE CONSTITUTED TO
LOOK INTO THE QUESTION OF LINKING OF THE
TECHNICAL ASSISTANCE PROGRAMMES WITH
OVERALL PLANS AND RESOURCES AND
ABSORPTION OF STAFF EMPLOYED IN
EXTERNALLY FUNDED PROJECTS/SCHEMES

1. This Committee was appointed by the Director-General, CSIR in pursuance of the recommendations of the 29th Conference of Directors held at GFTRI, Mysore on 2-3.6.1978. The letters appointing the Committee, nominating its Chairman and the meetings held are appended (Appendix I, II & III respectively).

2. The Committee was provided with the relevant documents by the CSIR Secretariat. The list of these is given in letter No. 16(150)/68-E.II(Pt. II) dated 29/30.6.1979 from the Chief (Administration) (Appendix IV).

3. The Committee did not invite any suggestions, as the Directors could forward their suggestions to this Committee, as indicated to them in Council's letter No. 4/3/78-Cte. dated 8.3.79 communicating the constitution of the Committee. Some suggestions were received from some of the Directors of the National Laboratories. These were duly considered by the Committee. Some representations made by the 'Scheme personnel' regarding their service conditions put up to the Committee, were also considered.

4. The Committee held a preliminary discussion in its meeting held at Hyderabad on 28.8.1979 and also went through the various orders already existing on the subject. In its final meeting held on 12.3.1980, the Committee reviewed the existing procedures/practices prevailing in CSIR and also in other organisations like ICAR vis a vis the scope and the need for taking up projects funded by outside agencies.

Based on the discussions held in the above two meetings, the Committee makes the following recommendations:-

- 1.0 Criteria of Project Selection.
- 1.2 It should be in consonance with the approved objectives and goals of the Institute as enumerated in its Charter.
- 1.3 It should form a part of the planned growth of the institute and should result in an increase in the general level of capability of the Institute in its line of growth.
- 1.4 It should be a part of the Annual/Five Year Plan of the Institute or should first be included in such plan before being put up for further processing.

MERIT AND NORMAL ASSESSMENT SCHEME

- 1.5 It should be of major benefit to the country.
- 2.0 Approvals before an approach is made to the Govt. of India/Funding agencies etc.
- 2.1 It should have the approval of the Institute's Research Advisory Council (RAC) and Executive Committee (EC).
- 2.2 It should be discussed with Chief (Planning), Chief (Admin.) and Chief (Finance) before seeking approval of E.C. to (a) ensure and certify proper counterpart budget provision and (b) to avoid unnecessary duplication of the capabilities existing in one or the other CSIR Institutes.
3. Objectives which such projects should not serve.
- 3.1 Such projects should not become a vehicle of augmentation of manpower in the Laboratory by the backdoor. The UNDP projects, Bilateral projects, and other sponsored projects should not be used as a vehicle for additional manpower and the work relating to these projects should as far as possible be managed with the regular staff.
- 3.2 Projects should not serve merely as data bases for more advanced countries or provide a chance for dumping obsolete plants/technology in India and retard our growth.
- 3.3 Projects should not become a tool of diverting the Institute into by-lanes away from the main path of its approved priorities by lure of equipment etc.
- 4.0 Recruitment of additional staff: service conditions and service benefit etc. of such project staff.
- 4.1 Any grant to meet expenditure in such projects should be classified as an ad-hoc grant to CSIR/Institute.
- 4.2 As an obvious corollary to this, additional staff, if any, recruited under such projects will be treated as temporary CSIR staff and their methods of recruitment, service conditions and benefits will be automatically regulated accordingly.
- 4.3 The additional staff if any required for such projects will be required to be justified in the usual manner and posts will have to be got created by following the prescribed procedure.
- 5.0 Suggested solution of problems relating to existing Staff in such Projects/Schemes etc.

MERIT AND NORMAL ASSESSMENT SCHEME

5.1 The existing staff who were earlier employed under the sponsored projects/schemes, PL-480 Scheme etc. and have since been appointed on regular side will be entitled for assessment for promotion to the next higher grade on the basis of total combined service under the scheme(s) and on regular side in the grade on fulfilment of the given conditions. The advantage of assessment on this basis, will, however, become available to them from 1.4.1980 or the date of completing the prescribed number of qualifying years for assessment, if such date is later than 1.4.1980.

5.2 The period of service rendered under a scheme in another sister Laboratory/Institute will not count for the purpose of assessment in the Laboratory/Institute where he is employed on the crucial date (i.e. 1.4.1980).

5.3 The persons who have been continuously working for three years or more under an externally funded scheme and have not been regularised so far will be considered for absorption against existing regular vacancies in identical posts as and when available in the respective Laboratory/Institute. In case sufficient number of vacancies are not available to absorb them but enough work load exists in the concerned Laboratory/Institute, the Director/Head of the National Laboratory/Institute should take up the question of creation of additional posts on the basis of the work load and/or new projects that might have been undertaken, as per the prescribed procedure, to consider their absorption.

5.4 The 'Planning' and 'Finance' Divisions may be requested to examine such proposals keeping in view the fact that such additional posts are required to consider the absorption of persons already working in the scheme for more than three years.

5.5 Such of the scheme personnel as were selected to the scheme posts by following the prescribed procedure of recruitment will not be required to undergo this procedure afresh for their absorption on the regular side in identical posts, as above, and on such absorption the protection of the pay drawn by them in the scheme posts will be allowed. On absorption on the regular side, they will become entitled to the benefit of Leave, Study Leave, promotion by assessment etc. for which purpose the scheme service will also be taken into account.

5.6 Cases which have already been decided will not be re-opened generally, however, any case meriting special consideration may be examined and decided on individual merit by Director-General, CSIR.

MERIT AND NORMAL ASSESSMENT SCHEME

Distinction between Sponsored Research and above types of Project.

6.1 In the above types of Projects, there is a major deployment of funds and resources of the Institute and these are thus in a way 'Grants-in-Aid' Projects.

6.2 In sponsored projects, the total costs are met by the Sponsoring Organisation.

Guidelines for Staff Recruitment in Sponsored Projects/Sch. mes.

7.1 As far as possible, staff should be seconded from the Institute for sponsored projects.

7.2 In case staff is recruited for sponsored projects, the recruitment should be on behalf of the sponsor for a fixed period and the letter of appointment should clearly state that such an appointment

7.2.1 is not a CSIR appointment, temporary or otherwise;

2.2 does not entitle the incumbent to any claim, implicit or explicit, on any CSIR post.

7.3 For time-bound sponsored projects to start within six months of the agreement, the Institute should be authorised to recruit such staff without following the rules and regulations of recruitment in CSIR as regards advertisement. But the educational qualifications, experience prescribed for a given post should be rigidly followed and not relaxed. Local Selection Committees on the pattern of similar committees for CSIR posts should be constituted by the Director for such posts and the matter reported to E.C. and CSIR. This should ensure that no dilution of standards takes place.

7.4 Since the basic reason for recruiting staff for time-bound sponsored projects is to provide additional manpower to keep to the time targets, promotion of staff from the Institute against a sponsored project post is not justifiable.

7.5 Presently, Deputation (duty) Allowance is governed by the Ministry of Finance O.M. dated 27.1.1970 as quoted in CSIR letter No. 16(150)/68-E.I. dated 16th June, 1970 to the Director, National Chemical Laboratory, Poona. No consensus could be reached on giving deputation allowance to Institute staff seconded to sponsored projects.

MERIT AND NORMAL ASSESSMENT SCHEME

Appendix I

Copy of letter No. 4/3/78-Cta. dated 8.6.1979 from Chief (Admn.). CSIR, New Delhi to the Directors/Heads of National Labs./Instts./Research Associations.

Sub: Proceedings of the 28th Conference of Directors held at CFTRI, Mysore, on 2nd & 3rd June, 1978.

I am directed to invite your kind attention to item No. 11 "Linking of the technical assistance programmes with overall plans and resources" of the proceedings of the above conference circulated vide this office letter of even number dated 19.6.1978, and the decision of the Conference thereon which reads as under :-

"Prof. Rahman introduced this item.

DGSIR broadly classified externally funded projects into three categories - (1) those funded by agencies like ICAR, ICMR, DST, DAE, Department of Space, Defence, etc. (2) those funded by PL-480, USSR Academy of Sciences, etc. and (3) those funded by UNDP. He brought out the distinction in each case. A general discussion followed. A good deal of anxiety was expressed by the Directors of National laboratories in the matter of absorption of staff employed in these schemes. DGSIR desired that the whole matter should be examined and guidelines issued. A committee was appointed with the following members to go into this question.

1. Dr. G.S. Sidhu
2. Dr. A.R. Verma
3. Dr. S.R. Valluri
4. Chief (Administration) and
5. Chief (Finance)

The Directors could forward their suggestions to this committee.

The DGSIR has been pleased to include Chief (Planning), CSIR as member of the above committee.

MERIT AND NORMAL ASSESSMENT SCHEME

Appendix II

Copy of letter No.16(150)/68-E.II(Pt.II) dated 23.7.1979 from Chief (Administration), CSIR, New Delhi to the Directors/ Heads of all the National Laboratories/Instts./ Research Associations.

Sub: Proceedings of the 29th Conference of Directors held at CFTRI, Mysore on 2nd & 3rd June, 1978. Item No.11 "Linking of the technical assistance programmes with overall plans and resources"

Further to this office letter No.4/3/78-Cte. dated 8th June, 1979 on the subject cited above, I am directed to state that the Director General, SIR has been pleased to nominate Dr. G.S. Sidhu, Director, Regional Research Laboratory, Hyderabad as Chairman of the Committee mentioned therein.

MERIT AND NORMAL ASSESSMENT SCHEME

Appendix III

MEETING HELD

The Committee held two meetings as follows:-

The first meeting was held at Hyderabad (RRL) on 28th August, 1979 and the following were present:-

1.	Dr. G.S. Sidhu	Chairman
2.	Dr. S.R. Valluri	Member
3.	Shri Nau Nihal Singh	Member
4.	Prof. A. Rahman	Member
5.	Shri S.R. Chaturvedi	On behalf of Chief (Finance)

Dr. A.R. Verma, however, could not attend the meeting.

The second meeting of the Committee was held at CSIR H.Q., New Delhi on 12th March, 1980 and the following were present:-

1.	Dr. G.S. Sidhu	Chairman
2.	Dr. S.R. Valluri	Member
3.	Dr. A.R. Verma	Member
4.	Prof. A. Rahman	Member
5.	Shri P.K. Ramanujam	Member
6.	Shri K.C. Sundarachari	Member

MERIT AND NORMAL ASSESSMENT SCHEME

Appendix IV

Copy of letter NO.16(150)/68-E.II(Pt. II) dated 29/30th June 1979 from Chief (Administration) CSIR, New Delhi to the Members of the Committee.

Sub: Proceeding of the 29th Conference of Directors held at CFTRI, Mysore on 2nd & 3rd June, 1978 (Item No.11 of the Proceedings regarding Linking of the technical assistance programmes with overall plans and resources) - Constitution of a Committee to look into the matter of absorption of staff employed on externally funded projects/schemes.

I am directed to invite a reference to this office circular letter No.4/3/78-Cte. dated 8.6.1979 on the subject cited above, and to state that the first meeting of the Committee, constitution of which has been notified therein, will be held on Thursday, the 12th July, 1979, at 10.30 A.M. at CSIR Hqrs.

I am to request you kindly to make it convenient to attend the meeting. In this connection the following documents are sent herewith for consideration of the Committee :-

1. Copy of the Item No.11 of the Agenda of the said Conference;
2. Copy of the decision of the Conference on the above mentioned item;
3. Copy each of CSIR circulars No.16(150)/68-E.I dated 23.4.1969 and 16.6.1970 containing the orders/terms and conditions governing the appointment/service conditions of staff under the schemes/projects sponsored/financed by non-CSIR bodies, as in force at present.

No.11(1)-E.II(B)/69
Government of India,
Ministry of Finance
(Department of Expenditure)

New Delhi : 25.6.1970.

OFFICE MEMORANDUM

Subject : Relaxation of S.R. 12 in favour of Scientists permitting to take up assignments in Universities / Scientific Institutions in India or abroad.

The undersigned is directed to invite a reference to this Ministry's O.M.No.15(45)-E.II(B)/59 dated 5.11.1959 regarding exemption from the operation of S.R.12 of Scholarship or stipend received by a Government servant for prosecuting a course of studies or undergoing specialised training.

2. On the recommendation of the committee on Science and Technology, the President is pleased to decide, in relaxation of the provisions of S.R. 12, that Scientists, Technologists and medical specialists working under the Central Government in the overall interest of research and development are permitted by Government to take fulltime assignments either in foreign countries or within the country, as visiting professors, students, etc. in universities or scientific / medical institutions may be allowed to retain in toto the remuneration received by them, subject to the following conditions:-

- a) They may be granted extraordinary leave during the period of such assignments;
- b) The assignments should not be of more than two years duration at a time; and
- c) They shall pay pension contribution to the Government of India, as payable under the provision of Fundamental Rules by Government servant sent on deputation on foreign service. In the case of those who are governed by the Contributory Provident Fund Rules, they should themselves contribute the Employer's share of contribution

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MERIT AND NORMAL ASSESSMENT SCHEME

3. These orders do not apply to:

- i) Temporary employees with less than 3 years continuous service;
- ii) Re-employed pensioners; and
- iii) Persons appointed on contract.

4. These orders take effect from the date of issue. Cases already decided need not be reopened.

Sd/-J.B.I. Sinha
Under Secretary to the Govt. of Ind.

MERIT AND NORMAL ASSESSMENT SCHEME

Annexure 7.6.4(A)

COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH
RAFI MARG,

New Delhi-1, dated 30th April, 1984

No.17(65)/83.PPS

From

Joint Secretary (Administration)

To

Head of all National Laboratories/Institutes

Sub: Extension of benefit of service rendered in work-charged posts for assessment promotion under the New Assessment Promotion Scheme.

Sir,

I am directed to invite attention to CSIR letter No.17(65)/82-E.II.PPS.Vol.II dated 2nd Dec.1982 on the above subject and to state that the question of counting the period of service rendered in work-charged posts for purposes of assessment promotion under the New Assessment Promotion Scheme has been examined in the CSIR. The work-charged staff who have already been brought to the regular establishment, have been allowed to count the service rendered by them on work-charged establishment for the purposes of pensionary benefits, if such service is followed by confirmation on any post in the CSIR. In this connection, attention is invited to CSIR letter No.9(57)78-Engg. dated 18th March, 1981 (Copy enclosed).

After careful consideration, it has been decided in consultation with F.A. to CSIR that the service rendered in work-charged establishment followed by transfer to regular establishment and allowed to count for pensionary benefits in terms of CSIR letter dated 18.3.81 will also count for computing the number of years of service required for assessment promotion to the next higher Grades under the New Assessment Promotion Scheme, subject to the following condition :-

- a) that the service rendered in work-charged and regular posts is in the same grade and scale of pay.
- b) the effective date of assessment promotion in such cases will not be earlier than the date of appointment of the individual to the regular establishment, irrespective of the length of service on work-charged posts and

MERIT AND NORMAL ASSESSMENT SCHEME

c) the incumbent should possess the qualifications and experience, prescribed for the post and should have been recruited in the work-charged post in accordance with the prescribed procedure.

It is requested that the cases of assessment promotion of the work-charged staff brought in the regular establishment in your Laboratory, may please be processed in accordance with the above decisions.

Yours faithfully,

Sd/-
(S.P. KAUSHIKA)
SENIOR DEPUTY SECRETARY

Copy to :

1. Chief Engineer, CSIR
2. F.A.O., CSIR Complex
3. All Officers/Sections in Central Office.

MERIT AND NORMAL ASSESSMENT SCHEME

COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH

RAFI MARG

New Delhi-1. dated 18.3.1981

No. 9/57/78-Engg.

From

Chief (Administration)
Council of Scientific & Industrial Research

To
Heads/Directors of all National
Laboratories/Institutes.

Sub: Extension of service benefits to the work-charged staff brought on regular establishment of the Laboratory/Institute/CSIR-approval thereof.

Sir,

I am directed to inform you that for some time past the question of extending various service benefits to these members of work-charged staff who have been brought on the regular establishment of the Laboratory/Institute has been under consideration of the CSIR. The DGSIR in concurrence with Member (Finance), CSIR has accordingly been pleased to extend the following additional service benefits to the above category of staff with immediate effect :-

1. **Protection of pay:-** the pay of the work-charged staff brought on regular establishment of the Laboratory/Institute will be regulated under normal rules. In other words, the existing pay and pay scales of the incumbents in work-charged capacity will be duly protected on transfer to the regular establishment.
2. **Carry forward of leave:-** such staff who have rendered 3 years or more of continuous service in work-charged capacity will be permitted to carry forward the Earned Leave to their credit on the date of transfer to the regular establishment.
3. **Pensionary benefits:-** The work-charged staff who have already been brought on the regular establishment, will be entitled to count the service rendered by them on work-charged establishment for purpose of pension if such service is followed by confirmation on any post in the CSIR. In that event, the employer's share of CPF if any, will be resumed to CSIR and the employee's share will go to the GPF Account of the individual.

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MERIT AND NORMAL ASSESSMENT SCHEME

The existing work-charged staff who have already been brought on regular establishment of the Laboratory/Institute, will only be entitled to the above benefits. As regards other staff of similar category who may be brought on regular establishment in future, the matter will be placed before the Governing Body of the CSIR for taking a policy decision which will be communicated to all concerned as and when such a decision is taken.

Kindly acknowledge receipt of this communication.

Yours faithfully,

Sd/-
(KARAM CHAND)
UNDER SECRETARY (WORDS)

Copy to :

1. F&AOs of all the Labs./Instts.
2. F.I. Section, CSIR
3. Head Engineering Unit, CSIR

MERIT AND NORMAL ASSESSMENT SCHEME

Annexure 7.6.5(A)

COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH

RAFI MARG

No.17(138)/83-E.II(U-3) NEW DELHI-1. dated 10 Feb.1984

From:

The Joint Secretary(Adm.)
CSIR.

To

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

Sub: Benefit of service rendered in adhoc-supernumerary position for assessment purposes.

Sir,

I am directed to state that in accordance with the instructions circulated vide CSIR letter No.3(10)/71-E.II dated 20th March, 1972 the period of adhoc appointment is reckoned for computing five years' service for assessment purposes under erstwhile Bye-law 71 (b) provided the period of service in the adhoc posts is followed by regular appointment and the appointment is continuous. A copy of the circular letter issued is enclosed.

The matter regarding counting of service rendered in adhoc-supernumerary position under the "New Recruitment & Assessment Scheme" of CSIR implemented w.e.f. 1.2.1981 has been under consideration of CSIR for some time past. Accordingly, the Governing Body at its meeting held on 14.12.1983, has decided as under :-

1. the period of adhoc service rendered under the provision of Bye-law 67 (A) (a&b) of the Rules & Regulations and Bye-laws of CSIR followed by regular appointment shall count for computing the length of service required for assessment promotion under the "New Recruitment & Assessment Scheme" provided the service is continuous and the benefit of promotion will accrue from the date of completion of such length of service including the period of adhoc appointment,

MERIT AND NORMAL ASSESSMENT SCHEME

2. the period of service rendered in a supernumerary position under the Scheme of inducting promising, talented and meritorious Scientists from abroad in the CSIR Labs./Instt. shall count for the benefit of assessment promotion under the "New Recruitment & Assessment Scheme" as well as erstwhile Bye-law 71(b) provided it is followed by regular appointment without break in accordance with the prescribed recruitment procedure, and
3. this benefit will come into force w.e.f. 14.12.1983 and the past cases will not be re-opened. However, anomalies, if any, arising out of this benefit will be sorted out by CSIR on the merits of each case.

Yours faithfully,

Sd/-
(S.K. VERMA)
Deputy Secretary

Copy to :

1. Sr. FAOs of all Labs./Instt.
2. SPA/PS to DGSIR, JS(A), FA, CSIR Adviser (M) and Adviser (V) at CSIR Hqrs.
3. All Officers and Sections of CSIR Hqrs.

MERIT AND NORMAL ASSESSMENT SCHEME

COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH
Rafi Marg

New Delhi, dated 20th March, 1972

No. 3(10)71-E.II

From

The Secretary
Council of Scientific and Industrial Research

To Heads of all the National Labs./Instts.

✓ Sub: Benefit of the period of ad-hoc appointment towards reckoning five years service for assessment purposes under Bye-Law 71(b)

Sir,

I am directed to state that the question of granting benefits of the period of ad-hoc appointment towards reckoning five years service for assessment under Bye-Law 71(b) has been under consideration of the Council for some time past. Accordingly, the Director General, Scientific & Industrial Research has decided that:-

- a) the period of ad-hoc appointment should be reckoned for computing five years service for assessment purposes under Bye-Law 71(b) provided the period of service in the ad-hoc post is followed by regular appointment and the service is continuous; and
- b) the benefit of promotion to the next higher grade under Bye-Law 71(b) would also be given to the incumbents from the date five years service is completed by him including the period of ad-hoc appointment.

This disposes of the Director, CFTRI letter No. FI/12(76)/71-E.I-9243 dated 10.1.1972.

Yours faithfully,

Sd/-
(K.C. Sundarachari)
Secretary

MERIT AND NORMAL ASSESSMENT SCHEME

Annexure 7.6.9(A)

COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH

RAFI MARG

No.17(65)/(P-42)90-PPS

New Delhi-1, dated 22.6.1990

From

Joint Secretary(Administration)
Council of Scientific & Industrial Research

To

Head of all National Laboratories/Institutes

Sub: Induction of non-technical staff into technical side in Group-II.

Sir,

CSIR has been receiving various representations for the liberalisation of the present scheme of induction of administrative staff into the technical stream.

2. The matter has been examined at different forums and the DGSIR has been pleased to decide that the scheme may be extended to certain other categories on lines similar to those now available for induction in Group-I.
3. The scheme will be applicable to non-technical staff holding similar posts and who have attained the age of 50 years or have rendered 30 years of service.
4. The non-technical employees who possess or acquire technical qualifications for Group-II posts or who have undergone at least 6 months in-house training or training imparted by outside professional agencies in areas of computerisation, office automation, etc. will be eligible.
5. An ad hoc committee comprising members in the disciplines of induction will conduct a trade test and after taking into consideration ACRs, will recommend suitable candidates for induction. The norms and procedure for conducting trade test will be laid down by the respective Laboratories/Institutes.
6. Induction will be against an available regular vacancy in Group-II. Wherever no such vacancy is available, the inductee will carry his own post till his superannuation/resignation etc. The post will revert to its original position on the non-technical side after any of these contingencies.

MERIT AND NORMAL ASSESSMENT SCHEME

7. An employee inducted into technical stream will be deemed to have severed all connections with the non-technical position held by him prior to such induction.
8. The period of service for further assessment will count from the date of induction.
9. The fixation of pay will be done under normal rules.
10. The scheme will come into force with immediate effect.

Yours faithfully,

Sd/-
(S.K. VERMA)

Copy to

1. COAs/AOs of all National Labs./Instts.
2. Sr./FAOs of all National Labs./Instts.
3. Sr. DS(R&A)/ US(R&A) /US(CO) /US(EMR) /Manpower
4. All officers/Sections at CSIR Hqrs.

MERIT AND NORMAL ASSESSMENT SCHEME

Annexure 7.6.9 (B)

COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH

ANUSANDHAN BHAVAN

RAFI MARG

New Delhi-1, dated 13.8.1990

No.17(65)/(P-42)/90-PPS

From

Joint Secretary (Administration)
C.S.I.R.

To

The Heads of all National Labs./Instts.

Sub: Induction of non-technical staff into technical side in Group-II.

Sir,

In continuation of this office letter of even number dated 22nd June, 1990 on the above subject, I am directed to clarify that the induction will be applicable to non-gazetted employees only. Other terms and conditions will remain unchanged.

Yours faithfully,

Sd/-

(K.L. Katyal)
Under Secretary

Copy to :-

1. COAs/AOs of all National Labs./Instts.
2. Sr. /FAOs of all National Labs./Instts.
3. Sr. DS(R&D)/US(R&D/US(CO)/US(EMR)/Manpower
4. All Officers/Sections at CSIR Hqrs.

MERIT AND NORMAL ASSESSMENT SCHEME

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गुणित वेतनमान (गुणित नए परियोजना)

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₹ 1200-30-1560-₹ 1.40-2040	₹ 4000-100-6000
₹ 1350-30-1440-₹ 1.50-2200	₹ 4500-125-7000
₹ 1400-40-1800-₹ 1.50-2300	₹ 5500-175-9000
₹ 1640-60-2600-₹ 1.75-2900	₹ 6500-200-10500
₹ 2000-60-2900-₹ 1.75-3200	₹ 8000-275-13500
₹ 2200-75-2800-₹ 1.100-4000	₹ 10,000-325-15,200
₹ 3000-100-3500-125-4500	₹ 12,000-375-16,500
₹ 3700-125-4700-150-5000	₹ 14,300-400-18,300
₹ 4500-150-5700	₹ 16,400-450-20,000
₹ 5100-150-5700-200-6300	₹ 18,400-500-22,400
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₹ 5900-200-7300	

*दस्तावेज 1.1.93 से लागू रहे।

REVISED
MERIT AND NORMAL
ASSESSMENT SCHEME
(MANAS)

FOR

SCIENTIFIC, TECHNICAL & SUPPORT STAFF
(Effective from 1-4-1992)

UP-DATED VERSION
(February, 2004)



COUNCIL OF SCIENTIFIC AND INDUSTRIAL
RESEARCH, NEW DELHI

COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH
NEW DELHI

PREFACE

In order to provide a better "Flexible Complementing System" for the benefit of Scientific, Technical and Support staff, viz. staff members in Group I, II, III, IV & V Grades, the Merit and Normal Assessment Scheme (MANAS) was revised and was made effective from 1-4-1992 among all the CSIR Labs./Institutes. The Revised MANAS was a culmination of earlier schemes such as NR&AS, MANAS, etc. Over a number of years, the Revised MANAS has become more and more established and standardized through a number of clarifications and amendments issued from time to time.

The present document portrays the *modus operandi* of assessments in respect of staff members in Group I, II, III & V(A) grades. In order to introduce a rationale into the recruitment and assessment processes in respect of Scientists who are engaged in R&D efforts, separate rules entitled "CSIR Scientist Recruitment & Assessment Rules, 2001" were introduced and segregated from the present effort. While the basic tenets remain more or less the same, the implementation part has undergone some change and made simpler.

This compilation is expected to cater to the needs of CSIR Labs./Institutes, without referring to the various circulars issued so far on the subject. In order to make it handy, the Annexures which were provided with Revised MANAS are not being reproduced here.

I hope this document would be an useful tool in the hands of administrative authorities all over.

(Sudhir Kumar)
Jt. Secretary (Admin.)

Dated:

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0. GENERAL INSTRUCTIONS

0.1 The Revised MANAS will come into operation with effect from 1.4.1992, i.e. for the assessment year 1992-93 and onwards.

0.2 The employees governed by erstwhile Bye-Law 71 (b) were given an option to switch over to MANAS w.e.f. 1.4.1988. The option was to be exercised by 12.1.1991. Those who were eligible to opt for MANAS but did not exercise the option, be given a fresh opportunity to exercise the option by 31.10.1994 to move to MANAS, from the date of revised MANAS becomes effective i.e. from 1.4.1992. Placement of such persons in Group II/III/IV will be allowed only if they had acquired respective entry level qualifications for the Group up to 31.12.1981. However, condition of 1st class will not be insisted upon in these case.

0.3 Assessments will be regulated as follows:

Prior to 1.4.1988: As per the provisions of NR&AS
Between 1.4.1988 And 31.3.1992: As per provisions of MANAS
w.e.f. 1.4.1992 As per provisions of Revised MANAS

0.4 Assessment to a higher grade does not necessarily imply higher perks, such as Office space, telephone, stenographic assistance, furniture, etc. which will continue to depend upon functional needs subject to relevant instructions issued from time to time.

0.5 Assessment is distinct from promotion under the DPC system and does not necessarily result in change of work pattern or higher supervisory status or power, though it does lead to an expectation of higher level of scientific and/or technical performance.

0.6 Service rendered in the following situations, if any, will be computed for determining the eligibility for Normal Assessment:-

0.6.1 Service rendered in a Sponsored Project/Scheme.

0.6.2 Periods of leave including Extraordinary Leave (EOL) to the extent it counts for earning increments; and the period spent on deputation/foreign service.

REVISED MERIT AND NORMAL ASSESSMENT SCHEME

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1.0 GROUPS WITH QUALIFICATIONS FOR ASSESSMENT

1.1 Groups: The entire Scientific and Technical staff (including Engineering and Architectural staff) are divided in five Groups, namely, Groups I & II (Support Staff), Group III (Technical), Group IV (R&D-Scientific) and Group V (Engineering/Architectural). Each Group has a number of grades. The Groups are described in Roman numerals and the Grades within the Groups are described in Arabic numerals. For example, I (2) refers to the second grade in Group I and IV(5) refers to fifth grade in Group-IV. The assessments under MANAS are based on the Grade held in a particular Group and do not depend on seniority and designation.

1.2 Induction

1.2.1 A Non-Technical departmental staff member acquiring skill and found fit, through a suitable trade test for entry into Group I may be considered for induction provided vacancy exists at the lowest grade. The Trade Test be conducted by a Committee comprising of the following:

- a) A Member from outside the CSIR system;
- b) A Member from a sister Lab. covering relevant area;
- c) A Member from within the Laboratory

This emphasizes the need for imparting in-house training to staff members. If found fit, they shall be placed in that particular grade in Group I which is closest to their present salary grades. Such induction should be justified and approved by the Management Council (MC) of the Laboratory. In such cases the entire service rendered by the staff members in the Non-Technical category will be taken into consideration for computing the period of service towards eligibility for assessment to the next higher grade. However, the effective date of assessment of such staff will be from the date of induction or the date of completion of minimum length of service required for eligibility for assessment on or after 1.2.1981, whichever is later.

1.2.2 A Non-Technical departmental employee can be considered for induction in Gr. II subject to the following conditions:

- a) Induction may be done before the employee attains the age of 50 years;
- b) Induction should be made against an available vacancy in Gr.II by an appropriate Committee comprising three experts-one each from outside CSIR system, a sister laboratory and from within the laboratory;
- c) Induction in all the grades in Gr.II should be need-based. And in the area in which the vacancy is required to be filled. Employees with technical qualifications which were laid down for direct recruitment in Gr.II be given preference. Those who are not possessing technical qualifications have to be scrutinized thoroughly by the Committee;
- d) The employee should have undergone atleast six months structured in-house training or training imparted by outside professional agencies and should qualify a Trade Test conducted by a duly constituted Committee as mentioned at (b) above;
- e) The period of service for assessment to a higher grade will count from the date of induction but an employee will get the benefit of computing two years or the actual number of years of service rendered in the grade immediately before induction, whichever is less, towards the residency period only for the first chance of assessment in Gr.II;
- f) Induces will be placed in the equivalent/segmented grade; If grade does not exist, then in the nearest higher grade;

The induction of non-technical employees in Group-II could be considered with the approval of MC.

Explanation: If a Non-Technical employee in the grade of Rs.1200-2040 is induced in the Technical cadre, then his pay will be fixed in the grade of Rs.1350-2200, there being no equivalent grade in Gr.II. Likewise, if a Non-Technical employee in the grade of Rs.1400-2600 is induced into technical cadre, then his pay will be fixed in the grade of Rs.1640-2900, there being no equivalent grade in Gr.II.

0.6.3 EOL granted for a full-time assignment within or outside the country.

0.6.4 Service rendered in the Work-charged establishment followed by regular employment and allowed to be counted for pensionary benefits.

0.6.5 Ad-hoc/Supernumerary service provided under rules followed by regular appointment without break.

0.6.6 Service rendered as a Fellow/Pool Officer under Quick Hire Scheme or Scientists' Pool Scheme will count for assessments after the individual is appointed as a Scientist against an advertised post and joins the Laboratory/Institute without break. only under the conditions stated below:

- a) If a person is appointed in higher grade, then Scientists' Pool/Quick Hire System service shall not be counted.
- b) In case of appointment in the same/lower grade, service rendered under Scientists' Pool/Quick Hire System shall be counted for assessments subject to a maximum of one year.

This benefit will be available for prospective assessments.

0.6.7 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 Gr.IV and interview (including Trade Test) for others group will be counted for Normal Assessment only. If the ACRs/APARs for the said period are available, then the rating given by the outside organization will be converted into 7-Point Scale. For this purpose, at least three ACRs/APARs written in CSIR Labs/HQs. are required.

0.6.8 Period spent on prestigious Fellowships such as (a) Raman Research; (b) DAAD; (c) Overseas Association of DBT; (d) Boyce; (e) CEC Post-doctoral; (f) Indo-US; (g) Fulbright; and (h) Humboldt, will be considered for Merit Assessment provided ACRs/APARs for at least two years written in the Lab./Inst./CSIR HQs. are available.

The period spent on official deputation for which full salary has been paid and treated as duty will also be considered for Merit Assessment.

The Merit Assessment has been kept in abeyance w.e.f. 1.4.92 under revised MANAS.

0.6.9 Period spent on Sabbatical Leave will count for Normal Assessment only.

0.7 Employees who take voluntary retirement or superannuate or die in service will be considered for assessment from due dates of their eligibility if it falls on an earlier date. For deceased employees, there will be no component of interview, and marks will be awarded *pro-rata* on the basis of the marks awarded for ACRs/APARs plus Peer Review, as the case may be.

0.8 It shall primarily be the responsibility of the Controller of Administration/Administrative Officer in the Lab./Inst. and the concerned Under Secretary/Deputy Secretary at CSIR Headquarters to ensure that the guidelines of the scheme are correctly followed.

0.9 No advance increments will be admissible either on normal or merit assessment. Pay will be fixed as per normal rules. The provision of "Split Option" under FR 22 (1) (a) (i) is applicable to S&T and Support Staff.

- g) The pay will be fixed as per rules, i.e. at the same stage and if there is no such stage then at the next higher stage without giving the benefit of fixation under FR 22 (1)
- h) In the case of Drivers the residency period for their assessment will count from the date of their induction in technical stream. Guidelines for induction of the drivers are given at Annexure-V
- No.17/66/25/94-PPS dated 19.9.2001

1.3 QUALIFICATIONS PRESCRIBED FOR DIRECT RECRUITMENT -

- 1.3.1 Cases of employees relating to period before MANAS came into operation (i.e. prior to 1.4.1988), will continue to be regulated as per earlier schemes and circulars issued thereon as already mentioned in para 0.3.
- 1.3.2 For assessment promotion within the same group, the restriction of minimum qualifications and experience will not apply for the existing employees.

- 1.4 Equivalence of Qualifications
- The employees in Group-III & V(A) who did not possess qualification of the lowest grade of these groups as on 1.2.81 will be eligible for consideration for assessment upto Grade III(2) and V(A) (2) (Rs.1640-2900) only. However if condition of qualification has been relaxed as an exceptional case by the DG, CSIR by virtue of acquiring experience, specialized skill etc. assessment of these persons can be considered upto Grade III(4) in the scale of Rs.2200-4000 as clarified vide CSIR letter No.17(66)/94-PPS dated 19.6.95.

- 1.4.1 New cases of equivalent of qualifications, if required, will be decided on the recommendations of a Group set up by the DG, CSIR.

- 1.4.2 While deciding the equivalence of qualifications, it is to be ensured that only those degrees/diplomas/certificates which are relevant to the areas of work to be performed and are recognized by appropriate government agencies or have been obtained from Govt. recognized educational Institutes are taken into consideration. The qualifications which have been recognized at the national level by the competent relevant bodies of the Govt. of India, i.e. UGC and AICTE and are relevant to S&T activities being carried out by the CSIR Labs./Insts. only should be recognized for recruitment and assessment purposes in CSIR. The equivalence of qualification available/decided from time to time will be up-dated periodically.

- 1.4.3 A list of qualifications treated equivalent to those required for induction/fresh recruitment in various Groups is annexed as Annexure I to this Scheme.

- 1.5 Pending cases of equivalence of qualifications: There may be pending cases of those who were in CSIR service as on 31.12.1981 for equivalence of qualifications with those prescribed in the New Recruitment & Assessment Scheme (NR&AS). The Labs./Insts. should refer such cases to CSIR HQs. for decision.

2.0 MERIT AND NORMAL ASSESSMENT

2.1 The Assessment Scheme envisages Normal and/or Merit promotion on the basis of prescribed thresholds. Merit Assessment shall be restricted to really outstanding Scientists without dilution of quality; and the criterion of "Research & Development" work will be the guiding factor. Eligibility criteria should ensure that only the very meritorious Scientists qualify for Merit promotion.

2.1.1 The Revised Scheme (MANAS) supersedes the existing centrally operated "Merit Promotion/Advance Increments Scheme" which will be applicable to officers of Bye-Law 71 (b) only.

2.1.2 The Merit assessment Scheme is applicable to Group IV (1) to Group IV (4). This scheme also applies to Group-III(3) upto III(6), provided the incumbents possess entry level qualifications of Group IV and are engaged in R&D activities. However, the condition of 1st Class will not apply in Group III.

2.1.3 Only those Scientists in the aforementioned Groups who in their ACRs/APARs secure at least 225 marks in three years and 300 marks in four years, as the case may be, will be eligible for consideration under the scheme. For assessment under the aforementioned merit scheme, thresholds will be as prescribed in paras 2.2.3 and 2.2.4.

2.1.4 The revised provisions of Merit assessment will be applicable w.e.f. 1.4.1992, i.e. for Assessment Year 1992-93 and onwards.

The Merit Assessment Scheme has been kept in abeyance vide CSIR letter No.17/66/94-PPS dated 29.9.94 from 1.4.1992 onwards.

2.2 Eligibility and Thresholds: The eligibility and thresholds for Normal Assessment shall be as follows:

Group & Grades	Scale of pay	Eligibility for assessment (yrs.)	Threshold i.e. Minimum Marks	
			Normal assessment	Merit assessment
I(1)	Rs.2550-3200	7, 8, 9, 11 and after remaining for one year at the maximum of the grade	60	NA
I(2)	Rs.2650-4000	-do-	60	NA
I(3)	Rs.3050-4590	-do-	70	NA
I(4)	Rs.4500-7000	-do-		NA

2.2.1 Group-I

II(1)	Rs.3050-4590	7, 8, 9, 11 and after remaining for one year at the maximum of the grade	60	NA
II(2)	Rs.4500-7000	-do-	70	NA
II(3)	Rs.5500-9000	-do-	75	NA
II(4)	Rs.6500-10500	-do-		NA

2.2.2 Group-II

*The pre-revised scales of Gr.II(2) (Rs.1350-2200)/II(3) (Rs.1400-2300) have been merged to the revised scale of Rs.4500-7000 w.e.f. 1.1.96 and such cases are to be regulated as per CSIR letter No.17/66/94-PPS dated 2.8.2000.

2.2.3 Group-III

Group & Grades	Scale of pay	Eligibility for Assessment (yrs.)	Threshold i.e. Minimum Marks	
			Normal Assessment	Merit Assessment
III(1)	Rs.4500-7000	5, 6, 7, 9 and after remaining for one year at the maximum of the grade	60	NA
III(2)	Rs.5500-9000	-do-	60	NA
III(3)	Rs.6500-10500	-do-	70	80
III(4)	Rs.8000-13500	-do-	75	85
III(5)	Rs.10000-15200	-do-	75	85
III(6)	Rs.12000-16500	5, 6, 8 and at the maximum of the grade	75	85
III(7)	Rs.14300-18300			

Back with 1316 letter No. 17/66/25/94-PPS
dated September 25, 2006.

2.2.3.1 Staff in Grade III(6), who possess the entry level qualification of Group IV, will only be eligible for assessment to Grade III(7). The condition of first class will, however, not be insisted upon in these cases.

2.2.4 Group-IV - Not printed.

2.2.4.1 As provisions for normal assessments from Grade IV(5) to IV(6) and from Grade IV(6) to IV(7) were introduced w.e.f. 1.4.1990: the assesses in Grade IV(5) and IV(6) respectively, who complete 5 years or more as on 31.3.90 shall be eligible for assessment w.e.f. 1.4.90. Their due dates of assessment for the second chance as per table given at para 2.2.4 would be 1.4.91 and so on for subsequent chances. For the assesses who complete 5 years after 31st March, 1990 (i.e. on or after 1st April, 1990) the due dates of their assessment for the first chance would be on completion of 5 years period in the respective grades.

2.2.5 Group-V(A)

Group & Grades	Scale of pay	Eligibility for assessment (Yrs.) (No. of years required to be completed in the existing Grade)	Threshold i.e. Minimum Marks
V(A)(1)	Rs. 4500-7000	5.6, 7.9 and after remaining for one year at the maximum of the grade	60
V(A)(2)	Rs. 5500-9000	-do-	60
V(A)(3)	Rs. 6500-10500	-do-	70
V(A)(4)	Rs. 8000-13500	-do-	75
V(A)(5)	Rs. 10000-15200	-do-	

*Consequent upon implementation of the recommendations of Fifth Central Pay Commission (V CPC), the concept of "after remaining for one year at the maximum of the grade" in the pre-revised scale shall be determined and admissible only to those employees who have availed all the other chances of assessment admissible under the revised MANAS before 1.1.96 except the last chance on reaching the maximum of the grade, which

becomes due after 1.1.1996. In all other cases eligibility for last chance will be determined with reference to revised pay scales only.

2.2.5.1 Staff in Grade V(A) (5) possessing qualifications of B.E./B.E. (Arch.) or equivalent will be eligible for consideration for assessment promotion to the revised grade of Rs. 12000-16500 on remaining for one year at the maximum of the grade V(A) (5) as a one time event. Such positions on vacation, will revert to the lowest grade in Group V(A)

2.2.6 Group V(B)

A non-functional selection grade in the revised scale of Rs. 14300-18300 will be applicable for giving encouragement to the specially meritorious persons at the scale of Rs. 12000-16500 provided they have spent at least one year at the maximum of the scale of Rs. 12000-16500. When promoted, they shall carry the post with them. The post will revert to the grade of Rs. 12000-16500 on vacation.

2.3 Special Provisions:-

2.3.1 Not printed in original document itself

2.3.2 For second and subsequent chances of Normal assessment, up to 5 (five) marks will be awarded for each year of experience in the interview marks, to reach the minimum prescribed threshold, provided the APAR for that year is 'Satisfactory'. Marks will be given on this account only for a maximum period of 3 (three) years.

2.3.3 No Bonus marks as envisaged in para 6.2.2 of the old MANAS will be awarded.

2.3.4 Those employees who were in position as on 31.12.1981 (cut off date removed vide letter No. 17/66/94-PPS dated 24.5.1996), and have acquired entry level qualifications of the next Group, may be assessed to the next higher Grade in the same Group, two years earlier than the normal prescribed period of assessment, provided they attain the prescribed threshold. If an

assessce is not recommended for promotion during first time, this will be treated as the first chance due on completion of five years and he/she will get his/her chance(s) as in subsequent year as per table for group III. The condition of 1st class M.Sc/B.E. as laid down for Gr. IV will not apply in such assessments. The above decision came into force with effect from 25.9.1990. However, scientific and technical employees due for assessments on earlier dates will be allowed notional benefit from the date of assessment with actual monetary benefit w.e.f. 25.9.1990. This benefit will be allowed only under Normal Assessment and not under merit assessment.

Such benefit is admissible only to those employees who acquire entry level qualification of next higher Group by undergoing the full process of acquiring the relevant higher qualification after joining CSIR service, i.e. taking admission in the course of study after joining with due permission of the competent authority.

In terms of CSIR letter No.17/66/94-PPS dated 28.1.97 this chance is admissible once in the same group and will not be adjusted against the chances available for normal assessment under revised MANAS. This modification came into force for assessments falling due in the assessment years 1996-97 onwards.

Employees who were in position on 1.2.1981 and acquired after 31.12.81 the entry level qualifications of the next higher Group to the one in which they were placed could be considered alongwith others who apply in response to advertised posts. Such employees, if found fit for selection, will be permitted to carry their posts to the higher Group, if so required over and above the number of outside candidates selected against the posts advertised. Wherever post are not advertised in a particular year or, if advertised, do not cover the specialization of particular Scientists/Technologists of the above category, special interviews may be arranged for them as a one-time measure. Their selection will be on acquiring a comparable level expected in open recruitment to such positions.

2.4 Relaxation in thresholds for SC/ST category: Relaxation of 10% (10 marks for assessment falling due in assessment year 1996-97 onwards) marks in prescribed thresholds will apply only for Normal Assessments, e.g. if the threshold is 70 marks for Normal Assessment, for SC/ST, it will be 60 marks. This provision was not applicable for assessment falling due from 8.5.1998 to 2.10.2000.

2.4.1 Wherever relaxation is provided it will be ensured that the cumulative effect of this relaxation will not have the effect of bringing the threshold below the "Satisfactory" level, as described in the 7-point scale in para 5.2.3.

2.5 Re-Classification of Posts: The re-classification of posts, on the recommendations of the respective Research Councils of the Labs/Instts. will require prior approval of the DG, CSIR.

2.6 Time Schedule for Assessment: The assessment period will be the financial year and assessments will be done once in a year. Only eligible employees up to 31st March of the year will be considered for assessment. As far as possible assessments should be completed by 30th September of the year.

4.0 CONSTITUTION OF ASSESSMENT COMMITTEES

4.1 The Assessment Committees will be constituted area-wise from the approved Panels of Experts.

4.2 The separate area-wise Assessment Committees will be constituted by the MC in the case of Labs./Instit. and JS (A) in the case of CSIR HQs, as the case may be, in respect of Gr. I, II, III(1), III(2), V(A) (1) and V(A) (2) as under:-

Chairman	Nominated from a sister CSIR Lab./Instit.	Common to all Committees
Member * (one)	Director/JS(A) or his nominee	
Member (one)	Expert from related area from a sister CSIR Lab.	
Members (two)	Two Supervisory level experts, one of whom will be from outside the CSIR system.	

4.3 In respect of Gr. III(3), III(4), III(5) & III(6), V(A) (3), V(A) (4), V(A) (5) and V(A) (6), the separate area-wise Assessment Committee will be constituted by MC in the case of Labs./Instit. and DG, CSIR in the case of CSIR HQs as under:

Chairman *	Chairman or Specialist Members of RC **	Common to all Committees
Member * (one)	Director/DG, CSIR or his nominee	
Member (one)	Expert from related area of a sister CSIR Lab./Instit.	
Members (three)	Three Experts of whom at least two from outside CSIR system.	

Quorum: Chairman/Alternate Chairman, Director/DG, CSIR or his Nominee, and at least one Expert in the area-wise Committee

* Common to all Committees

** Not applicable to CSIR HQs.

3.0 PANELS OF EXPERTS

3.1 Panels of Experts

3.1.1 The Management Council and/or Research Council will lay down and decide the areas for preparing Panels of Experts for constitution of Assessments Committees as under:-

- M.C.- Group I & II, III(1), III(2) and V(A) (1) & V(A) (2)
- R.C.- Group III(3) to III(6) and V(A) (3) and V (A) (4)

3.1.2 Area-wise Panels of Experts will be prepared separately for each Group with the approval of the MC/RC in the case of Labs./Instit. and DG, CSIR in the case of CSIR HQs. For this purpose suggestions will be obtained from the S&T staff working in the area and Members of the MC/RC. The Panels should be sufficiently large and will comprise both internal (CSIR) and external experts including scientists and technologists abroad (who may be called upon to act as experts for peer review)

3.1.3 An Expert should have at least 7 years of supervisory/leadership experience.

3.1.4 The Panels of Experts will be valid for a period of three years after which they will be reconstituted. Additional names can be added to the Panels with the approval of the MC/RC/DG, CSIR during this period.

3.1.5 Up-to-date copies of the Panels of Experts will be available to the S&T staff; copies of the same will also be kept in the Library.

3.2 Selection of Experts for Peer Review -- Not printed

3.2.1

to Not printed.

3.2.4

5.0 SELF-ASSESSMENT AND PERFORMANCE APPRAISAL REPORT, WORK REPORT AND PEER EVALUATION REPORT

5.1 The 'Work Report' (WR), 'Self-Assessment Report' (SAR), 'Annual Performance Appraisal Report (APAR)', and Peer Evaluation Report (PER) wherever occurring in the scheme, will be defined as under:-

5.1.1 Work Report (WR): Report of an assessee on the work done by him/her during the entire period, on the basis of which he/she is to be considered for assessment. This will be applicable only for groups III & V(A)

5.1.2 Self-Assessment Report (SAR): An assessee's statement of work done during a year as contained in Part-I of APAR.

5.1.3 Annual Performance Appraisal Report (APAR): Report of Appraisal of annual performance.

5.1.4 Peer Evaluation/Review Report (PEER): Not printed.

5.2 Annual Performance Appraisal Report (APAR) is applicable to employees of all Groups; proforma of which are annexed as Annexure-IV.

5.2.1 APAR proforma comprises two parts:

Part-I: Self-assessment report by the assessee and its appraisal by the Reporting/Reviewing Officer based on assigned tasks, accomplished work and outputs. This part of the appraisal will not be confidential and will carry 75% weightage and will be communicated to the employee.

Part-II: Assessment/Appraisal of behavioural aspects. This part of the appraisal will be confidential and carry 25% weightage. However, only adverse remarks will be communicated to the assessee as per existing provisions.

4.4 Not printed here

4.5 Not printed here

4.6 Not printed here

4.6.1 Not printed here

4.6.2 Not printed here

4.7 Merged with 4.3

4.8 Alternate names for Chairmen and expert members may normally be specified while constituting the Assessment Committees. If due to some unavoidable reasons the Chairman is not able to attend, alternate Chairman will be the Chairman.

4.9 The Assessment Committees which are considering the assessee of reserved categories shall invariably include an expert of SC/ST category. If such an expert is not available in the approved area-wise Panel of Experts, an outside member of SC/ST category shall be associated as a full-fledged member over and above the normal constitution of the Assessment Committee.

4.10 All the members on the Assessment Committees should normally be at least one rank higher than the grade for which assessment is being done.

4.11 As far as possible, the Assessment Committee should be constituted with experts other than experts for peer review.

6.0 PROCEDURE FOR ASSESSMENT

- 6.1 For assessments, marks will be apportioned as follows in respect of Group I, II, III & V(A):
- i) APAR 50% marks (weightage)
 - ii) Interview (Performance) 50% -do- including Trade Test in Gr.I, II, III & V
- The component of Peer Review for Gr.III(3) to III(6) has been removed for Group-III vide CSIR letter No.17/66/94-PPS dated 24.5.1996.
- 6.2 Lists of those being considered for Merit and Normal Assessment have to be prepared and placed before the Assessment Committee in an alphabetical order.
- 6.2.1 The self-assessment reports and work reports of the assessee without the remarks of the Reporting/Reviewing Officer(s) will also be placed before the Committee. Non-submission of work report by the assessee will be treated as willful disinterest and the assessee will be considered as having forfeited that chance of assessment and no experience marks as per para 6.6. below will be admissible in subsequent chance. (CSIR letter No.17/66/9/96-PPS dated 21.4.97)
- 6.3 Marks will be awarded by the Committee for each assessee after the interview. The APARs will then be seen and their marks added by the Assessment Committee
- 6.4 Not printed here.
- 6.5 Not printed here
- 6.6 The marks for experience wherever applicable, will be added thereafter.
- 6.7 The Assessment Committee will prepare separate lists (proceedings) for Merit and Normal Assessment promotion in alphabetical order.
- 6.8 Lists (proceedings) as above will be placed before the competent authority for approval. The competent authority will also be

- 5.2.2 The total APAR marks in a year will be 100.
- 5.2.3 APAR marks will be awarded according to rating of the assessee on a seven-point scale, as under:-

Outstanding	100 marks
Excellent	90 marks
Very Good	75 marks
Good	60 marks
Satisfactory	50 marks
Fair	35 marks
Poor	20 marks

- 5.2.4 Each Laboratory will notify the Reporting and Reviewing Officers. The Reporting Officers shall normally be at least one rank higher than that of the assessee. The Reviewing Officers should be senior and wherever possible should be of a rank higher than that of the Reporting Officer.
- 5.2.5 New Performae for APAR will come into force w.e.f. 1.4.1994.
- 5.2.6 For all assessments falling due on or after 1.4.88, the available CR gradings will be converted into 7-point scale in MANAS as per CSIR circular No. 17(65)p-42/90-PPS (Pr.II) dated 21.12.1990.

informed about the assesses whose results are yet to be finalized for whatever reason.

6.5) The assesses, whether promoted or not, should be informed of the result of the assessment.

6.10) The Governing Body at its meeting held on 18.2.98 approved the revised procedure in replacement of the existing procedure for assessment of scientific and technical staff who are under suspension/against whom disciplinary proceedings are pending which was circulated vide CSIR letter No.17/66/94-PPS dated 8.5.98. The revised procedure is as under:-

1. Assessment of Scientific and Technical employees is effective from due dates. In the case of backlog of assessments, an employee is required to be assessed retrospectively, i.e. from the date when he had become due for assessment on completion of the prescribed residency period.

2. If on the date of meeting of the Assessment Committee, an

employee is: (a) under suspension; (b) against whom a charge sheet has been issued and disciplinary proceedings are pending; or (c) against whom prosecution has been launched/sanctioned, the findings of the Assessment Committee will be kept in sealed cover irrespective of the fact that the Assessment is due from the date when none of these contingencies was in existence. Likewise, if the assessment has taken place but any of the contingencies as mentioned above arises before issue of orders, the findings of the Committee in respect of that employee will be kept in sealed cover. However, if the employee is completely exonerated or suspension is held unjustified upon conclusion of the proceedings, findings in the sealed cover would be acted upon and the employee allowed the benefit of notional promotion from due date, if recommended for promotion. In so far as the payment of arrears for the period of notional promotion is concerned, the question or the extent thereof will be decided by the appointing authority by taking into consideration all facts and circumstances of disciplinary proceedings/criminal prosecution. Where the authority denies arrears of salary or part

3.

of it, it shall record reasons for doing so after affording opportunity to the employee concerned by issuing a notice to show-cause there-against.

In case the disciplinary proceedings result in imposition of penalty of "censure" or "recovery from pay of the whole or part of any pecuniary loss caused by the official's negligence or breach of orders" to the Council the case would be placed before the same Assessment Committee(s) for the relevant year(s), as far as possible, which will review it with reference to the original recommendations kept in the sealed cover(s), the circumstances leading to disciplinary action and the penalty imposed; and after taking into consideration all the aspects, give specific recommendations for promotion or otherwise from the due date(s). Even if the employee is recommended for assessment promotion from his due date, his pay on promotion will be fixed notionally from the due date but actual monetary benefit shall accrue to him only from the date following the date of imposition of any of these penalties.

4.

The same procedure as in para 3 above shall be followed in the case of penalty of "reduction to a lower stage in the time scale of pay" as specified in Rules 11 (iii) (a) of CCS (CCA) Rules is imposed, except that the monetary benefit of the assessment promotion shall accrue to the Officer after expiry of the penalty.

5.

In case the penalty of "withholding of promotion" is imposed, the disciplinary authority while passing the orders will clearly indicate therein the date of effect of the penalty and also the date on which the said employee shall become due for his assessment consequent upon imposition of the aforesaid penalty, implying thereby the shifting of due date by the period of penalty. The findings in the sealed cover shall, in such a case, will not be acted upon and the assessment shall be taken up afresh from the shifted due date. The monetary benefit will accrue only w.e.f. the date following the date of issue of such orders i.e. the orders for imposing penalty, if the employee is recommended for promotion. However, he will get notional benefit from the shifted due date of assessment promotion.

meeting held on 2.6.2000 approved the following provision effective from the same date from which the revised procedure was made effective, i.e. 8.5.98, for the purpose, which was circulated vide CSIR letter No. 17/56/94-PPS dated 2.8.2000.

"In the event of imposition of penalty of reduction to a lower stage for a specified period as specified in Rules 11(v) of CCS(CCA) Rules, the sealed cover will not be opened and the employees will be assessed only from the date following the date of expiry of penalty."

6.11 Methodology for clearing backlog: Normally an employee should be assessed for only one chance in a year. In case, it is necessary to hold assessments for more than one chance in a year due to backlog or otherwise, it would be necessary to:

- have separate Assessment Committees for each of the years;
- not printed;
- get separate Work Reports;
- do separate assessments for each year in a separate sitting; proceedings of each Assessment Committee meeting be drawn separately for each year.

6. In the event of penalty of "withholding increments of pay", is imposed, the sealed covers) containing findings of the Assessment Committee(s) will be placed before the same Assessment Committee(s) for relevant years, as far as possible. In case the employee was recommended for promotion by the earlier Committee, the Committee after considering the penalty and the charges against the employee will give its recommendation whether the employee is to be promoted from his original due date or otherwise. In case, he has not been recommended by the earlier Committee then his case for the next chance will be processed as per provisions of the assessment scheme(s). The Assessment Committee while considering such cases will take into consideration the penalty imposed upon the employee and the facts of the case and thereupon give its recommendation. In case the employee is recommended for promotion he will get his promotion notionally from his due date with actual financial benefit from the date following the date of expiry of the penalty.

7. In the event of imposition of penalty of "reduction to a lower time-scale of pay/grade/post or service" the sealed cover will not be opened and the employee will be assessed only from the date following the date of expiry of the penalty.

8. However, in case disciplinary proceedings/court case result in imposition of the major penalties of "compulsory retirement/removal/dismissal" under Rule 11 of CCS (CCA) Rules, 1965, the sealed covers) will not be opened and the employee will cease to be entitled to the assessment which had become due to him.

The above procedure will be applicable to the cases of assessments of employees governed under MANAS as well as under Erstwhile Bye-Law 71 (b), and will come into force w.e.f. 8.5.1998.

9. Since no procedure/provision had been made in cases on whom major penalty of reduction to lower stage in the time scale of pay imposed as specified under item (v) of Rule 11 of CCS(CCA) Rules, the matter was placed before the GB and the GB at its

7.0 FASTER TRACK PROMOTION

7.1 An employee, on promotion under this scheme, shall move from one Grade to another within the same Group. Movement from one Group to another on assessment is not permissible except under faster track assessment in the following cases.

- The staff in position as on 1.2.81 who had acquired the qualifications prescribed for entry level for the next higher Group of grades upto 31.12.81;
- The staff appointed to various scientific/technical posts possessing entry level qualifications prescribed for the next higher Group of grades upto 31.12.81; and
- The staff who had been selected by the Selection Committee upto 31.12.81 but could not join their posts by the above stipulated date for want of completion of essential formalities of verification of character and antecedents and medical examination by the competent medical authority and possessing entry level qualification prescribed for the next higher Group of grades at the time of their appointment.

(Procedure for Faster Track Promotion is given at Annexure-VI)

Annexure-I LIST OF RECOGNISED EQUIVALENT QUALIFICATIONS

Sl.No	Qualifications	Equivalent to
1.	MVS Course from IIT'S, Pilani - De-recognised w.e.f. 14-12-2001 vide CSIR Lt.No.17/66/EQV/94 dated 14.12.2001	M.Sc. degree
2.	Diploma in Process Instrumentation from the Institute of Paper Technology, University of Roorkee (After B.Sc. degree)	M.Sc. degree
3.	Ph.D. degree obtained after B.Sc. or M.Sc.	Ph.D. degree
4.	Diploma in Photography awarded by the Indian Air Force - De-recognised w.e.f. 14-12-2001	3-Years Diploma in Photography Entry level qualification for Gr.III
5.	M.A. or Ph.D. in technical translation (other than Indian Language) provided these qualifications have been obtained after B.Sc. in any branch of science and the person concerned is engaged in scientific or technical translation from English into any other foreign language or from any other foreign language into English. - De-recognised w.e.f. 14-12-2001	Entry level qualification for Gr.IV
6.	M.Sc. awarded on the basis of dissertation	M.Sc. degree in 1st Class being entry level qualification for Gr. IV
7.	B.V.Sc	M.Sc. degree
8.	Two years Diploma in Draftsmanship in respect of those Sr.Draftsman (Selection Grade) who were in position as on 1-2-1981 - De-recognised w.e.f. 14-12-2001	Entry level qualification for Gr. III
9.	National Trade Certificate/Diploma after one and half years academic study followed by six months in-plant training in respect of those Sr. Draftsman (Selection Grade) who were in position as on 1-2-1981 - De-recognised w.e.f. 14-12-2001	Entry level qualification for Gr. III

LIST OF RECOGNIZED QUALIFICATIONS AND EFFECTIVE
DATES COMMUNICATED AFTER NOTIFICATION OF
REVISED MANAS

1.	Two year Diploma in Engg. awarded by Ad hoc Boards of Technical Education prior to 1959	Engg./Tech Entry level	- De-recognised w.e.f. 14-12-2001 - w.e.f. 14-6-1995		
2.	Post-Graduate Diploma in Pulp & Paper from Indian Institute of Paper Technology, Saharanpur - w.e.f. 14-6-1995	M.Sc.			
3.	5-Year Diploma from Sir JJ School of Arts, Mumbai followed by clearing the Examination in the prescribed subjects (w.e.f. 24-7-1996)	B.Arch. degree	- De-recognised w.e.f. 14-12-2001		
4.	M.Sc. degree in Life Sciences of 3-year duration obtained after B.Sc. from BITS, Pilani	M.Sc.	- w.e.f. 14-10-1999 - De-recognised w.e.f. 14-12-2001		
5.	Master degree in Mathematics M.A. (Math.) obtained after B.Sc. - w.e.f. 8-10-1999	M.Sc.			
6.	B.Sc. degree in Engg. Technology obtained after 3-year Diploma in Civil Engg. from BITS, Pilani - 14-10-1999	B.Tech./B.E.			
7.	Pass in Section "A" & "B" Examination of Institution of Engineers (I), Kolkata	B.Tech./B.E.			
8.	Associate Membership Examination of Indian Institute of Metals, Calcutta obtained after B.Sc.	B.E.	- w.e.f. 14-10-1999		
9.	Associate Membership Examination of Indian Institute of Ceramics, Kolkata obtained after Diploma in Ceramics Engg. of 3-year duration - w.e.f. 25-10-1999	B.Tech./B.E.			
10.	1st Class 3-Year Diploma Licensitate Examination in Printing & Graphic Arts obtained from State Council of Engg. & Engg./Tech Entry level				

10.	Association Diploma of the Institution of Chemists (India) obtained by examination - De-recognised w.e.f. 14-12-2001	M.Sc. degree			
11.	Associate Membership Examination of the Indian Institute of Chemical Engineers	Engg.			
12.	M.Com.	M.Sc. for recruitment to Gr.III in P.M.E. Cell			
13.	PG Degree in Statistics/Mathematics/Computer Sciences	M.Sc. for recruitment to Gr. III in respective areas			
14.	PG Degree in Economics/Geography	M.Sc. for recruitment to Gr.III depending upon the relevance of the area of work decided by KC of the Lab/Inst.			
15.	Two years Certificate course in Sr. Surveyors Examination awarded by the West Bengal Survey Institute prior to 1987-88	Three Years Diploma in the technical subject prescribed as the entry level qualification for Gr.III	- De-recognised w.e.f. 14-12-2001		
16.	Certificate in General Nursing & Midwifery of 3-1/2 years duration awarded by the Rajasthan Nursing Council	-do-	- De-recognised w.e.f. 14-12-2001		
17.	Two years course of Diploma in Business Management with one year course of Master of Management Science	M.Sc.	- De-recognised w.e.f. 14-12-2001		
18.	Master's degree in Library & Information Science has been treated as equivalent to entry level qualification of Group-IV vide CSIR letter No.17/66/94-PPS dated 21.1.2004.				

APAR PROFORMA FOR GROUPS-II, III, IV* AND V (A)

The existing proforma will continue till such time as revised proforma for these groups are prepared and notified.

However, the existing Note 1 in the proforma which relates to communication of grading to the employee, may be replaced with the following:-

"Critical appraisal of the Reviewing Officer/Normalization Committee and grading shall be communicated to the employee. If the employee has anything further to add, he/she may respond in writing within a period of four weeks after the receipt of remarks. Representation of the employee will be considered by the competent authority and the employee shall be against the final decision of the competent authority. If necessary the employee may seek an interview with the competent authority."

*The Group-IV Scientists are governed by a different set of rules entitled "CSIR Scientists Recruitment & Assessment Promotion Rules, 2001" and APAR proforma is not applicable to them. The APAR proforma has been replaced by ARP.

Technical Education - w.e.f. 25-10-1999		
11.	MBA degree obtained from IGNOU after B.Sc. with not less than 65% marks w.e.f. 31.8.01	Business Development and/or Resource Planning Monitoring and Evaluation Divisions
12.	MIS Degree from Anna University/IT w.e.f. 31.8.2001	M. Tech.

NB: 1. These qualifications could be considered equivalent if the

same have been obtained with the Division/percentage of marks as prescribed in the CSIR Service Rules, 1994 for Recruitment of Scientific, Technical and Supporting Staff.

2. These qualifications would be considered equivalent in respect of any candidate only if the same is of direct relevance to the work/job assigned to him/her within the areas/disciplines relevant to the mandate of the Lab/Instt./CSIR HQs.

Annexure-II

PROFORMA FOR PEER EVALUATION/REVIEW REPORT...

..... Not Printed

Annexure-III

MODAL LETTER FOR OBTAINING PEER REVIEW/ EVALUATION REPORT

..... Not Printed

Annexure-IV for Group-I

ANNUAL PERFORMANCE APPRAISAL REPORT

..... Not Printed

PROCEDURE FOR FASTER TRACK PROMOTION

There may be staff members in Group-I possessing qualifications prescribed for entry level to the next higher group of grades. Such persons shall be assessed for consideration for promotion to the next higher grade in the same group of grades. If they do not get promoted the first time, they will be eligible for assessment next year. In all they shall have four assessment chances. If on such internal assessment promotion, their pay when fixed is equal to or higher than the entry level pay of the next group of grades, they shall be deemed to have crossed over to the next higher Group of grades. If their pay, on such promotion, is less than the entry level pay of the next higher group of grades, they shall remain in the newly promoted grade till such time as their pay reaches the entry level pay of the next higher Group of grades or the minimum stipulated period in the newly promoted grade for assessment to the next higher grade or when their basic pay reaches the minimum of the next higher grade in the same Group whichever is earlier. At that time they shall be assessed again as before for promotion to the next higher grade and be permitted to crossover to the next higher Group of grades if their pay reaches the entry level pay of the next higher Group. Upto 100% of the eligible persons may be promoted each time.

For example, if there are persons occupying positions in Group-I(2), i.e. in the scale of Rs.210-290 (pre-revised) or close to it with qualification of Matriculation/SSLC plus 2 years experience or ITI certificate which are entry level qualifications for Group-II, such persons may be assessed and if found fit be placed in Grade-I(3), i.e. Rs.225-308 (pre-revised). When they spend 7 years in the grade of Rs.225-308 (pre-revised) or reach the basic pay of Rs.260/- whichever is earlier, they may be assessed and if found fit be brought on to Grade-I(4) i.e. Rs.260-350 (pre-revised), thus bringing them to the entry level grade of Group-II.

GUIDELINES FOR INDUCTION OF DRIVERS INTO TECHNICAL STREAM

The post of Driver belongs to Administrative (Non-Technical) Cadre. As such the recruitment for the post of Driver should be made in the non-technical cadre only. However, they could be inducted into the technical cadre provided they have received demonstrable maintenance training on the engines and have acquired technical skill and experience in repair and maintenance of vehicles and are willing to work on the maintenance side when they do not have driving duty.

Those, who have not so far acquired such training/skill may be given the required practical training for a period of not less than three months in any CSIR Laboratory/Institute where such facilities exist.

After satisfactory training and on their being found fit for induction on the basis of a suitable trade test, by an appropriate Committee (comprising three experts – one each from outside the CSIR system, sister CSIR Laboratory and from within the Laboratory), they may be inducted into technical cadre. The drivers thus inducted into technical cadre will become entitled to the benefit of:

- (i) retirement at the age of 60 years and;
- (ii) assessment scheme applicable to Group-II S&T employees of CSIR.

The period of service for their assessment to the next higher grade will count from the date of their induction into technical stream.

On vacation of the post by the individual concerned due to resignation retirement, death etc. the vacancy will occur and be filled up in the non-technical cadre only.

2. The staff members in Group-II who have qualifications prescribed for entry level to the next higher Grade-III shall be assessed for consideration for promotion to the next higher Grade-III in the same Group of grades. If they do not get promoted the first time, they will be eligible for assessment next year. In all, they shall have four assessment chances. If on such internal assessment promotion, their pay when fixed is equal to or higher than the pay of the entry level grade of Group-III (1), they shall be deemed to have crossed over to this Group of grades. If their pay on such promotion is less than the pay of the entry level grade of Group-III (1), they shall remain in the newly promoted grade till such time as their pay reaches the entry level pay of Group-III or the minimum stipulated period in newly promoted grade of assessment to next higher grade or when their basic pay reaches the minimum of the next higher grade in the same Group, whichever is earlier. At that time they shall be assessed again as before for promotion to the next higher grade and be permitted to cross over to the next higher Group of grades i.e. Group-III, if their pay reaches the entry level pay for this Group. Up to 100% of the eligible persons may be promoted each time.

2.1 For example, if there are persons occupying positions in the grade of Rs.260-350 (pre-revised) or close to it with qualifications of a Bachelor's Degree in Science or Library Science etc. or a Diploma in Engg. of 3 years duration, which are entry level qualifications for Group-III grades, such persons may be assessed; and if found fit, may be placed in the grade of Rs.330-560 (pre-revised). When they spend 7 years in the grade of Rs.330-560 (pre-revised) or reach the basic pay of Rs.380/- which ever is earlier, they may be assessed and if found fit be brought on to the grade of Rs.380-640 (pre-revised) and when they reach the basic pay of Rs.425/- in the grade of Rs.380-640 or have spent 7 years in the grade, whichever earlier, they may be assessed and if found fit be placed in the grade of Rs.425-700 (pre-revised) thus bringing them to Group-III, grade-I i.e. Grade-III(1).

3. The staff members in Group-III of grades who have qualifications prescribed for entry level to the next higher

Group-IV grades shall be assessed for consideration for promotion to the next higher grade in the same Group of grades i.e. Group-III. If they do not get promoted the first time they will be eligible for assessment next year. In all, they shall be given three assessment chances. If on such internal assessment promotion, their pay when fixed is equal to or higher than the entry level pay of Group-IV(1), they shall be deemed to have crossed over to this Group. If their pay on such promotion is less than the entry level pay of Group-IV(1), they shall remain in the newly promoted grade till such time as their pay reaches the entry level pay of Group-IV(1) or the minimum stipulated period in the newly promoted grade for assessment to the next higher grade or when their basic pay reaches the minimum of the next higher grade which ever is earlier. At that time they shall be assessed again as before for promotion to the next higher grade and permitted to crossover to Group-IV(1), if their pay reaches the entry level pay of Group-IV(1).

4. The assessment committee for assessment under the faster track chapter - 4 of the revised MANAS. However, a member of RC should invariably be the Chairman of the assessment Committee

5. The Assessment Committee shall assess the merit of the employee on the basis of his qualifications, achievements, record of work, ACRs for the period. If, however, an employee reaches the maximum of the next higher grade during the same period for which he has already been assessed and promoted, then his ACRs for that period will not be taken into consideration again. In such cases, the Committee may judge the overall suitability of the assessee to hold the next higher grade on the basis of record and quality of his work and performance during interview.

6. The threshold as prescribed in the MANAS/Revised MANAS will not apply in these cases.

Annexure-VII

OPERATIVE SCALES (OLD AND REVISED)

OLD SCALES	
RS. 750-12-870-14-940*	
RS. 800-15-1010-20-1150*	
RS. 950-20-1150-EB-25-1400	
RS. 1200-30-1560-EB-40-2040	
RS. 1350-30-1440-40-1800-EB-50-2200	
RS. 1400-40-1800-EB-50-2300	
RS. 1640-60-2600-EB-75-2900	
RS. 2000-60-2300-EB-75-3200-100-3500	
RS. 2200-75-2800-EB-100-4000	
RS. 3000-100-3500-125-4500	
RS. 3700-125-4700-150-5000	
RS. 4500-150-5700	
RS. 5100-150-5700-200-6300	
RS. 5900-200-6700	
RS. 5900-200-7300	
RS. 18,400-500-22,400	

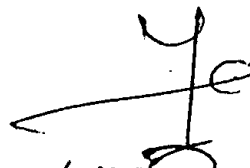
*EB is not applicable w.e.f. 1.1.1993

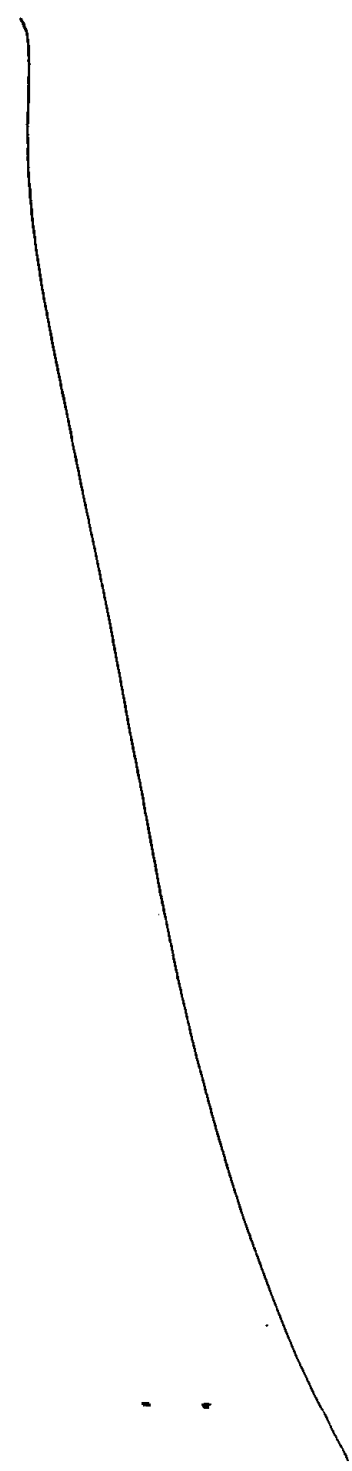
3050-75-2750-80-4590

72
✓ OA/CP/RA/ME No. 11 /200 6

Order dated 25.3.2008

Call the matter for hearing
on 7-5-08.


(M.R. MOHANTY)
Vice-Chairman



Before CAT- Cumbhik Bazar.

It is Prayed That The following
Case may be allowed to move
as an urgent undisturbed ¹⁷
matter, to-day on 10-1-06.

① O. A. /2006.

Smt. Dipti Devi.

-VS-

Union of India vs.

Chander
Adv.
10.6.06

29

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:**

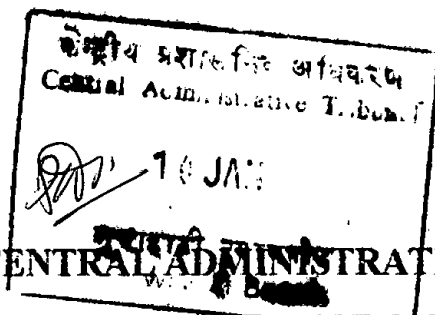
Original Application No. 11/06

1. a) Name of the Applicant:- D. Devi
b) Respondants:- Union of India & Ors.
c) No. of Applicant(S):-
2. Is the application is the proper form:- Yes / No.
3. Whether name & description and address of the all the papers been furnished in cause title :- Yes / No.
4. Has the application been duly signed and verified :- Yes / No.
5. Have the copies duly signed :- Yes / No.
6. Have sufficient number of copies of the application been filed :Yes/No.
7. Whether all the annexure parties are impleaded :- Yes/No.
8. Whether English translation of documents in the Language:- Yes/No.
9. Has the application is in time :- Yes/ No.
10. Has the Vakalatnama/Memo of appearance /Authorisation is filed:Yes/No.
11. Is the application by IPO/BD/for Rs.50/- 263317125
12. Has the application is maintainable : Yes /No.
13. Has the Impugned order original duly attested been filed:- Yes/ No.
14. Has the legible copies of the annexurea duly attested filed:Yes/No.
15. Has the Index of the documents been filed all available :-Yes/No.
16. Has the required number of enveloped bearing full address of the respondants been filed:- Yes/ No.
17. Has the declaration as required by item 17 of the form:Yes /No.
18. Whether the relief sought for arises out of the Single: Yes/ No.
19. Whether interim relief is prayed for :- Yes/ No.
20. Is case of Condonation of delay is filed is it Supported :-Yes/No.
21. Whether this Case can be heard by Single Bench/Division Bench:
22. Any other pointd :-
23. Result of the Scrutiny with initial of the Scrutiny Clerk:

SECTION OFFICER(J)

1st DEPUTY REGISTRAR

The application is in order
10.1.06



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

O.A. No. 21 /2006

Smt. Dipti Devi
-Vs-
Union of India & Ors.

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

- 1982- Applicant was initially joined the services of the respondents as Daily wage worker, her said appointment was continued to March 1983, the same was again continued for the spell April 1984 to Sept 1984.
- Sept 1984- Applicant joined as Project Assistant on temporary basis for 8 months, after being selected through a detailed selection process. Thereafter she was continuously engaged in different projects till 15.04.1990. But applicant's service not extended after 15.4.1990 whereas person junior to her got extension.
- 1992- Being aggrieved, applicant filed title suit No. 17/92 in the Court of Asstt. District Judge, Jorhat, which eventually led to Civil Revision Petition No. 69/97 before the Hon'ble Gauhati High Court. However, finding this Hon'ble Tribunal as the appropriate forum the applicant approached before this Hon'ble Tribunal through O.A. No. 303/1999.
- 1999- Applicant filed O.A. No. 303/1999 before the Central Administrative Tribunal (CAT), Guwahati.
- 05.01.2001- Hon'ble CAT passed its judgment and order dated 05.01.2001 in O.A. No. 303/99 and directed the respondents to regularise the service of the applicant within one month even by ignoring her overage, if any. (Annexure-V)
- 2001- Respondents filed WP (C) No. 2019/2001 before the Hon'ble Gauhati High Court assailing the judgment and order dated 05.01.2001 of the Hon'ble C.A.T.
- 02.12.2004- Hon'ble High Court passed its order dated 2.12.2004 in WP(C) No. 2019/2001, whereby the said writ petition was dismissed on merit. (Annexure- VI)

22.03.2005- Respondents issued the impugned order ejecting the prayer of the applicant. (Annexure-VII)

Hence this O.A before this Hon'ble Tribunal.

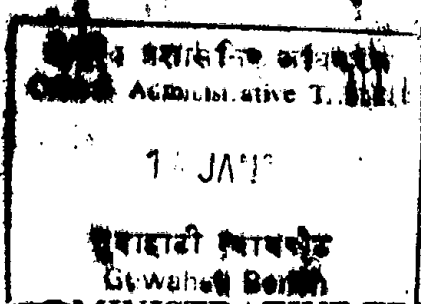
PRAYERS

1. That the Hon'ble Tribunal be pleased to set aside and quash the impugned order No. No. RLJ-18 (106)- Vig/1999 dated 22.03.2005 (Annexure- VII), issued by the respondent No. 3 as void-ab-initio.
2. To direct the respondents to absorb/regularise the applicant taking into account her past services, in the light of the judgment and order dated 05.01.2001 in O.A. No. 303/1999 passed by his Tribunal and the judgment and order dated 02.12.2004 in W.P (C) No. 2019/2001 of the Hon'ble Gauhati Court, with retrospective effect and all consequential benefits thereof.
3. Costs of the application.
4. Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for.

During pendency of this application, the Hon'ble Tribunal be pleased to grant the following relief: -

1. That the Hon'ble Tribunal be pleased to direct the respondents that pendency of this application shall not be a bar to the respondents for considering the case of the applicant for regularisation of his service.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

(An Application under Section 19 of the Administrative Tribunals Act, 1985)

Title of the case : O.A. No. 11 /2006

Smt Dipti Devi. : Applicant.

-Versus -

Union of India & Others : Respondents.

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05	III	Copy of order dated 13.04.83.	-20-
06	IV (Series)	Copy of the call letters dated 29.06.83, 02.06.83, 05.09.84, 19.05.86, 20.01.87, 03.03.87 and 22.03.90.	21-27
07	V	Copy of judgment dated 05.01.01.	28-30
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Date: 10.07.2006.

Filed by
Savjit Choudhury
Advocate

Dipti Devi

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

(An Application under Section 19 of the Administrative Tribunals Act, 1985)

O. A. No. 11/2006

BETWEEN

1. *Sm. Dipti Devi.*

W/o- Shri Mukul Sharma.
Village- Siratia Gaon,
P.O- Pulibor,
District- Jorhat
Assam- 785 006.

...Applicant.

-AND-

1. The Union of India,

Represented by the Secretary to the
Government of India,
Ministry of Science and Technology, New Delhi.

2. The Director General,

Council of Scientific and Industrial Research, (CSIR),
Rafi Marg,
New Delhi.

3. The Director,

Regional Research Laboratory (RRL),
Jorhat. Assam.

4. The Joint Secretary, CSIR,

Anusandhan Bhawan,
Rafi Marg, New Delhi.

5. The Controller of administration,

Regional Research Laboratory,
Jorhat. Assam.

...Respondents.

Dipti Devi

*Filed by the Petitioner
through Advocate
on 10.1.06.*

DETAILS OF THE APPLICATION

1. Particulars of order(s) against which this application is made.

This application is made against the impugned order bearing No. RLJ-18 (106)- Vig/1999 dated 22.03.2005 (Annexure- VII), issued by the respondent No. 3, whereby the claim of the applicant for regularization of her service has been rejected even inspite of the fact that the 1981 Scheme has been examined and held to be in favour of the applicant in the judgment passed by the learned Tribunal which attained finality and the direction passed by the Hon'ble Tribunal on 05.01.2001 in O.A No. 303/1999 upon the respondents to regularise her service which was also upheld by the Hon'ble Gauhati Court vide its judgment and order dated 02.12.2004 in WP (C) No. 2019/2001.

2. Jurisdiction of the Tribunal

The applicant declares that the subject matter of this application is well within the jurisdiction of this Hon'ble Tribunal.

3. Limitation

The applicant further declares that this application is filed within the period of limitation prescribed under Section-21 of the Administrative Tribunals Act, 1985.

4. Facts of the Case

4.1 That the applicant is a citizen of India and as such she is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

4.2 That the applicant was initially joined the services of the respondents as Daily Wage Worker in the year 1982 i.e. December 1982. Her said appointment was continued to March 1983 and thereafter the same was again extended for the spell April to Sept' 1984. Thereafter the applicant

Dipti Dmi

under went an apprenticeship training under the respondents and after successful completion of the same the respondents issued a certificate dated 19.04.84. It is pertinent to mention here that on the basis of the list submitted by the Employment Officer, Jorhat, the applicant was selected for training for the period of one year and accordingly the applicant successfully completed the training for the session 1983 to 1984. The applicant thereafter, given appointment as Project Asstt. w.e.f. Sept' 1984 to 15th April 1990 under various projects of the respondents. It is pertinent to mention here that during her service from Sept' 1984 to 15th April 1990 the applicant has been treated as regular employee. Although her initial appointment was for a specific period, her services were extended from time to time by issuing various orders and office memorandums.

Copy of the order dated 30.03.83, 13.04.83, certificate dated 19.04.84 are annexed hereto as Annexure- I, II and III respectively.

- 4.3 That the applicant after the aforesaid selection and after successful completion of her training, she was under the bonafide impression that her services would be regularised, but the respondents after utilizing her service for about 8 years in an exploitative term have disallowed her for any further appointment/extension after 15.04.90. It is pertinent to mention here that the respondents have issued the aforesaid letter of appointment/extension as per the direction of the Director RRL, Jorhat but same have been issued for a specified period that too on temporary basis with some small artificial breaks only to deprive her from regularisation. It is also pertinent to mention here that during her service career as many as 8 times she has been asked to appear before the selection test, interview board and some time type test for her regularisation and accordingly each time she appeared and she was selected, but the respondents due to reasons best known to them has never regularised her service. To that effect mention may be made of the

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orders dated 02.06.83 and 29.06.83 by which she was asked to appear the type test as well as interview. Thereafter also the applicant was asked to appear before the selection committee almost each year and each year she appeared and got selected but the respondents have refused to regularise the services of the applicant only to accommodate some outsiders with malafide intention.

Copy of the call letters dated 29.06.83, 02.06.83, 05.09.84, 19.05.86, 20.01.87, 03.03.87 and 22.03.90 are annexed herewith and marked as Annexure- IV Series).

- 4.4 That thereafter the applicant being aggrieved was constrained to move the Hon'ble Court of Asslt. District Judge, Jorhat by way of filing Title Suit No. 72/92. But since the this Hon'ble Tribunal is the appropriate forum to decide the issue, the applicant eventually approached this Hon'ble Tribunal by filing one O.A. No. 303 of 1999.
- 4.5 That this Hon'ble Tribunal thoroughly examined the case of the applicant, including 1981 Scheme, rules and various contentions raised by the respondents in their written statement. After hearing both the parties and perusal of record, this Hon'ble Tribunal passed its judgment and order dated 05.01.2001 in O.A. No. 303/1999, directing the respondents as under: -

"5. For the aforesaid reasons, the applicant is entitled to the benefit rendered by this Tribunal in O.A. No. 16/1995, 17/1995, 18/1995 and 241/1994 for being regularised in the light of the MANAS Scheme. The respondents are accordingly directed to consider the case of the applicant for regularisation of her service within a period of one month from today in terms of the aforementioned Scheme. If the in the event at the time of regularisation it is found that the applicant is overaged, the same should be ignored considering her past services in the department.

Dipali Dami

6. The application is accordingly allowed. There shall, however, be no order as to costs."

It is quite clear from the decision of the learned Tribunal, that the Tribunal has examined the Scheme of the CSIR and it is found that the case of the applicant is covered by the Scheme and therefore, the learned Tribunal directed to consider the case of the applicant to regularise the service of the applicant. The decision of the learned Tribunal has been confirmed by the Hon'ble Gauhati High Court and therefore judgment of the learned Tribunal attained finality.

(Copy of judgment dated 05.01.2001 is annexed hereto as Annexure- V).

- 4.6 That thereafter, the respondents filed the writ petition numbered as WP(C) No. 2019 of 2001 in the Hon'ble Gauhati High Court assailing the judgment and order dated 30.11.2000 aforesaid passed by this Tribunal in O.A N. 303/99. The Hon'ble Gauhati High Court, after thoroughly examining the case, passed its common judgment and order dated 02.12.2004 in WP(C) No. 2019/2001 and the operative portion of the judgment is reproduced below-

"8. In that view of the matter, in our considered opinion, we should not interfere with the orders passed by the learned Central Administrative Tribunal, Guwahati in O.A No. 308/99 and 303/99 and, accordingly, we dismiss both the writ petitions.

9. There shall be no order as to costs."

The above quoted order of the Hon'ble High Court leads to the inescapable conclusion that the Hon'ble High Court has upheld the judgment and order dated 05.01.2001 in O.A No. 303/99 of this Hon'ble Tribunal.

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(Copy of the judgment and order dated 02.12.2004 is annexed hereto as Annexure- VI).

- 4.9 That thereafter, the applicant submitted a representation enclosing therewith a copy of the judgment and order dated 02.12.2004 to the respondents and prayed for early regularization of her service in terms of the judgment and order dated 05.01.2001 in O.A No. 303/99 of this Hon'ble Tribunal, read with the judgment and order dtd. 02.12.2004 of the Hon'ble High Court in WP(C) No. 2019/2001.
- 4.10 That thereafter, the respondent No. 3 has issued the impugned order No. RLJ-18 (106)-Vig./1999 dated 22.03.2005 rejecting the prayer of the applicant and denying her regularization of service, mainly on the following pleas; -
- (i) Applicant is not entitled to be regularised under the provisions of merit and normal assessment scheme (MANAS) since the said scheme is meant for assessment promotion only and not for regularization,
 - (ii) CSIR scheme circulated vide circular dated 13.01.1981 was meant for existing persons as on 13.01.1981 which was an one time exercise, but the applicant joined after that i.e. on 29.11.1983 only. The respondent also referred to para 8 of the said circular dated 13.01.1981.
 - (iii) The case of other applicants covered the judgments and orders of the Tribunal in O.A No. 161/95, 17/95, 18/95 and 241/94 are not similar and are distinguished from the case of this applicant.

On a mere reading of the impugned order dated 22.03.2005 it appears that the respondent authorities have now made an attempt to re-write the judgment passed by the learned Tribunal as per their own

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interpretation and understanding of the scheme, without having any jurisdiction or sanction of law and on that score alone the impugned order dated 22.03.2005 is liable to be set aside and quashed.

(Copy of impugned order dated 22.03.2005 is annexed hereto as Annexure- VII).

- 4.11 That the applicant most respectfully begs to state that the respondent department i.e. the Council of Scientific and Industrial Research (for short CSIR), launched a special scheme meant for absorption of staff employed in externally funded projects/schemes. The said scheme is named as merit and normal assessment scheme (for short, MANAS). Pursuant to this scheme, the respondents vide memo No. 169150)/68-E (Pt. II) dated 13.01.1981, laid down some rules for absorption of staff which interalia, provides under para-8 as follows; -

"The existing persons who have rendered three years continuous service in a scheme should be absorbed either against existing regular vacancies in identical posts or by creating additional posts (by following prescribed procedure) if the work load in the Laboratory/Institute so demands. The supernumerary posts could be created to absorb the staff employed in such projects/schemes, initially being a onetime effort only. The laboratories/Institutes should not recruit further staff until all such staff is absorbed."

It is relevant to state that the applicant has rendered services about 7 years and as such she is legitimately entitled for absorption as per the provisions quoted above, more so, when the aforesaid scheme is a welfare scheme aimed at extending benefit to the staff employed under the respondents. The said scheme was subsequently re-introduced in 1990 and again in 1992. The very word "absorbed" used in the scheme, itself

Dipli Devi

makes it abundantly clear that the scheme is introduced, for recruitment of the existing employees working in the project.

(Copy of memo dated 13.01.1981 is annexed hereto as Annexure-VIII.)

- 4.12 That the applicant most respectfully begs to state that all the three grounds pleaded by the respondents for rejecting the claim of the applicant as stated in para 4.10 hereinabove, have been duly examined/considered by this Hon'ble Tribunal and the Hon'ble High Court before passing their respective judgments and orders aforesaid whereby the said contentions of the respondents have been rejected and thereafter only it has been held that the applicants case be regularized by the respondents. Since the same contentions repeated and adhered to by the respondents in their impugned letter dated 22.03.2005 is not only violative of the directions passed by the Hon'ble Tribunal and the Hon'ble High court but contemptuous as well.

It is relevant to mention here that the applicability of the scheme MANAS as contended by the respondents in their impugned letter dtd. 22.03.2005 has already been discussed/examined by the Hon'ble Tribunal and the High court in their respective judgments aforesaid. Similarly the contention of the respondents that the cases under O.A. No. 16/1995, 17/1995, 18/1995 and 241/1994 decided by this Tribunal are distinguished from that of this applicant have also been scanned by this Hon'ble Tribunal in its judgment and order dated 05.01.2001 in O.A No. 303/99, and both the contentions have been rejected thereby.

Further, regarding the contention of the respondents that the CSIR scheme dtd. 13.01.1981 is not applicable in case of the applicant since she joined his services on 29.11.1983 is irrelevant here, since the applicant is entitled for regularisation in terms of the scheme MANAS aforesaid which although introduced in 1981, but was re-introduced n 4.10.1990 and again in 1992 as admitted by the respondents in their impugned letter dated 22.3.2005 and also held by the Hon'ble High

Court in its judgment dated 30.11.2000. This apart, para 8 of the CSIR circular dated 13.01.1981 has clearly spelt out that-

"The existing persons who have rendered three years continuous service in a scheme should be absorbed either against existing regular vacancies in identical posts or by creating additional posts.

-----"

The above quoted provisions when reintroduced in 1990 and 1992 are very much applicable on the applicant and it is clearly evident from the above that it is meant for absorption and not for promotion only as averred by the respondents.

4.14 That the applicant begs to state that after her initial appointment the applicant has all along been issued various appointment orders extending his appointment period on the strength of which she has been continuing in his service without any break. Her service has been extended by the respondents by issuing various orders and on the strength of these orders she has been serving continuously till 15.04.1990. Be it stated here that all along the applicant has been serving under the respondents as a regular employee.

4.15 That after issuance of the last extension order dated 22.03.90, whereby the applicant was given appointment till 15.04.90, her service was never extended but some of the juniors to her have been kept in the service. Thus it will be evident that the respondents are favouring their blue-eyed boys resulting in hostile discrimination in violation of Article 14 and 16 of the Constitution of India.

4.16 That the applicant begs to state that the respondents have been preparing various schemes of regularisation of the Scientific and Technical staff working under CSIR like that of the applicant who has completed three

Deepti Devi

years of continuous service or more. The said scheme is known as merit and normal assessment scheme.

4.17 That in view of the aforesaid factual position the service of the applicant is required to be regularised with retrospective effect more so in view of the fact that she entered the service of the respondents as per their own indent and the applicant was appointed under the respondents after proper selection and under the rule, no further selection is contemplated. The respondents cannot utilize the service of the applicant in an exploitative term and the constitutional provisions demand that her service should be regularised. In this connection the applicant crave leave of this Hon'ble Tribunal to refer to the constitutional provisions as well as dictums of the Apex Court and benches of the Hon'ble Tribunal.

4.18 That the applicant states that at present there are several posts of Junior Scientific Asst./Junior Technical Asstt Gr-III lying vacant under the respondents. The respondents have earlier regularised the services of the Project Asstt. who are similarly situated like that of the applicant. The some of the incumbents were regularised after rendering 2-5 years of service. Some of the names are given below;

1. Sri Dipak Bardoloi.
2. Sri K.C. Likhok.
3. Sri R.C. Bharali.
4. Sri Ananta Sharma.
5. Sri Anjul Barma.
6. Sri Samiran Borthakur.
7. Sri U.S. Bhattacharjee.
8. Sri D. Borthakur, etc.

The above persons are similarly situated like that of the applicant and their services have been regularised after rendering only 2-5 years of service against the service rendered by the applicant for long seven years.

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The above examples are only illustrative not exhaustive. Further more since large numbers of employees have been regularised, there is no earthly reason as to why the service of the applicant should not be regularised taking into consideration of her past services rendered to the department in the light of the judgment and order dated 30.11.2000^{05.01.2001} in O.A. No. 308/1999³⁰³ passed by this Hon'ble Tribunal and the judgment and order dated 02.12.2004 passed in W.P (C) No. 2018/2001 by the Hon'ble Gauhati High Court, with retrospective effect and consequential service benefits thereof. The respondents instead of being a model employer cannot resort to the pick and choose policy in the matter of regularisation of service and they are bound by the Constitutional provisions.

- 4.19 That the applicant begs to state that Hon'ble Tribunal had occasions to deal with some similar matters arising out of similar nature of termination/discontinuation orders passed by the respondent namely O.A. Nos. 241/94, S. Dutta- Vs- U.O.I and Others, 16 of 1995 (Dulal sahu- Vs- U.O.I ad others), 1 of 1995 (P. Kalita -Vs- U.O.I and Others) and 18 of 1995 (P.P. Sarma -Vs- U.O.I and others) and the Hon'ble Tribunal was pleased to allow all the four cases by its common judgment and order dated 14.5.1997, which was accepted and implemented by the respondents department.

(Copy of the order dated 14.5.1997 is annexed herewith and marked a Annexure-IX).

- 4.20 That the applicant states that after the aforesaid Annexure- IX judgment all the applicants of these cases have been given appointment under the scheme mentioned in the said order and presently they are working under the respondents. It is stated that the case of the applicant is also similar to the above cases and Annexure- IX order dated 14.05.1997 squarely covers the case of the applicant. The respondent being a model employer should have adopted similar method for regularisation of the services of the

Dikhti Dm.

applicant also. Having not done so the respondents have violated the settled principles of law and the constitutional provisions.

- 4.21 That the applicant begs to state that presently she is the only bread earner of her family. After the discontinuation from her service presently it has become impossible for her to run her family. On the other hand the respondents are still engaging persons from the open market and so far it relates to applicant the respondents have showed their inability in absence of Courts order. It is therefore she is in need of her service very badly so as to save the entire family from distress and hence prays before the Hon'ble Tribunal for an interim order directing the respondents to provide her any post commensurating to her educational qualification as well as past service pending disposal of this application.
- 4.22 That your applicant most respectfully begs to state that due to non-consideration of her case for regularisation of her service, she has been suffering extreme hardships. As such finding no other alternative the applicant is approaching this Hon'ble Tribunal for protection of her legitimate rights and it is a fit case for the Hon'ble Tribunal to interfere with and to protect the rights and interest of the applicant, directing the respondents to regularise the service of the applicant with retrospective effect and all consequential service benefits.
- 4.23 That this application is made bonafide and for the cause of justice.
5. Grounds for relief(s) with legal provisions.
- 5.1 For that the judgment of the learned Tribunal dated 05.01.2001 in O.A. No. 303/99, has attained finality, which discussed and examined the relevant scheme and found that the case of the applicant is covered by the scheme, therefore, the respondent authority has no scope for further interpretation of the scheme as well as of the judgment passed by the learned Tribunal.

- 5.2 For that, respondent authority has no scope or authority of law to re-write the judgment of the Tribunal by giving a different interpretation of the scheme that too after passing of the judgment by the impugned order dated 22.03.2005.
- 5.3 For that, the respondent authority has no jurisdiction under the law to pass the impugned order dated 22.03.2005, giving further interpretation of the scheme as such impugned order dated 22.03.2005 is liable to be set aside and quashed.
- 5.4 For that, the applicant has rendered services for about 7 (seven) years continuously in different schemes under the respondents and as such she has acquired a valuable right for her permanent absorption/regularisation in the department.
- 5.5 For that, the applicant was initially recruited through a regular selection process and the works assigned to her are also of permanent nature. As such here is no reason as to why her services cannot be regularised.
- 5.6 For that, as per the doctrine of legitimate expectation the applicant deserves all considerations for regularisation of her services.
- 5.7 For that, the applicant is legitimately entitled for permanent absorption/regularisation as per the provisions of the special scheme namely merit and normal assessment scheme for short MANAS), 1981 launched by the respondent department.
- 5.8 For that, the departmental scheme MANAS is a welfare scheme and as such the applicant cannot be denied the benefits of the scheme.
- 5.9 For that, the services of some other similarly situated employees have been regularised even after their rendering services for 2-5 years only, as against 7 years of service rendered by the applicant. Hence it is a

discrimination and violative of article 14 and 16 of the Constitution of India.

- 5.10 For that, the case of this applicant is covered by the judgments and order passed by his Hon'ble Tribunal on 05.01.2001 in O.A No. 303/1999.
- 5.11 For that, the applicant is entitled for regularisation of service in terms of the judgment and order dated 05.01.2001 in O.A. No. 303 of 1999 passed by this Hon'ble Tribunal which has also been upheld by the Hon'ble Gauhati High Court vide its judgment and order dated 02.12.2004 in WP(C) No. 2019/2001.
- 5.12 For that, denial of permanent absorption/regularisation of the applicant despite her rendering services for long seven years, is violative of the principles of natural justice and opposed to the established laws.
- 5.13 For that, there are vacant posts of Junior Scientific Assistant/Junior Technical Assistant in the respondent department and the applicant has got requisite qualifications/eligibility for such post and she has already served in such posts for about 7 years. As such there is no cogent reason whatsoever to deprive the applicant of his legitimate absorption/regularisation in one of those vacant posts.
- 5.14 For that, the contention of the respondents raised in the impugned order dated 22.3.2005 that the "MANAS" scheme deals only assessment of promotion of the staff and not the regularisation of any person is totally wrong in as much as the word "absorbed" is very much available in the scheme, which makes it abundantly clear that the scheme MANAS has been framed with the view of intention to provide absorption to the existing employees working under the said scheme as such applicant is entitled to benefit of absorption.
- 5.15 For that, the grounds raised in the impugned order dated 22.03.2005 to the effect that the said MANAS scheme was a one time effort and not a

Dipti Devi

continuous exercise is self contradictory and also contrary to the records in as much as the said scheme was extended in 1990 and 1992 to the person who were working under the MANAS scheme and similarly situated like the present applicant and as such applicant is entitled to absorption in the light of the aforesaid scheme.

- 5.16 For that, the word absorption/absorbed means the act of process of absorbing is specifically used in paragraph 8 of the MANAS scheme as such contention of the respondents that the scheme is absolutely meant for assessment of promotion is totally false and misleading as such applicant is entitled to benefit of absorption, more particularly in view of the provision laid down in paragraph 8 of the said scheme.

6. Details of remedies exhausted.

That the applicant states that she has exhausted all the remedies available to her and there is no other alternative and efficacious remedy than to file this application.

7. Matters not previously filed or pending with any other Court.

The applicant further declares that save and except the filing of O.A No. 303/1999, decided on 05.01.2001 by this Hon'ble Tribunal, she had not previously filed any application, Writ Petition or Suit before any Court or any other authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief(s) sought for:

Under the facts and circumstances stated above, the applicant humbly pray that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief (s) sought for in this application shall not be granted and on

Dipti Devi

perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

- 8.1 That the Hon'ble Tribunal be pleased to set aside and quash the impugned order No. RLJ-18 (106)- Vig/1999 dated 22.03.2005 (Annexure- VII), issued by the respondent No. 3 as void-ab-initio.
- 8.2 To direct the respondents to absorb/regularise the applicant taking into account her past services, in the light of the judgment and order dated 05.01.2001 in O.A. No. 303/1999 passed by his Tribunal and the judgment and order dated 02.12.2004 in W.P (C) No. 2019/2001 of the Hon'ble Gauhati Court, with retrospective effect and all consequential benefits thereof.
- 8.3 Costs of the application.
- 8.4 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for.

During pendency of this application, the Hon'ble Tribunal be pleased to grant the following relief: -

- 9.1 That the Hon'ble Tribunal be pleased to direct the respondents that pendency of this application shall not be a bar to the respondents for considering the case of the applicant for regularisation of his service.

10.
This application is filed through Advocates.

11. Particulars of the I.P.O.

- | | | | |
|------|---------------|---|--------------------|
| i) | I. P. O. No. | : | 26 G 317125 |
| ii) | Date of Issue | : | 5.11.05 |
| iii) | Issued from | : | G. P. O., Guwahati |
| iv) | Payable at | : | G. P. O., Guwahati |

12. List of enclosures

As given in the index.

Dipti Devi

VERIFICATION

I, Smti Dipti Devi, W/o Shri Mukul Sharma, aged about 48 years, resident of village Siratia Gaon, P.O Pulibor, District- Jorhat, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 10th day of January, 2006.

Dipti Devi

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

No. RLJ/GN/APP/80

Dated 30.3.83.

From:-
The Director,
Regional Research Laboratory,
JORHAT (Assam).

To,
Sri Dipti Devi
Tilikiam Brahiman Gaon.
P.O. Tilikiam.

Dear Sir,

On the basis of the list submitted by the Employment Officer, Jorhat, you have been selected for interview for apprenticeship training in the trade of Clark (General) which will commence in this Laboratory this year, you are therefore requested to appear before the selection committee on 31st March 1983 at 10-30 A.M. in the Conference Room (Administrative Block) of Regional Research Laboratory, Jorhat.

You should bring with you all the Certificates/testimonials in original for scrutiny by the selection committee.

Please note that no T.A. is payable for this purpose.

Yours faithfully,

(H.C. Borah)
Assistant Director, RRL, Jorhat.

Advised
by
Advocate
on 10.4.06.

-19- ANNE XURE-211 (2)

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

RLJ/GN/APP/83..

No. RRL-1(72)-Estt/75

Dated : 13.4.83.

To,

Shri Dipti Devi.

Tilikiam Brahmin Gaon.

P.O. Tilikiam.

Sub :- Apprenticeship Training in the Trade Clerk (G).

Sir,

I am directed to state that you have been selected for the above training on the following terms and conditions :

- (1) The training is under the Council of Scientific & Industrial Research which is an Autonomous body. You will be under the Administrative Control of the Director, RRL, Jorhat.
- (2) You will be paid a stipend of Rs. 230/-, p.m. No other allowances are admissible.
- (3) The normal period of the training is One years.
- (4) The training is terminable at any time at the sole discretion of the Director, RRL, Jorhat.
- (5) You will be required to sit for an examination at the end of the training.
- (6) You will be required to produce documentary proof in respect of your date of birth at the time of reporting for duty.
- (7) You will not be entitled to any travelling expenses for reporting for duty.
- (8) This training does not confer any right on you to ask for employment in RRL, Jorhat or any of the laboratories of CSIR.
- (9) You will have to execute a contract agreement with the Council of Scientific & Industrial Research to under go Training in the above mentioned Trade.

In regard to any other matter not specifically covered in the foregoing paragraphs, you will be governed by the rules and orders applicable to trainees undergoing training in CSIR Laboratories under the Apprenticeship Training.

In case you are willing to accept the training on these terms and conditions, you should report for duty to the Director, Regional Research Laboratory, Jorhat - G, immediately.

Yours faithfully,

(G.C. Sharma)

(Signature)

Administrative Officer.

Copy to :

1. Accounts Section.
2. Bill Section.

3.

Handwritten notes:
A. Healer
G. G. Sharma
10.1.06

CHARTERED RESEARCH
TELEPHONE : 887504
FAX : 817
PHONE : 853 - 818

क्षेत्रीय अनुसंधान प्रयोगशाला, जोरहाट (आसाम)
REGIONAL RESEARCH LABORATORY
(A constituent Establishment of CSIR)
JORHAT-785006 (ASSAM)

No. - RLJ/GN/APP/84.

Dated : 19th April, 1984

From :-

U.C. Borah
Head, Gen. Engg. & i/c
Apprentices training
RRL - Jorhat.

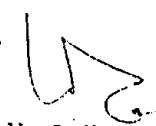
TO WHOM IT MAY CONCERN

This is to Certify that Sri Dinti Devi son of Sri Padma Nath Sarmah resident of Tilikiam, P.O. Tilikiam has successfully completed one year apprenticeship training course in the trade Clerk (General) in Regional Research Laboratory Jorhat for the session 1983-84.

She is sincere, hard working man with amiable disposition.

She bears a good moral character.

I wish him all success in life.


(U. C. Borah)

A. D. Dastidar
Secretary
10.1.86

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

No. RL-1- 9(47)-Estt/83

Dated:- 29.6.83.

From:

The Director,
R.R.L., Jorhat.

To:

Mrs Dipti Devi
Drawing Section,
R.R.L., Jorhat.

Sub:- Typing Speed Test and Interview.

Sir,

With reference to the Typing Speed Test & Interview on 4.6.83 for Pro-tempere officiating appointment of L.D.O's, you are requested to appear again on 3-7-83 at 8-10 A.M. for the same.

No T.A. is admissible for your journey.

Yours faithfully,

[Signature]
(N.C. Sarmah)
Section Officer.

*Attested
Digit - Choudhury
Adrocell
on 10.1.06.*

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A/S

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

No. RLJ-9(47)-Estt/83

Dated: 2.6.83.

From:

The Director,
Regional Research Laboratory,
Jorhat-6.

To:

Miss Bipli Devi
Drawing Section
RRL - Jorhat

Subj:- Selection for the post of Lower Division Clerk.

Sir,

With reference to your application dated 29-5-83, for the post of Lower Division Clerk, you are directed to appear for the interview and Typing Speed Test on 4.6.83 at 8 A.M. in the conference room of this laboratory. Please note that, no T.A. will be paid for your journey.

Yours faithfully,


SECTION OFFICER.

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A/S

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

NO. RLJ-9(2)-Entt/84

Dt. 5-9-84

N O T I C E

It is for general information that the Selection Committee meeting for the post of Project Assistant/Helper will be held on 10-9-84. instead of 7-9-84, as the 7th September, 1984, has been declared as closed holiday by the Govt of India.


SECTION OFFICER 5/2

Copy to :-

1. ~~Mr.~~ Miss Dipti Devi

General Hgg., Divn.

R.R.L., Jorhat.

- 24 -

101 A/S

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

No. RLJ-9(2)-Estt/86

Date: 19.5.86

From : The Director
R.R.L., Jorhat.

To

Miss Dipti Devi
Tilikiam,
P.O. Tilikiam,
Jorhat.

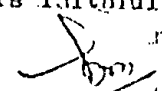
Subj:- Selection for the post of LOWER DIVISION CLERK

Sir,

With reference to your application for the post of L.D.O. in this laboratory, you are requested to appear in a competitive test in English & general knowledge and typewriting speed test @ 30 w.p.m. on 6.6.86 at 9. A.M. and interview at 2 P.M. in the Conference room of this laboratory.

No T.A. will be paid for your journey for interview.

Yours faithfully


(N.C. Sarmah)
SECTION OFFICER

- 25 -

A/5
42

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

No. RLJ-9(2)-Estt/87

Date: 20.1.87

From : The Director
R.R.L., Jorhat.

To
B. Miss. Dipti Devi
C/O. Drawing Section,
RRL-Jorhat.

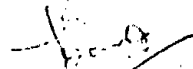
Sub: Selection for the post of Technician II(1)

D/Sir,

With reference to your application for the above mentioned post, you are hereby requested to appear in this Laboratory for a written Test and Typing speed Test @ 30 w.p.m. on 20 - 2 - 87 at 9 A.M.

No T.A. will be paid for the purpose.

Yours faithfully


SECTION OFFICER

N:B: Pl. bring with you your
pen/Dot pen etc.

XXXX

26 -
UNDER CERTIFICATE OF POSTING

D. O. No.

देशीय अनुसंधान प्रयोगशाला, जोरहाट (असम)
REGIONAL RESEARCH LABORATORY
(A CONSTITUENT ESTABLISHMENT OF CSIR)

75
TELEX : 207104
GRAM : RESEARCH
PHONE : 355

RLJ-9(2)-Estt/87

From : The Director
RRL, Jorhat.

JORHAT 715 000 (ASSTANT)
Dated 3-3-1987

To : Miss. Dipti Devi,
C/O Drawing Section,
RRL-Jorhat.

Sub: Selection for the post of Technician II(1)

Sir,

With reference to your Typing & Written Test held on 20-2-87 in this laboratory, you are hereby requested to appear for interview in this laboratory on 18-3-87 at 10 AM. Please note that no T.A. will be paid for the purpose.

Yours faithfully

Sushil Kumar
(SUSHIL KUMAR)
SECTION OFFICER

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A/5

104

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

No. RLJ-3(2)-Matl/90

Date 22-3-90

From : The Director
RRL-Jorhat.

To

24. M1 : Dipty Devi
Chiratia Gaon,
P.O. Pulibor,
Jorhat-6 (Assam)

Sub:- Selection for the post of Project Assistant on
Rs.1000/- P.M. (fixed).

Sir,

With reference to your application for the above mentioned post, you are hereby requested to appear in proficiency test in Stenography & typing (@30 w.p.m. & 30 w.p.m. respectively) & interview on 17.4.90 at 8.30 A.M. and 1.30 P.M. in the Conference Room of this Laboratory.

No T.A. will be paid for journey for interview.

N.B.:- Please bring all the relevant certificates in original.

Yours faithfully

N. JAYARAM
(N. JAYARAM)
SECTION OFFICER

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 303 of 1999

Date of decision: This the 5th day of January 2001

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

Smt. Dipti Devi,
Wife of Shri Mukul Sharma,
Vill. - Siratia Gaon, P.O. - Pulibor,
Jorhat.

.....Applicant

By Advocates Mr B.K. Sharma and Mr S. Sarma.

- versus -

1. The Union of India, represented by
The Secretary to the Government of India,
Ministry of Science and Technology,
New Delhi.
2. The Director General,
Council of Scientific & Industrial Research,
New Delhi.
3. The Director,
Regional Research Laboratory (RRL),
Jorhat.
4. The Joint Secretary, CSIR,
Anusandhan Bhawan,
New Delhi.
5. The Controller of Administration,
Regional Research Laboratory,
Jorhat.

.....Respondents

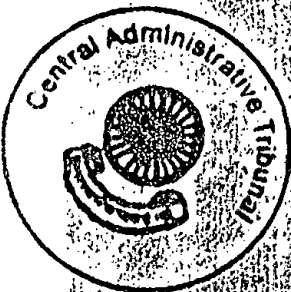
By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

O R D E R (ORAL)

CHOWDHURY.J. (V.C.)

Regularisation of service is the issue for adjudication.

2. The applicant initially joined service under the respondents as a Daily Wage Worker in December 1982 and the said appointment continued upto March 1983 and subsequently, it was extended upto September 1984. The applicant also underwent an Apprenticeship training under



[Handwritten signature]
10.1.06

the respondents for which a certificate was also issued to the respondents. After completion of the training the applicant was appointed Project Assistant with effect from September 1984 and she continued to work as such upto 15.4.1990 and rendered her service in various projects under the respondents. The applicant, in all, rendered service for about eight years and thereafter she was not allowed to work. The applicant failing to get proper redressal of her grievances, initially moved the Civil Court and after a long litigated battle reached this Tribunal by this O.A. in 1999 with a condonation petition. The delay was condoned and the application was finally admitted for adjudication as to the entitlement of the applicant for her regularisation in the service.

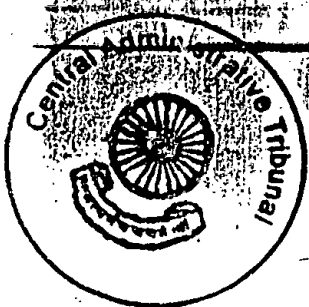


It has been pointed out by Mr S. Sarma, learned counsel for the applicant, that persons similarly situated like her and working in the same department were already ordered to be regularised by this Tribunal vide Judgment and Order dated 14.5.1997 passed in O.A.Nos. 16/1995, 17/1995, 18/1995 and 241/1994. Mr Sarma also cited that similar direction was also rendered by this Tribunal in O.A.No.308/1999 disposed of on 30.11.2000 in the light of the order of this Tribunal dated 14.8.1997 passed in the aforementioned O.A.s. Mr Sarma also referred to a Scheme known as Merit and Normal Assessment Scheme (MANAS for short). As per this Scheme, persons who have rendered three years continuous service in a scheme should be absorbed either against existing regular vacancies in identical posts or by creating additional posts (by following prescribed procedure) if the work load so demands. Under the Scheme, the supernumerary posts could be created to absorb the staff employed in such projects/schemes, initially being a one time effort only.

4. I have heard Mr A. Deb Roy, learned Sr. C.G.S.C. at length. Considering the entire situation, I am of the opinion that the case of the applicant cannot be distinguished from the decision rendered by this Tribunal on 14.5.1997 in the aforementioned cases.

5. For the aforesaid reasons, the applicant is entitled to the benefit rendered by this Tribunal in O.A.Nos.16/1995, 17/1995, 18/1995 and 241/1994 for being regularised in the light of the MANAS Scheme. The respondents are accordingly directed to consider the case of the applicant for regularisation of her service within a period of one month from today in terms of the aforementioned Scheme. If the in the event at the time of regularisation it is found that the applicant is overaged, the same should be ignored considering her past services in the department.

6. The application is accordingly allowed. There shall, however, be no order as to costs.



Sd/-VICE CHAIRMAN

Date of Application : 9.1.2006
Date on which copy is ready : 9.1.2006
Date on which copy is delivered : 9.1.2006
Certifies to be true copy

N. J. Sanyal
9.1.06
Section Officer (Jd)
G. A. T. Guwahati Bench
Guwahati

K. S. 9/1/2006

- 31 -

तारीख Date of Application for the copy	समया सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	देने की तारीख Date of delivery of the requisite stamps and folios.	प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	तारीख Date of making over the copy to the applicant.
13/12/12	13/12/12	13/12/12	13/12/12	13/12/12

ANNEXURE - VI

IN THE GAUHATI HIGH COURT
(THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA,
MANIPUR, TRIPURA, MIZORAM & ARUNACHAL PRADESH)

(WP(C) NO. 2018/2001 and 2019/2001).

IN WP(C) NO. 2018/2001.

1. The Director General,
Council of Scientific & Industrial Research,
Rafi Marg, New Delhi.

2. The Director,
Regional Research Laboratory, Jorhat.

3. The Joint Secretary,
Council of Scientific & Industrial Research,
Rafi Marg, New Delhi.

4. The Controller of Administration,
Regional Research Laboratory, Jorhat.

5. Union of India;
Represented by the Secretary to the
Government of India,
Ministry of Science & Technology,
New Delhi.

... Petitioners.

-Versus-

Sri Binay Kr. Khound,
S/o Late Purma Khound,
Village: Khoundpara, P.O. Dergaon,
District: Golaghat(Assam).

... Respondent.

Alkesh Choudhary
Sargit Choudhary
Advocates
07 10.1.06

P R E S E N T

THE HON'BLE THE CHIEF JUSTICE(ACTG.)
THE HON'BLE JUSTICE SMT. A. HAZARIKA

For the petitioners : Mr P. Bhowmick
Advocate.

For the Respondent : Mr S. Sharma.
Advocate.

Date of hearing & judgment : 02.12.2004.

JUDGMENT AND ORDER(ORAL)

Hazarika,J.

By this common judgment, the WP(C) No.2018/2001 and 2019/2001 are being disposed of as they pose a common question of law.

2. In both the writ petitions, the petitioners have assailed the orders dated 20th November, 2000 and 5th January, 2001 passed by the learned Central Administrative Tribunal, Guwahati Bench in O.A. No.308/99 and 303/99 respectively whereby the Respondents were directed to consider the case of the applicants to regularize their services as expeditiously as possible, preferably within a period of two months from the date of passing of the judgments.

3. We have heard Mr P. Bhowmick, the learned counsel for the petitioners and Mr S. Sharma, the learned counsel for the Respondents.

4. The Respondent in WP(C) No.2018/2001 was appointed as Project Assistant on a consolidated pay of Rs.500/- per month by the order dated 25th November, 1983 in the Regional Research Laboratory, Jorhat, Assam while the Respondent in WP(C) No.2019/2001 was appointed as Project Assistant on a consolidated pay of Rs.400/- per month vide order dated 14th September, 1984. The tenure of appointment of both the Respondents was for a period of 8 months only. The services of the Respondent in WP(C) No.2018/2001 were extended from time to time and he continued as such till 1.7.90. Thereafter, no extension was given to him. The services of the latter were not extended beyond the initial period of 8 months. Being aggrieved, they had preferred Title Suits before the learned Civil Court for ventilating their grievances. The learned Court below held that it is not the appropriate forum. Thereafter, they had approached the learned Central Administrative Tribunal, Guwahati by way of filing the aforesaid Original Applications.

5. In the case at hand, we have seen a Scheme, namely, Merit and Normal Assessment Scheme(For short, MANAS) formulated by the authority. On expiry of this Scheme, it was reintroduced on 4.10.90 and again introduced in the year 1992. As per this Scheme, persons who have rendered three years continuous service in a scheme should be absorbed either against existing regular vacancies in identical posts or by creating additional posts (by following prescribed procedure) if the work load so demands.

6. It is the case of the Respondents that the services of similarly situated persons were regularized as per this Scheme, but Mr Bhowmik, the learned

counsel for the petitioners submitted that persons similarly situated were not regularized as submitted by the Respondents. Mr Bhowmick further submitted that they are also not covered by the aforesaid Scheme.

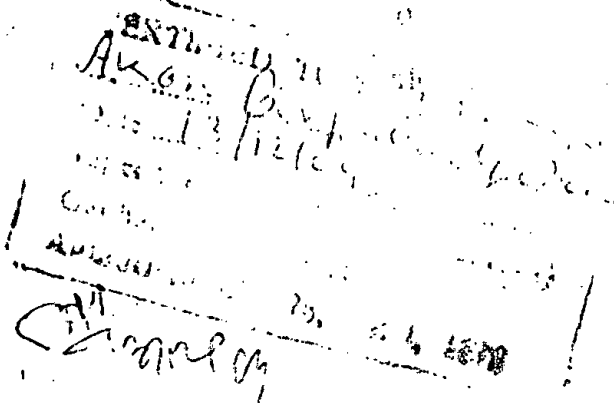
7. After hearing the learned counsel for both the parties, we have come to the conclusion that the learned Central Administrative Tribunal only directed the authority to consider the case of the applicants for regularization in service, but the same is not a direction to the authority for regularization. The authority can, after receipt of the order, should have passed a reasoned order whether the Respondents are covered by the aforesaid Scheme or not.

8. In that view of the matter, in our considered opinion, we should not interfere with the orders passed by the learned Central Administrative Tribunal, Guwahati in OA Nos.308/99 and 303/99 and, accordingly, we dismiss both the writ petitions.

9. There shall be no order as to costs.

C. A. Hazarika
Judge

Sd/- D. Biswas
Chief Justice (Acting)



P. N. S. 7/2/10
MS/1/09

क्षेत्रीय अनुसंधान प्रयोगशाला, जोरहाट: आसाम
REGIONAL RESEARCH LABORATORY: JORHAT: ASSAM
(वै. औ. अ. प. का एक स्थायी ईकाई)
(Council of Scientific & Industrial Research)

फाईल संख्या आर.एल.जे.-18(106)-सतर्कता/1999

No.RLJ-18(106)-Vig./1999

दिनांक: मार्च 22, 2005

PLACE OF ISSUE: JORHAT

निदेश
ORDER

Common judgment and order dated 02.12.2004 passed by the Hon'ble Gauhati High Court, Guwahati in W.P.(C) No.2018/2001 & 2019/2001, DG-CSIR Vs. Smti. Dipti Devi, has been accepted by the Competent Authority of the petitioners. The case of Smti. Dipti Devi as per the judgment of Hon'ble High Court read with the judgment of Hon'ble Central Administrative Tribunal in OA No.303/99 has been considered and ordered as under:

The operative part of the aforesaid order contained in para 5 is reproduced below:

"For the aforesaid reasons, the applicant is entitled to the benefit rendered by the Tribunal in OA No. 16/1995, 17/1995, 18/1995 and 241/1994 for being regularized in the light of the MANAS Scheme. The respondents are accordingly directed to consider the case of the applicant for regularization of her service within a period of one month from today in terms of the aforesaid scheme. If in the event at the time of regularization it is found that the applicant is over aged, the same should be ignored considering her past services in the department."

The para 3 & 4 of the order passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati is reproduced as under:

"3. It has been pointed out by Mr. S. Sarma, learned counsel for the applicant, that persons similarly situated like her and working in the same department were already ordered to be regularized by this Tribunal vide Judgment and Order dated 14.05.1997 passed in O.A. Nos.16/1995, 17/1995, 18/1995 & 241/1994. Mr. Sarma also cited that similar direction was also rendered by this Tribunal in O.A. No.308/1999 disposed of on 30.11.2000 in the light of the order of this Tribunal dated 14.08.1997 passed in the afore-mentioned O.As. Mr. Sarma also referred to a Scheme known as Merit and Normal Assessment Scheme (MANAS for short). As per this Scheme, persons who have rendered 3 years continuous service in a Scheme should be absorbed either against existing regular vacancies in identical posts or by creating additional posts (by following prescribed procedure) if the workload so demands. Under the Scheme, the supernumerary posts could be created to absorb the staff employed in such projects/schemes, initially being a one-time effort only.

Cont.....2

A. D. Choudhary
Sargit Choudhary
Advocate
on 10.1.06

4. I have heard Mr. A. Deb Roy, learned Sr. C.G.S.C. at length. Considering the entire situation, I am of the opinion that the case of the applicant cannot be distinguished from the decision rendered by this Tribunal on 14.05.1997 in the afore-mentioned cases."

As said earlier, the undersigned being appropriate appointing authority in RRL, Jorhat has considered the order passed by the Hon'ble Tribunal as above, and feels appropriate to consider the submission made by Smti. Dipti Devi as recorded in para 3 of the said judgment. Merit and Normal Assessment Scheme called MANAS is meant for scientific and technical staff who are in position/regular service. Mere perusal of the scheme called MANAS makes it crystal clear that the MANAS i.e. Merit and Normal Assessment Scheme for S&T staff deals only with the assessment promotion of the staff and not the regularization of any person as similar to the applicant. It is pertinent to mention here that CSIR Scheme as circulated vide Circular No 16(150)/68-E.II(Pt.II) dt. 13.01.1981 was meant for existing persons i.e. any person who were in existence at the time of issue of that circular i.e. 13.01.1981 and it was only a one time effort and not a continuous exercise. This is also fortified by the judgment of the Hon'ble Court in the case of R.B. Chavan and S.M. Kodilkar Vs. NCL, Pune. As per the record available Smti. Dipti Devi came into existence as Project Assistant in a sponsored project on 17.09.1984 only i.e. much after issue of the said circular by which the scheme of 13.01.1981 was circulated and the same was not applicable to her. As per the terms and conditions of the scheme, the case of Smti. Dipti Devi is not covered under the aforesaid scheme. It further states in sub para 2 of para 5, "in sponsored project, however, the recruitment should be on behalf of sponsor for a fixed period for the duration of the scheme only and it should be so made clear in the appointment letter of the candidate that candidate besides stipulating therein that the appointment is not a CSIR appointment, temporary or otherwise and does not entitle the incumbent to any claim implicit or explicit on any CSIR post."

Accordingly, the appointment letter issued to her from time to time against sponsored projects made it ample clear to her about the said provisions of the aforesaid circular.

The undersigned has also perused the records of Smti. Dipti Devi and found that no adverse order was ever passed to terminate her services and in fact, her services engaged for 6 months under a sponsored project of M/s. Kalyani Cement (Pvt.) Ltd. had been automatically expired after 6 months from 16.10.1989 as per her appointment letter dated 18.10.1989.

No representation was ever filed by Smti. Dipti Devi with any valid grounds for regularization as claimed by her except the applications submitted by her along with the order of the Hon'ble CAT, Guwahati Bench, Guwahati and the Hon'ble Gauhati High Court, Guwahati.

Reference is invited to her letter dated 17.12.2004, which was submitted by her after the common judgment dated 02.12.2004 of the Hon'ble High Court of Guwahati which is reproduced as hereunder:

Cont.....3

"This is to inform you that by a common judgment and order Dt. 02.12.04 passed in W.P. (C) No.23018/01 and 2019/01, the honourable high court after hearing the parties to the proceedings was passed to dismiss both the writ petitions upholding the judgments and order that 20.11.2000 passed by the central administrative tribunal in O.A. No. 303/99 (copy of the judgment and order that 02.12.04 is enclosed herewith for your ready reference).

That Sir, in view of the dismissal of the writ petition the judgment passed by the honourable tribunal has attained its finality and I may be reinstated in my service with full back wages in terms of the schemes holding the field.

I hope and trust that your honour would be graciously be pleased to pass necessary reinstating order providing me all the consequential relief and back wages immediately to meet the hardship."

I have considered her point very carefully and found that neither the Hon'ble CAT, nor the Hon'ble High Court ever ordered her reinstatement in service with full back wages, therefore, her submission is not only factually incorrect but rather misinterpretation of judgment of the Hon'ble courts with misleading intentions.

The scheme MANAS read with circular dated 13.01.1981, used by her in support of her case and used in her letter dated 17.12.2004 at no stage refers to recruitment or regularization of persons as similar to Smti. Dipti Devi. MANAS is not meant for regularization or recruitment. It is only meant for assessment and promotion purpose. As on date, CSIR has its own recruitment rules called CSIR Service Rules, 1994 for recruitment of technical and support staff. Smti. Dipti Devi can visit the Library and see the rules for the sake of her information and knowledge.

The Hon'ble CAT also passed direction to take action in the manner as done in OA No.16/95, 17/95, 18/95 and 241/94, for which the judgment was passed on 14.05.1997 in case of other applicants.


In this connection, it is informed to Smti. Dipti Devi that none of the applicants in the aforesaid O.As was regularized in the service as per said judgment as they were not covered under the scheme. However, the applicants namely S/Shri Santanu Dutta, Paresh Kalita, Pabitra Pran Samah and Dulal Sahu had applied against regular vacancy vide Advt. No.2/97 and gone through the selection procedure and got themselves selected afresh as per their performance in the interview. Only the benefit of age relaxation was given to them.

Accordingly, if she applies against any advertised post of RRL, Jorhat as and when notified, her case shall also be considered as per rules giving her the benefit of age relaxation as admissible to her provided she fulfils the eligibility criteria.

Cont.....4

I, therefore, find that her claim for regularization as per above-said 4 persons is also not factually tenable.

In view of the above, I am of the firm view that Smti. Dipti Devi cannot be regularized in RRL service as she does not fulfil the terms and conditions of the CSIR Circular No.16(750)-68-E.II (Pt.II) dated 13.01.1981 particularly para 8 as has already been explained above and, therefore, her claim for regularization cannot be acceded to being not covered under the extant rules. However, she may apply for the advertised posts whenever any posts are advertised as per her qualification and experience.


1/4/05

पि. गंगाधर राव/P. Gangadhar Rao
निदेशक/DIRECTOR

Smti. Dipti Devi,
W/O Shri Mukul Sarmah.
Chirotia Gaon, P.O. Pulibar ,
Jorhat-785-006.

COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH

Rafi Marg,

No. 16(150)/68-E.II(Pt.II)

New Delhi-1, the 13th Jan., 1981.

From:

Chief (Administration),
Council of Scientific & Industrial Research

To

The Directors/Heads of all the National
Laboratories/Institutes/Research Associations.

Subject: Report of the Committee constituted to look into the question of linking of the technical assistance programmes with overall plans and resources and absorption of staff employed in externally funded projects/schemes.

Sir,

I am directed to invite your kind attention to this office letter No. 4/3/78-CTE dated 8.6.1979 regarding the constitution of a Committee to look into the question of linking of the technical assistance programmes with overall plans and resources and absorption of staff employed in externally funded projects/schemes and to state that the Report of the Committee was placed for consideration of the Governing Body at its meeting held on 30.9.1980.

The Governing Body has approved of the report of the Committee subject to certain modifications as proposed by the Director-General, SIR. The salient features of Governing Body's decision are reproduced below :-

1. The sponsored projects/schemes under different categories should be accepted/undertaken on a selective basis i.e. (i) these should be in consonance with the approved objectives, goals and charter of the Laboratory/Institute; (ii) be in the areas/fields of the regular activities of the Institute; (iii) form part of the total plans of the Laboratory; (iv) be included in the Annual/Five Year Plan of the Institute; and (v) be of a major benefit to the country.
2. The projects should not serve merely as data bases for more advanced countries or provide a chance for dumping obsolete plants/technology in India and retard our growth. These should not also become a tool of diverting the Institute away from its approved priorities by lure of equipment etc. Where equipment is capital intensive, one should normally not look for the

*Advised
Sargit Chaudhary
Advocate
03/10/1981*

-40-

acquisition of such equipment through sponsored schemes, but C.S.I.R. should take up the responsibility for this. There could be special situations where there are clear advantages of using a Scheme for this purpose.

3. Such Projects/schemes should first be cleared by the Research Advisory Council of the concerned Laboratory/Institute from the viewpoint of scientific merit/national relevance. Thereafter, these would be discussed with CSIR Headquarters, the nodal point for such discussions being the Planning Division. After the projects/schemes are cleared by the CSIR, the same would be placed before the Executive Committee of the concerned Laboratory for approval.
4. The work relating to these projects should, as far as possible, be managed with the regular staff instead of making them a vehicle for additional manpower. The Laboratories/Institute should themselves have inherent capability to provide the major inputs for infrastructure to take on the sponsored schemes and the incremental staff should be minimal. While planning to take up sponsored schemes, adequate thought should be given to aspects relating to the building up of staff as also for tapering it off when the scheme gets completed.
- ✓ 5. The prescribed procedure, as applicable for regular posts/staff, should be followed both for creating additional posts and recruiting additional staff, if any, required for UNDP, PL-480 and other Bilateral projects. It should be ensured that while making recruitment for schemes/projects posts, there should be no dilution of quality. The staff recruited for such projects will be treated as temporary CSIR staff.

✓ In sponsored projects, however, the recruitment should be on behalf of the sponsor for a fixed period for the duration of Scheme only and it should be so made clear in the appointment letter of the candidate besides stipulating therein that the appointment is not a CSIR appointment, temporary or otherwise, and does not entitle the incumbent to any claim, implicit or explicit, on any CSIR post.

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For timebound sponsored projects to start within 6 months of the agreement, the Labs./Instts. would be authorised to make adhoc appointments to various posts through local Selection Committees, without, however, diluting the qualifications and other prescribed standards.

The regular staff applying for the posts in such sponsored projects, if selected, could function in that position, which may be higher, but purely temporarily, and revert to their substantive (regular) post on completion of the project.

6. The staff recruited for schemes by following the prescribed recruitment procedure, should not be required to undergo this procedure afresh for their appointment/absorption on regular side in identical posts. On such absorption their scheme service will be taken into account for purposes of entitlement to various service benefits in CSIR such as Leave, Study Leave etc.
7. The staff earlier appointed in the sponsored projects/schemes, PL-480 schemes etc., who have since been absorbed on the regular side in the same Lab./Instt. in which the scheme was under operation, will be entitled to count their service rendered under the scheme in an identical post for purpose of assessment for promotion to the next higher grade. The advantage of assessment on this basis will, however, be available with effect from 1.10.1960 or the date of completing the prescribed number of qualifying years for assessment, whichever is later.
8. The existing persons who have rendered three years continuous service in a scheme should be absorbed either against existing regular vacancies in identical posts or by creating additional posts (by following prescribed procedure) if the work load in the Laboratory/Institute so demands. The Supernumerary posts could be created to absorb the staff employed in such projects/schemes, initially being a one time effort only. The Laboratories/Institutes should not recruit further staff until all such staff is absorbed.
9. The grant made for such projects should be treated as an adhoc grant to the Institute and the same should clearly figure in the overall "Income - Expenditure" and "Assets - Liabilities" statements of the Institute.
10. More opportunities should be given to younger scientists to visit abroad for training etc. in the schemes sponsored by U.P.D.P. etc.

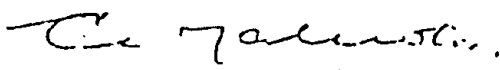
Revised - 92

- 42 -

A copy of the report of the Committee is enclosed for your information, guidance and necessary action. 49

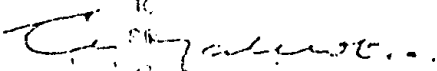
The earlier guidelines regarding the appointment (including service conditions) of staff for schemes/projects sponsored/financed by non-CSIR bodies (both Indian and Foreign) and taken up at the Laboratories/Institutes, which are not in accord with the above decisions, will stand superseded to the extent indicated in the above paras.

Yours faithfully,


(C.L. Malhotra)
Under Secretary

Copy to:-

1. The Sr. Finance & Accounts Officers/Finance & Accounts Officers of all the National Laboratories/Institutes/CSIR Headquarters (including CSIR Complex).
2. The Directors/Heads of all the transferred Laboratories/Institutes/Research Associations for information.
3. All the Divisions/Sections at CSIR Headquarters/CSIR Complex.
4. P.S. to DGSIR.
5. Chief (Finance).
6. Chief (Planning).
7. Chief (Administration).
8. D.S. (E).
9. Dy. Chief (Finance).


Under Secretary

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REPORT OF THE COMMITTEE CONSTITUTED TO LOOK INTO THE QUESTION OF LINKING OF THE TECHNICAL ASSISTANCE PROGRAMMES WITH OVERALL PLANS AND RESOURCES AND ABSORPTION OF STAFF EMPLOYED IN EXTERNALLY FUNDED PROJECTS/SCHEMES

1. This Committee was appointed by the Director General, CSIR in pursuance of the recommendations of the 29th Conference of Directors held at CTRU, Mysore on 2-3.6.1978. The letter appointing the Committee, nominating its Chairman, and the meetings held are appended (Appendices I, II & III respectively).
2. The Committee was provided with the relevant documents by the CSIR Secretariat. The list of these is given in letter No.16(150)/68-E.II (Pt.II) dated 29/30.6.1979 from the Chief (Administration) (Appendix IV).
3. The Committee did not invite any suggestions, as the Directors could forward their suggestions to this Committee as indicated to them in Council's letter No.4/3/78-Cto. dated 8.6.1979 communicating the constitution of the Committee. Some suggestions were received from some of the Directors of the National Laboratories. These were duly considered by the Committee. Some representations made by the 'Scheme personnel' regarding their service conditions put up to the Committee, were also considered.
4. The Committee held a preliminary discussion in its meeting held at Hyderabad on 28.8.1979 and also went through the various orders already existing on the subject. In its final meeting held on 12.3.1980, the Committee reviewed the existing procedures/practices prevailing in CSIR and also in other organisations like ICAR vis a vis the scope and the need for taking up projects funded by outside agencies.

Based on the discussions held in the above two meetings, the Committee makes the following recommendations:-

- 1.0 Criteria of Project Selection.
- 1.1 It should be in consonance with the approved objectives and goals of the Institute as enumerated in its Charter.
- 1.2. The projects to be undertaken should be in area/field of the regular activities of the Institute.
- 1.3. It should form a part of the planned growth of the Institute and should result in an increase in the general level of capability of the Institute in its line of growth.

- 1.4 It should be a part of the Annual/Five Year Plan of the Institute or should first be included in such plan before being put up for further processing.
- 1.5. It should be of major benefit to the country.
- 2.0 Approvals before an approach is made to the Govt. of India/Funding agencies etc.
- 2.1 It should have the approval of the Institute's Research Advisory Council (RAC) and Executive Committee (E.C.).
- 2.2 It should be discussed with Chief (Planning), Chief (Admn.) and Chief (Finance) before seeking approval of E.C. to (a) ensure and certify proper counterpart budget provision and (b) to avoid unnecessary duplication of the capabilities existing in one or the other CSIR Institutes.
- 3.0 Objectives which such projects should not serve.
- 3.1 Such projects should not become a vehicle of augmentation of manpower in the Laboratory by the back-door. The UNDP projects, Bilateral projects, and other sponsored projects should not be used as a vehicle for additional manpower and the work relating to these projects should as far as possible be managed with the regular staff.
- 3.2 Projects should not serve merely as data bases for more advanced countries or provide a chance for dumping obsolete plants/technology in India and retard our growth.
- 3.3 Projects should not become a tool of diverting the Institute into by-lanes away from the main path of its approved priorities by lure of equipment etc.
- 4.0 Recruitment of additional staff, service conditions and service benefits etc. of such project staff.
- 4.1 Any grant to meet expenditure in such projects should be classified as an ad hoc grant to CSIR/Institute.
- 4.2 As an obvious corollary to this, additional staff, if any, recruited under such projects will be treated as temporary CSIR staff and their methods of recruitment, service conditions and benefits will be automatically regulated accordingly.

4.3

The additional staff, if any required, for such projects will be required to be justified in the usual manner and posts will have to be got created by following the prescribed procedure.

5.0

Suggested solution of problems relating to existing Staff in such Projects/Schemes etc.

5.1

The existing staff who were earlier employed under the sponsored projects/schemes, PL-48? Schemes etc. and have since been appointed on regular side will be entitled for assessment for promotion to the next higher grade on the basis of total combined service under the scheme(s) and on regular side in the grade on fulfilment of the given conditions. The advantage of assessment on this basis, will, however, become available to them from 1.4.1980 or the date of completing the prescribed number of qualifying years for assessment, if such date is later than 1.4.1980.

5.2

The period of service rendered under a scheme in another sister Laboratory/Institute will not count for the purpose of assessment in the Laboratory/Institute where he is employed on the crucial date (i.e. 1.4.1980).

5.3

The persons who have been continuously working for three years or more under an externally funded scheme and have not been regularised so far will be considered for absorption against existing regular vacancies in identical posts as and when available in the respective Laboratory/Institute. In case sufficient number of vacancies are not available to absorb them but enough work load exists in the concerned Laboratories/Institutes, the Director/Head of the National Laboratory/Institute should take up the question of creation of additional posts on the basis of the work load and/or new projects that might have been undertaken, as per the prescribed procedure, to consider their absorption.

5.4

The 'Planning' and 'Finance' Divisions may be requested to examine such proposals keeping in view the fact that such additional posts are required to consider the absorption of persons already working in the schemes for more than three years.

8.5

Such of the scheme personnel as were selected to the scheme posts by following the prescribed procedure of recruitment will not be required to undergo this procedure afresh for their absorption on the regular side in identical posts, as above, and on such absorption the protection of the pay drawn by them in the scheme posts will be allowed. On absorption on the regular side, they will become entitled to the benefit of Leave, Study Leave, Promotion by assessment etc. for which purpose the scheme service will also be taken into account.

5.6

Cases which have already been decided will not be re-opened generally; however, any case meriting special consideration may be examined and decided on individual merit by Director General, CSIR.

6.0

Distinction between Sponsored Research and above types of Projects.

6.1

In the above types of Projects, there is a major deployment of funds and resources of the Institute and these are thus in a way 'Grants-in-Aid' Projects.

6.2

In sponsored projects, the total costs are met by the Sponsoring Organisation.

7.0

Guidelines for Staff Recruitment in Sponsored Projects/Schemes.

7.1

As far as possible, staff should be seconded from the Institute for sponsored projects.

7.2

In case staff is recruited for sponsored projects, the recruitment should be on behalf of the sponsor for a fixed period and the letter of appointment should clearly state that such an appointment:

7.2.1

is not a CSIR appointment, temporary or otherwise;

7.2.2

does not entitle the incumbent to any claim, implicit or explicit, on any CSIR post.

7.3

For timebound sponsored projects to start within six months of the agreement, the Institute should be authorised to recruit such staff without following the rules and regulations of recruitment in CSIR as regards advertisement. But the educational qualifications, experience proscribed for a given post should be rigidly followed and not relaxed. Local Selection Committees on the pattern of similar committees for CSIR posts should be constituted by the Director for such posts and the matter reported to E.C. and CSIR. This should ensure that no dilution of standards takes place.

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7.4

Since the basic reason for recruiting staff for time-bound sponsored projects is to provide additional manpower to keep to the time targets, promotion of staff from the Institute against a sponsored project post is not justifiable.

7.5

Presently, Deputation(duty) Allowance is governed by the Ministry of Finance O.M. dated 27-1-1970 as quoted in CSIR letter No.16(150)/68-S.I. dated 16th June, 1970 to the Director, National Chemical Laboratory, Poona. No consensus could be reached on giving deputation allowance to Institute staff seconded to sponsored projects.

.....

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.16 of 1995

Original Application No.17 of 1995

Original Application No.18 of 1995

Original Application No.241 of 1994

Date of decision: This the 14th day of May 1997

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

The Hon'ble Mr G.L. Sanglyine, Administrative Member

O.A.No.16/95

Shri Dulal Sahu,
Ex-Project Assistant,
Geo-Science Division,
Regional Research Laboratory,
Jorhat.

.....Applicant

By Advocate Mr B.K. Sharma and Mr S. Sarma.

-versus-

1. Union of India, represented by the Secretary to the Government of India, Ministry of Science & Technology, New Delhi.
2. The Director General, Council of Scientific & Industrial Research, New Delhi.
3. The Director, Regional Research Laboratory, Jorhat.
4. The Joint Secretary, Council of Scientific & Industrial Research, New Delhi.
5. The Controller of Administration, Regional Research Laboratory, Jorhat.

.....Respondents

By Advocate Mr S. Ali, Sr. C.G.S.C.

O.A.No.17/95

Shri Paresh Kalita,
Project Fellow, Grade-III,
Geo-Science Division,
Regional Research Laboratory, under CSIR,
Jorhat.

.....Applicant

By Advocate Mr B.K. Sharma and Mr S. Sarma.

-versus-

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Science & Technology, New Delhi.



503

Accepted by
Chaudhary
10/6/97

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126
2. The Director General,
Council of Scientific & Industrial Research (CSIR),
New Delhi.

3. The Director,
Regional Research Laboratory, Jorhat.

4. The Joint Secretary,
Council of Scientific & Industrial Research,
New Delhi.

5. The Controller of Administration,
Regional Research Laboratory, Jorhat.

.....Respondents

By Advocate Mr A.K. Choudhury, Addl. C.G.S.C.

.....

O.A.No.18/95

Shri Pabitra Pran Sarma,
Project Fellow-III,
Geo-Science Division,
Regional Research Laboratory,
Jorhat.

.....Applicant

By Advocate Mr B.K. Sharma and Mr S. Sarma.

-versus-

1. Union of India, represented by the
Secretary to the Government of India,
Ministry of Science & Technology,
New Delhi.

2. The Director General,
Council of Scientific & Industrial Research (CSIR),
New Delhi.

3. The Director,
Regional Science Laboratory, Jorhat.

4. The Joint Secretary,
Council of Scientific & Industrial Research,
New Delhi.

5. The Controller of Administration,
Regional Research Laboratory, Jorhat.

.....Respondents

By Advocate Mr S. Ali, Sr. C.G.S.C.

.....

O.A.No.241/94

Shri Shantanu Dutta,
Project Fellow, Grade-III,
Applied Civil Engineering Division,
Regional Research Laboratory, Jorhat.

.....Applicant

By Advocate Mr B.K. Sharma and Mr S. Sarma.

-versus-

1. The Union of India, represented by the
Secretary to the Government of India,
Ministry of Science & Technology, New Delhi

2. The Director General,
Council of Scientific & Industrial Research (CSIR), New Delhi.

3. The Director,
Regional Research Laboratory, Jorhat.

4. The Joint Secretary,
Council of Scientific & Industrial Research, New Delhi.

5. The Controller of Administration,
Regional Research Laboratory, Jorhat.

.....Respondents

By Advocate Mr A.K. Choudhury, Addl. C.G.S.C.

.....



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O R D E R

BARUAH.J. (V.C.)

The above applications involve common questions of law and similar facts. Therefore, we propose to dispose of all the applications by a common judgment.

2. Facts for the purpose of disposal of the applications are:

All the applicants were appointed in the Regional Research Laboratory by respondent No.3 on various dates and they have been continuously working as such. Initially, all the applicants had been appointed Project Assistant at a consolidated pay of Rs.500/-. The consolidated pay was enhanced from time to time and at present the pay is Rs.1800/-. They were so appointed in sponsored project. In 1981 a scheme was prepared by the respondent No.2, namely, Council of Scientific and Industrial Research (CSIR for short). The said scheme was known as Merit and Normal Assessment Scheme (for short MANAS). The period of the said Scheme expired and again reintroduced in a revised form and became effective from 1.4.1992. The contention of the applicants is that they fulfilled all the conditions laid down in the Scheme for regularisation of their services inasmuch as they had completed more than three years of service. However, the authorities refused to regularise them on the plea that the Scheme was no longer in existence. Hence the present applications.

3. We have heard Mr B.K. Sharma, learned counsel for the applicants, and Mr S. Ali, learned Sr. C.G.S.C., for the respondents in O.A.Nos.16 and 18 of 1995, and Mr A.K. Choudhury, for the respondents in O.A.Nos.17/95 and 241/94. According to Mr Sharma the applicants were discharging their duties continuously except only for short ~~and~~ breaks. The learned counsel further submits that those breaks were artificially created

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just to deprive the applicants from the benefits of the Scheme. Mr Ali and Mr Choudhury, on the other hand, submit that the applicants are not entitled to get their services regularised in view of the fact that their services were not continuous inasmuch as there has been breaks in their services from time to time. However, the allegation of Mr B.K. Sharma is that the breaks were artificial and not for any bonafide necessity. The learned counsel for the respondents are not in a position to refute this submission.

4. On the submission of the learned counsel for the parties it is now to be seen whether the respondents' refusal to regularise the services of the applicants can sustain in law and whether the applicants are eligible to be regularised in their services.

5. It is an admitted fact that the applicants had been working for several years with, however, short breaks of one or two days. According to the learned counsel for the applicants, these breaks were artificially created just to deprive them from the benefit of the Scheme.

6. We have perused the application as well as the written statement and heard the learned counsel for the parties. We find that these one or two days breaks are not for any administrative necessity. At least there is nothing on the record to indicate that. The learned counsel for the respondents have also not been able to show that those breaks were necessary for administrative purpose.

7. In view of the above we hold that the applicants were working continuously for more than three years which was a condition for the purpose of regularisation of their services. From the pleadings and other records available before us, we are of the opinion that the short breaks were artificially created - there was no administrative necessity. These artificial

breaks.....

breaks cannot deprive the applicants, the benefit of the Scheme (See AIR 1990 SC 2228, 1992 (2) SCC 29, and 1987(3) SLJ (CAT) 569). An attempt has been made by the learned counsel for the respondents to show that at times the applicants were not in service for a long time, and therefore, they would not be regarded as being in continuous service. But, if Annexure-A to the rejoinder, the revised Scheme of MANAS effective from 1.4.1992, is taken into consideration this will show that the applicants had been working for more than three years, with, however, short breaks as indicated above. Therefore, they are entitled to the benefit of the Scheme. It may be mentioned here that the respondents have clearly stated in paragraph 32 of the written statement in O.A.No.16/95 that the name of the applicant was sponsored by the Employment Exchange and after having selected by the Selection Committee, he was appointed as Project Assistant for six months only on contractual basis. This itself indicates that the applicant fulfilled the requirements mentioned in the Scheme. Similar averments have been made in the written statements of the other applications also.



8. Considering all the aspects of the matter we hold that all the applicants are entitled to be regularised in their services as per the Scheme (MANAS) prepared, and more specifically as per the revised Scheme effective from 1.4.1992. Accordingly we direct the respondents to regularise the services of the applicants within a period of one month from today in terms of the Scheme. If at the time of regularisation the applicants are found to be overaged that should be ignored and this shall not be a bar for regularisation. Till regularisation the applicants should not be removed from their services.

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9. The applications are accordingly allowed. However, considering all the facts and circumstances of the cases we make no order as to costs.

Sd/- VICE CHAIRMAN
Sd/- MEMBER (A)

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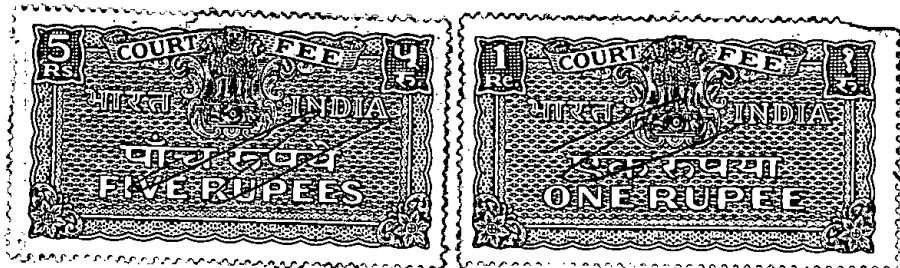


Certified to be true Copy
प्रमाणित प्रतिलिपि

[Signature] 14/10/97

CHIEF JUSTICE
Central Administrative Tribunal
Lucknow Bench
14/10/97

14/10



VAKALATNAMA

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

O. A. No. 11 /2005

Smti Dipti Devi

...Applicant(s)

-Vs-

Union of India & ors.

...Respondent(s)

Know all men by these presents that the above named Applicant do hereby appoint, nominate and constitute Sri Manik Chanda, Sri G. N. Chakraborty and Sri S. Nath, Advocate(s) and such of below mentioned Advocate(s) as shall accept this VAKALATNAMA to be my/our true and lawful Advocate(s) to appear and act for me/us in the above noted case and for that purpose to do all acts whatsoever in that connection including depositing or drawing money, filing in or taking out papers, deeds of composition etc. for me/us and on my/our behalf and I/We agree to ratify and confirm all such acts to be mine/our for all intends and purposes. In case of non-payment of the stipulated fee in full, no Advocate(s) shall be bound to appear and/or act on my/our behalf.

In witness whereof, I/We hereunto set my/our hand on this the 10th day of January, 2006.

Received from the Executant, Mr. _____
satisfied and accepted.

And accepted
Senior Advocate will lead me/us in the case.

Surjit Choudhary
Advocate

Advocate

Chanda
Advocate

From,

G. Baishya S. Choudhary,
Advocate,
Central Administrative Tribunal,
Gurgaon.

To,
Mr. G. Baishya,
Sr. C.G.S.C.
C.A.T., Gurgaon.

Ref:- Smt. Dipti Devi - vs - U.O.I. & Ors.

Sir,
Enclosed kindly find herewith a copy of the O.A.
as mentioned above.

This is for your kind information and
necessary action.

Kindly acknowledge receipt of the same.

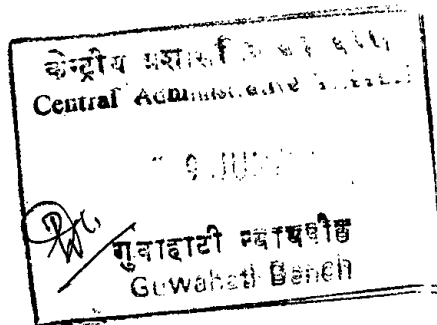
Received Copy.

G. Baishya

10.1.06

Sr. C.G.S.C.

Respectfully,
Yours faithfully,
S. Choudhary
Advocate.



Filed by
the respondent
through Gopinath
Sr Case
9.6.86

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH AT GUWAHATI

O.A. NO. 11 OF 2006

Smt Dipti Devi ..Applicant

-VS-

Union of India & Ors...Respondents

The written statement on behalf of
the Respondents above named-

WRITTEN STATEMENT OF THE RESPONDENTS

MOST RESPECTFULLY SHEWETH:

1. That the instant case is not maintainable and as preliminary submissions the respondents beg to state that the applicant was appointed as Project Assistant w.e.f. 17.4.1984 to 16.3.1985 under the Regional Research Laboratory (hereinafter referred to RRL) controlled by the Council of Scientific & Industrial Research (hereinafter referred to as the CSIR) on a consolidated pay of Rs.400/- for a period of six months only. The appointment letter of the respondent clearly stated that the appointment of the applicant is terminable without notice and on clear understanding that this offer will

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m/ao

[1A]

not confer any right for any regular appointment under the RRL on expiry of the aforesaid period of six months. The appointment of the applicant was extended from time to time and she continued as much for about 6 years. Thereafter when there was no further extension of service of the applicant. She raised a claim for regularisation of his service before various courts. It is pertinent to mention that CSIR Scheme dt. 13.1.1981 is a purely one time measure, as upheld by DAT Mumbai in RB Chavan's case and the applicant was not on rolls on 13.1.1981 as she was appointed in the project w.e.f. 17.4.1984 i.e. much after the above said circular.

Further it is submitted that applicants in OA No.16/95, 17/95, 18/95 and 241/95 namely Sri Santanu Dutta, Paresh Kalita, Pabitra Pran Sarmah and Dulal Sahu were not considered under 13.1.1981 Scheme but has applied against regular vacancy vide advertisement No. 2/97 and were selected afresh against such vacancy in accordance with their performance in the interview. Only the benefit of age relaxation was given to them. The applicant has been assured that his case shall also be considered for giving her benefit of age relaxation provided she fulfill the other eligibility criteria if she applies against any advertised post of RRL (Jorhat) as and when notified.

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[18]

In view of the aforesaid it is humbly submitted to this Hon'ble Tribunal that the reliefs sought for by the applicant are untenable and the OA deserves to be dismissed with cost.

1A. That with regards to the statement made in paragraph 1 of the instant application the respondents beg to state that those are incorrect and untrue and the hence the same are denied.

2. That with regards to the statement made in paragraph 2 and 3 of the instant application the answering respondents have no comment.

3. That with regards to the statements made in paragraph 4.1 of the instant application the answering respondents have no comment.



অসম চৰকাৰৰ আইন আৰু ন্যায় বিভাগ
সি.এছ.ও. অফিস, গুৱাহাটী
জি.এছ.ও. অফিস, গুৱাহাটী
REGIONAL REGISTRAR, DISPUTES, GUWAHATI, ASSAM

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4. That with regard to the statements made in paragraph 4.2 of the instant application the respondents beg to state that the applicant was appointed as Project Assistant w.e.f. 17.9.1984 to 16.3.1985 on a consolidated pay of Rs.400.00 PM (fixed) for a period of 6 months with the clear understanding that the appointment is terminable without notice and confers no right on her for any regular appointment in the Laboratory after the aforesaid period. There was no such iota of truth and evidence that she was ever treated as regular employee. The Annexure I submitted by the applicant is nothing but an interview call letter to appear before the selection committee for apprenticeship training in the trade of clerk (General) and the same can not be treated as a sustainable document since numerous candidates were/are calling for interview for undergoing such apprenticeship training in different establishments inside and outside the ambit of CSIR/RRL, Jorhat. The Annexure - II submitted by the applicant clearly shows in para (8) of the same document that the training did not confer any right on her to ask for employment in RRL-Jorhat or any of the Laboratories of CSIR. for better appreciation of the facts, the aforesaid para is quoted herein below-

"(8) This training does not confer any right on you to ask for employment in RRL-Jorhat or any of the CSIR".

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Info

The Annexure-III submitted by the applicant is nothing but a certificate of completion of one year apprenticeship training and with regard to her character which is nothing extra special document to substantiate her claim for regularisation in RRL-Jorhat. It is pertinent to mention here that such documents are usually given by most of establishments/departments within and outside the ambit of CSIR/RRL-Jorhat and the same could not and cannot be treated as a sustainable document for regularisation anywhere.

5. That with regard to the statements made in paragraph 4.3 of the instant application the respondents beg to state that those are false, untrue and baseless and hence the same are denied by the Respondents. The respondents further beg to state that the applicant was never given any assurance either verbally or in written by the respondents that her service would be regularised in due course. The applicant was serving in the Laboratory as project assistant under different projects for about 8 years with certain breaks from time to time, but at the same time, it is a blatant lie on the part of the applicant that her services were utilised in an exploitative term. Due to the stricture framed against each project for appointing Project Assistant on purely temporary basis the service of the applicant could not be extended any longer. Moreover,

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the contention regarding appearing before the selection test is nothing but purely a baseless allegation made by the applicant against the Respondents. There was no such chance of having any mala fide intention of the Respondents/RRL-Jorhat for not getting any regular employment in RRL-Jorhat.

6. That with regard to the statements made in paragraph 4.4 of the instant application the respondents beg to offer no comment.

7. That with regard to the statements made in paragraph 4.5 of the instant application the respondents beg to state that the Respondent No.3 i.e. the Director, RRL-Jorhat, on receipt of the judgment of the Hon'ble High Court, Guwahati had spared no pains by honouring the direction dated 5.1.2001 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench Guwahati as well as the direction dated 2.12.2004 passed by the Hon'ble Gauhati High Court, Guwahati in O.A. No. 303/1999 and WP(C) No. 2019/2001 respectively and in full compliance of the same the Director has passed the speaking order bearing No. RLJ-18(106)-Vig/1999 dated March 22, 2005. Considering the facts and circumstances of the case as stated hereinabove, the respondents/RRL-Jorhat, beg to submit before the Hon'ble Tribunal that the present application No. 11 of 2006 as has been filed previously by the same applicant in O.A.

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अनुभाग अधिकारी सतर्कता एवं विधिक अनुभाग

SECTION OFFICER VIGILANCE & LEGAL SECTION

क्षेत्रीय अनुसंधान प्रयोगशाला, जोरहाट, असम

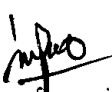
REGIONAL RESEARCH LABORATORY, JORHAT 785006, ASSAM

[5]

No. 303 of 1999 i.e. Smti Dipti Devi is barred by the principles of "resjudicata" since the respondent No.3 i.e. the Director, RRL-Jorhat has considered the case of the applicant fully and finally by reading between the lines of the extant rules as made available to and for the council employees.

8. That with regard to the statements made in paragraph 4.6 of the instant application the respondents beg to offer no comment in the first part of this para. On the other hand the contention as made by the applicant that the order of the Hon'ble High Court leads to the inescapable conclusion that the Hon'ble High Court has upheld the judgment and order dated 5.1.2001 in OA No. 303/99 of the Hon'ble Tribunal, it is averred that the respondents/RRL-Jorhat after critically examining/ considering the case of the applicant, passed the speaking order dated 22.3.2005 with crystal clarity in its substance as per direction of the Hon'ble CAT vis-a-vis the direction of the Hon'ble Gauhati High Court, Guwahati. The respondents/RRL-Jorhat further submit that the judgment and order dated 2.12.2004 passed by the Hon'ble High Court, Guwahati specifically emphasized in para No.7 in the operative portion of the judgment that the order of the Hon'ble CAT was not a direction for regularisation although at the same time, due regards were given to see whether the extant rules favours the applicant for regularisation or not.

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अनुभाग अधिकारी सतर्कता एवं विधिक अनुभाग

SECTION OFFICER COMPLAINTS & LEGAL SECTION

क्षेत्रीय न्यायाधीश, रेलवे, जल, जल, जल, जल

REGIONAL RAIL JUDGE, JALPAIGURI, ASSAM

The whole para 7 is quoted below for its sufficient clarity.

"7. After hearing the learned counsel for both the parties, we have come to the conclusion that the learned CAT directed the authority to consider the case of the applicant for regularisation in service but the same is not a direction to the authority for regularisation. The authority after receipt of the order, should have passed a reasoned order whether the Respondents are covered by the aforesaid scheme or not"

9. That with regard to the statements made in paragraph 4.7, 4.8 and 4.13 of the instant application the respondents beg to offer no comment as the same are not available in the original application.

10. That with regard to the statements made in paragraph 4.9 of the instant application the respondents beg to state that the same are within the personal knowledge of the applicant and hence the Respondents have no comment.

11. That with regard to the statements made in paragraph 4.10 of the instant application the respon-

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dents beg to state that the order No. RLJ-18(106)-Vig/1999 dated 22.3.2005 passed by the Director, RRL-Jorhat was issued in terms of the clear provisions of MANAS and other extant rules as mentioned in the said order and there is no question of interpreting the rules as per whims of the respondents as has been alleged by the petitioner. Being based on clear provisions of rules, the said order is/was a valid order and cannot be set aside and quashed.

12. That with regard to the statements made in paragraph 4.11 of the instant application the respondents beg to state that the contention as made by the applicant that the respondents/RRL Authorities had launched a special scheme meant for absorption of staff employed in externally funded projects/Schemes is/was not at all a fact connected with the case of the applicant. It was only meant prevailed at that time for regularisation of those scientific and technical staff, working under CSIR and not like that of the applicant. The Merit and Normal Assessment Scheme as has been mentioned by the applicant is a scheme where all instructions and procedures relating to assessment of scientific and technical employees of the CSIR were covered. There has been lot of changes in assessing the scientific and technical employees of CSIR even after introduction of this scheme. So far as the duties and responsibilities of the applicant are concerned, the

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applicant cannot and could not be treated either as technical or as scientific employee of the Laboratories.

The applicant was engaged as daily wage worker during the year 1982-83 & 84 (i.e. December 1982-31 March 1983 4 months) & April 1984 to September 1984 - 6 months.

April 1983 to March, 1984 as Apprenticeship Training in the Trade of Clerk (General).

Again on 14.9.1984 she was engaged for a short period as Project Assistant on a consolidated pay of Rs.400.00 & Rs.500.00 and thereafter out of the Roll. It is denied that the applicant rendered services about 7 years and for that she is entitled for absorption.

As per Casual Workers Absorption Scheme, 1995 :since engagement of casual workers under the externally funded projects are being made on a consolidated amount and co-terminus with the duration of the projects, such workers are not covered under the guidelines contained in the CSIR letter dated 27.6.1994. Since the applicant worked as a project assistant on a consolidated amount and co-terminus with the duration of the projects, her case is/was not covered under the said scheme.

In view of the above fact, the respondents/ RRL-Jorhat beg to submit that the applicant is/was not

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legitimately entitled for absorption as per the provisions quoted above and it has been averred time and again that the special scheme meant for regularisation of those scientific and technical staff, working under CSIR. The scheme which is alleged to have been introduced in 1990 and again in 1992 is/was the schemes meant only for assessment/promotion all scientific and technical staff and thus these schemes were not at all relevant for regularisation of any employee.

13. That with regard to the statements made in paragraph 4.12 of the instant application the respondents beg to state that the order dated 22.3.2005 was passed by the Director, RRL-Jorhat after critically examining/considering the case of the applicant and the aforesaid order was a speaking order having crystal clarity in its substance as per direction of the Hon'ble CAT vis-a-vis the direction of the Hon'ble Gauhati High Court, Guwahati. The respondents further submit that the judgment and order dated 2.12.2004 passed by the Hon'ble Gauhati High Court, Guwahati specifically emphasized in para No.7 in the operative portion of the judgment that the order of the Hon'ble CAT was not a direction for regularisation. The respondent/RRL-Jorhat begs to submit that whatever the order passed, it was passed by putting the best foot forward and with a positive mindset and in sincere and good faith, best interest of the establishment vis-a-vis the prospect of the applicant and as the extant rules did not and do ^{not} cover her case for regulari-

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अनुभाष अधिकारी सतर्कता एवं विधिक अनुभाष

SECTION OFFICER COMPLAINT & LEGAL SECTION

क्षेत्रीय अनुसंधान प्रयोगशाला, जोरहाट, अरुणाचल प्रदेश

REGIONAL RESEARCH LABORATORY, JORHAT, ARUNACHAL PRADESH

sation, her case for regularisation could not be materialised.

The respondents/RRL-Jorhat begs to submit that the applicant is/was not legitimately entitled for absorption as per the provisions quoted above and it has been averred time and again that the special scheme meant for regularisation of those scientific and technical staff, working under CSIR. The scheme which is alleged to have been introduced in 1990 and again in 1992 is/was the schemes meant only for assessment/promotion all scientific and technical staff and thus these schemes were not at all relevant for regularisation of any employee.

14. That with regard to the statements made in paragraph 4.14 of the instant application the respondents beg to state that the same are untrue and concocted and hence the same are denied. The applicant was serving in the Laboratory as project assistant under different projects for about 8 years with certain breaks from time to time, but at the same time, it is a blatant lie on the part of the applicant that her services were continued without any break. Due to the stricture framed against each Project for appointing project assistants on purely temporary basis, the service of the applicant could not be extended any longer. Moreover, the applicant all along never served under the respondents/RRL-Jorhat as a regular employee.

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15. That with regard to the statements made in paragraph 4.15 of the instant application the respondents beg to state that the CSIR Laboratories/ Institutes available in the country are only among fewer institutions where nobody is/was favoured as blue-eyed and as such there is no such resultant hostile discrimination in violation of Article 14 and 16 of the Constitution of India.

16. That with regard to the statements made in paragraph 4.16 of the instant application the respondents beg to state that what has been stated by the applicant is a mere conjecture which is not based on any fact or figure and there is absolutely no iota of truth and the same does not hold good in the long run.

17. That with regard to the statements made in paragraph 4.17 of the instant application the respondents beg to state that no such situation demands that the service of the applicant is required to be regularised not to speak of effecting her service retrospectively and thus the applicant has miserably failed to understand the situation under which muster manpower against such projects very temporarily and terminable on completion of the project leaving no right on the project workers explicit or implicit for regularisation of service against any such project. Moreover, no such

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daily wages were utilised any such project in an exploitative term and the constitutional provisions also not/did not demand that the service of the applicant should/can be regularised.

18. That with regard to the statements made in paragraph 4.18 of the instant application the respondents beg to state that it is not at all fact that several posts of junior Scientific Assistant/Junior Technical Assistant Grade III are lying vacant under the respondents/RRL-Jorhat were not at all similarly situated like that of the applicant. Out of the 8 employees as mentioned by the applicant in this para, they were appointed through direct recruitment and selected through open interview. The minimum qualification of HSLC standard/ Matriculation cannot be equated with those employees recruited through open interview as Grade II and possessing B.Sc. qualification. In view of the above contention as made by the applicant in the last part of the para is totally infructuous.

19. That with regard to the statements made in paragraph 4.19 of the instant application the respondents beg to state that all these cases cited by the applicant were selected through open interview only.

20. That with regard to the statements made in paragraph 4.20 of the instant application the respon-

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dents beg to state all these cases cited by the that applicant were selected through open interview only and had the applicant case been squarely covered, she could also apply for the aforesaid posts and thus she could become a candidate like those employees. It is worth mentioning that instead of applying for posts connected with the case of those employees, she played a total neutral role, since she did not possess the essential qualification required for those posts. Thus the question of violating the settled principles of law and the constitutional provisions do not/did not arise at all.

21. That with regard to the statements made in paragraph 4.21 of the instant application the answering respondents had no comment.

22. That with regard to the statements made in paragraph 4.22 of the instant application the respondents beg to state that no such rights with legitimacy have been left out by the respondents/RRL-Jorhat and it is not at all a fit case for the Hon'ble Tribunal to interfere with and to protect the rights and interest of the applicant in any way or manner, not to speak of directing the respondents/RRL-Jorhat to regularise the service of the applicant with retrospective effect and with all consequential benefits.

[Signature]

23. That with regard to the statements made in paragraph 4.23 of the instant application the respondents beg to state that the application is made with malafide intention only to harass the respondent/RRL-Jorhat and to secure misfeasance of justice. The respondents/RRL-Jorhat also beg to state that the averments are totally denied.

24. That with regard to the statements made in paragraph 5.1 of the instant application the respondents beg to state that the same are untrue and incorrect and hence the same are denied. The respondents/RRL-Jorhat has made all efforts by critically examining/considering the case of the applicant and sufficient attention was paid whether the case of applicant is covered by the extant rules or not.

25. That with regard to the statements made in paragraph 5.2 of the instant application the answering respondents denied the same being untrue, false and baseless. The respondents/RRL-Jorhat has in no way rewritten the judgment of the Hon'ble Tribunal by giving different interpretation of the scheme. On receipt of the judgment of the Hon'ble High Court, Guwahati vis-a-vis the judgment passed by the Hon'ble CAT, Guwahati Bench, Guwahati, the respondents/RRL-Jorhat had critically examined/considered the case of the applicant. and

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[15]

passed a speaking order that the case of the applicant is not covered by the extant rules available to and within the ambit of CSIR system.

26. That with regard to the statements made in paragraph 5.3 of the instant application the respondents denied the same in toto. The respondents/RRL-Jorhat have not done anything beyond its direction and there is no question of giving any further interpretation of the scheme and as such the order passed by the respondent/RRL-Jorhat dated 22.3.2005 is not liable to be set aside and quashed.

27. That with regard to the statements made in paragraph 5.4 of the instant application the respondents denied the same. The case of the applicant is nothing extra special or an isolated case in the system. Since the case did not/does not cover as per the extant rules available with the respondents/RRL-Jorhat, she could not be given the benefit of that scheme by regularising her services.

28. That with regard to the statements made in paragraph 5.5 of the instant application the respondents denied the same in toto. As and when any person is recruited against a project, it is the bounded duty of the respondents/RRL-Jorhat to follow the rules for which every body has to pass through a regular selection

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अनुभाग अधिकारी सतर्कता एवं विधिक अनुभाग

SECTION OFFICER VIGILANCE & LEGAL SECTION

क्षेत्रीय अनुसंधान प्रयोगशाला, जोरहाट, आसाम

REGIONAL RESEARCH LABORATORY, JORHAT-785006, ASSAM

process and infringement of such procedures shall definitely be the tantamount to the violation of extant rules of CSIR system.

29. That with regard to the statements made in paragraph 5.6 of the instant application the respondents denied the same. The case of the applicant was considered fully and finally.

30. That with regard to the statements made in paragraph 5.7 of the instant application the respondents denied the same. The applicant is not in any way entitled for permanent absorption/regularisation as per the provisions of the special scheme as mentioned by the applicant.

31. That with regard to the statements made in paragraph 5.8 of the instant application the respondents denied the same. Since the case of the applicant did not cover as per the extant rules, the applicant could not be regularised.

32. That with regard to the statements made in paragraph 5.9 of the instant application the respondents denied the same as the same are untrue and false.

33. That with regard to the statements made in paragraph 5.10 of the instant application are incorrect and hence the same are denied by the respondents.

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34. That with regard to the statements made in paragraph 5.11 of the instant application are baseless and incorrect and hence the same are denied. The applicant is in no way entitled for regularisation of service in terms of the judgment and order dated 5.1.2001 passed in OA No. 303 as has been contended by the applicant and in this context, speaking order dated 22.3.2005 has been passed by the respondents/RRL-Jorhat.

35. That with regard to the statements made in paragraph 5.12 of the instant application the respondents denied the contention of the applicant. The disposal of the case of the applicant after critically examining/considering her case cannot be violative of principle of natural justice and opposed to established law..

36. That with regard to the statements made in paragraph 5.13 of the instant application the respondents denied the same in toto. There was no such iota of truth that any person other than those Project Assistants who had requisite qualification were regularised.

37. That with regard to the statements made in paragraph 5.14 of the instant application the respondents denied the same. It has already been mention again that the Scheme MANAS deals only with assessment promotion of staff and not a scheme for regularisation of any

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अनुभाग अधिकारी सतर्कता एवं विधिक अनुभाग

SECTION OFFICER COMPLAINT & LEGAL SECTION

क्षेत्रीय अनुसन्धान प्रयोगशाला, जोरहाट, असम

REGIONAL RESEARCH LABORATORY, JORHAT-781006, ASSAM

person other than scientific and technically skilled workers. The word "absorb" thus, meant for those skilled workers only.

38. That with regard to the statements made in paragraph 5.15 of the instant application the respondents denied the same in toto. The applicant is unable to make out the meaning of the scheme. Hence, the extension of the scheme made in 1990 and 1992 for promotion of existing employees is clubbing together by the applicant with the old scheme of absorption for technical and scientific workers of pre 1981 tenure.

39. That with regard to the statements made in paragraph 5.16 of the instant application the respondents denied the same. The respondents further beg to state that the grounds set forth in the instant application are not at all good grounds for filing this application and hence the application is liable to be dismissed.

40. That with regard to the statements made in paragraph 6 of the instant application the respondents have no comment.

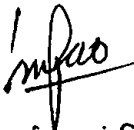
41. That with regard to the statements made in paragraph 7 of the instant application the respondents beg to state that those are within the personal know-

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ledge of the applicants and therefore the respondents can not admit or deny the same.

42. That with regard to the statements made in paragraph 8 and 9 of the instant application the respondents beg to state that in view of the facts and circumstances above the applicant is not entitled to any relief or interim relief as prayed for and the application is liable to be dismissed.



अनुभाग अधिकारी सतर्कता एवं विधिक अनुभाग
SECTION OFFICER VIGILANCE & LEGAL SECTION
क्षेत्रीय अनुसंधान प्रयोगशाला, जोरहाट, असम
REGIONAL RESEARCH LABORATORY, JORHAT-785003, ASSAM

VERIFICATION

I, J.L. Khongrai S/o Late. Thangkholat Khongrai
 aged about 31 years, R/o R.R.L. Jorhat
 District Jorhat and competent officer of the
 answering respondents, do hereby verify that the state-
 ment made in paras 1 - 42 are true to my
 knowledge and those made in paras being
 matters of record are true to my information derived
 therefrom which I believe to be true and the rests are
 my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this 30th day
 of May 2006 at Guwahati. Jorhat

Signature



अनुभाग अधिकारी सतर्कता एवं विधिक अनुभाग

SECTION: OFFICER VIGILANCE & LEGAL SECTION

क्षेत्रीय अनुसंधान प्रयोगशाला, जोरहाट, असम

REGIONAL RESEARCH LABORATORY, JORHAT-785006, ASSAM

(5)

NOTICE

From - Mr. G. Baishya
Sr. C G SC, CAT

To,
Mr. M. Chanda
Advocate, G.H.C

O.A. No 11 of 2006

Smt. Dipti Devi
Applicant

-Vs-

Union of India & Ors.

— Respondents

Please find herewith a copy of written statement which is going to be filed on behalf of the respondents in connection with the above stated case.

Kindly acknowledge the receipt thereof.

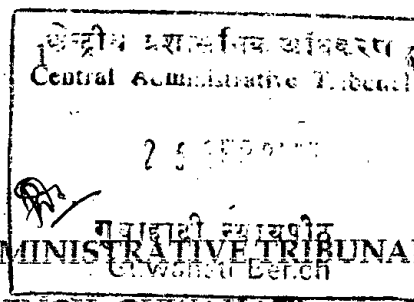
Thanking you,

Yours faithfully

Rabi Goswami
Advocate

Received Copy

Advocate



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

*Filed by the applicant -
through S. Nishu - 153
Advocate
26/10/2006.*

In the matter of:-

O.A.No. 11 of 2006

Smti. Dipti Devi.

.... Applicant.

-Vs-

Union of India and others.

.... Respondents.

-And-

In the matter of:-

Rejoinder submitted by the applicant
against the written statement filed by
the respondents.

The applicant most respectfully begs to state as follows:-

1. That the applicant denies the statements made in para 1, 1A, 4, 5 and 17 of the written statement and begs to state that the applicant was initially appointed on daily wage basis from December'82 to March' 83. Thereafter she underwent an apprenticeship training for one year under the respondents from April'83 to April'84. On completion of training she was appointed as Project Assistant w.e.f September'84 to 15th April' 1990. As such she rendered her services for long 8 years in different capacities although the respondents made artificial breaks for short spells in her service deliberately just to deprive her legitimate regularization.

Further, the contention of the respondents that the cases of the applicants under O.A.no. 16/95, 17/9, 18 and 241/95 were not considered under the 13.01.1981 scheme is a misappropriation of facts. This Hon'ble

Tribunal in its judgment and order dated 14.05.1997 in the above mentioned OA's clearly held that those applicants were entitled to be regularised in their services as per 13.01.1981 scheme (scheme MANAS) and revised scheme of 01.04.1992 and directed the respondents to regularize their services. It was only after that, that the services of those applicants were regularised and even age relaxation was granted to them as directed in the said judgment.

As such the applicant in the instant case is also entitled to the same benefit and his O.A deserves to be allowed with cost. The applicant having served for long 8 years under the respondents has acquired a valuable right for regularization as per the doctrine of "legitimate expectation" and in accordance with the principles of natural justice.

2. That the applicant emphatically denies the statements made in para 7, 8, 11, 12, 13, 24, 25, 26, 28, 35, 37 and 38 of the written statement and most respectfully begs to submit that this Hon'ble Tribunal in its earlier judgment and order dated 30.11.2000 in O.A. no. 308/1999 has clearly held as follows;

"5. In the light of the orders of this Tribunal in OA's referred to above and the scheme mentioned above the respondents are accordingly directed to consider the case of the applicant to regularize his service as expeditiously as possible preferably within a period of two months from today. Seemingly the applicant must be overaged in the meantime, if at the time of regularization the applicant is found to be overaged that should be ignored and this shall not be a bar for regularization of the service of the applicant."

The order quoted above was crystal clear and the direction was to consider for regularization of the applicant within two months time even

by ignoring his overage. The tribunal nowhere directed the respondents to issue any speaking order else they could issue the same after receipt of the Tribunal's order aforesaid. But since the direction was clear and it was against the linking's of the respondents, the respondents challenged the order before the Hon'ble Gauhati High Court vide its common judgment and order dated 01.12.2004 in WP (C) No.2018/2001 was pleased to observe that:

"5. In the case at hand, we have seen a scheme (for short, MANAS) formulated by the authority. On expiry of the scheme, it was reintroduced on 4.10.90 and again introduced in the year 1992. As per this scheme, persons who have rendered three years continuous service in a scheme should be absorbed either against existing regular vacancies in identical posts or by creating posts (by following prescribed procedure) if the workload so demands.

The Hon'ble High Court did not find anything wrong in the direction of the CAT in its judgment dated 30.11.2000 assailed before it and dismissed the writ petition observing interalia that:-

"The Authority, after receipt of the order, should have passed a reasoned order whether the respondents are covered by the aforesaid scheme or not."

From the above it is adequately clear that the Hon'ble High Court did not interfere with the order of the Tribunal, rather observed the provisions of the scheme "MANAS" that the persons who have rendered three years continuous service in a scheme should be absorbed either against existing regular vacancies or by creating posts, with further observation that the respondents did not pass any reasoned order there against. The observations are significant enough and the order dated

30.11.2000 attained finality. Even thereafter, the denial of regularization to the applicant is against the spirit and dictum of the Tribunal's order and the High Court's order and issuance of the so called speaking order dated 22.03.2005 by the respondents at this stage is unwarranted, malafide and after thought of the respondents. Further, the provisions of the scheme "MANAS" vis-a-vis the entitlement of the applicant for regularization in service has been thoroughly scanned by this Hon'ble Tribunal during the adjudication of O.A.No. 308/1999 and thereafter only, the judgment and order dated 30.11.2000 was passed by the Tribunal in O.A.No. 308/1999 with the directions stated hereinabove. This apart the same matter was thoroughly examined by this Hon'ble Tribunal in O.A.No. 16/1995, 17/1995, 18/1995 and 241/1995 in case of similarly situated employees also and passed direction for regularization of those applicants. As such, the law is settled and the respondents do not have any right to pass a motivated speaking order dated 22.03.2005 to plead now that this applicant's case is not covered by the provisions of the scheme "MANAS" and the impugned speaking order dated 22.03.2005 is liable to be quashed and set aside.

Further, the principles of res-judicata" as pleaded by the respondents in para 7 of the written statement has been misconstrued and misinterpreted by the respondents which is not applicable here.

The contention of the respondents that the special scheme "MANAS" was meant for regularization of those scientific and technical staff, working under CSIR and not like that of the applicant, is not sustainable since the scheme has clearly provided only criteria i.e those who rendered three years service in a scheme". Accordingly persons appointed as project assistant in different schemes who are similarly situated as that of the applicant, have been regularised, as stated by the respondents themselves in para 5 of the written statement. As such, there

is no reason for denying the same benefit to the applicant. Since the writ petition against the judgment and order of this Hon'ble Tribunal has been dismissed by the Hon'ble High Court, hence the order dated 30.11.2000 in O.A.No. 308/1999 passed by the Tribunal attained finality and the respondents are required to comply with the directions given in the said order only and the contentions made in the impugned speaking order dated 22.03.2005 are unwarranted and unsustainable since those contentions have already been examined by this Hon'ble Tribunal and have rejected the same.

3. That the applicant categorically denies the statements made in para 14, 18, 19 and 20 of the written statements and begs to submit that the contention of the respondents that there were breaks of service in case of the applicant and her service was not a continuous one, is not tenable in the sense that those breaks were artificial breaks for short durations only, created by the respondents with the motive of depriving the applicant of his legitimate claim, even after her rendering services for more than 8 (eight) years. This is unfair labour practice.

Further, the plea that the case of the applicants of O.A. no. 16/95, 17/95, 18/95 and 241/95 are distinguishable from that of the applicant since they were selected through open interview in the afterthoughts of the respondents and misrepresentation of facts. It is relevant to mention here that the respondents entertained other persons when the applicants case was lying before them for regularization and she had already served under them for more then 8 (eight) years. As such the respondents ought to have regularised the applicant prior to holding of open interview for others, if any, as stated by the respondents. Such acts of the respondents are malafide, motivated, unfair and arbitrary.

4. That the applicant categorically denies the statements made in para 15 22, 23, 27, 29, 30, 31, 34, 39 and 42 of the written statements and begs to state

that although the applicant was initially appointed on purely temporary basis but eventually her services were extracted for a long period of more than 8 (eight) years and therefore she was acquired a valuable and legal right for absorption/regularization in her service. The contention that the temporary appointment would not confer her any right for regular appointment is therefore a unfair labour practice and opposed to the settled position of law as well as the principles of natural justice. Such contention of the respondents is more irrelevant and is not sustainable since some other similarly situated employees have been regularised in service and as such denying the same benefit to the applicant under the scheme MANAS is discriminatory, hostile and violative of Article 14 and 16 of the Constitution of India. The applicant is therefore legitimately entitled for her regularization in service and this O.A is made bonafide and based on strong and valid grounds mentioned therein and the applicant is entitled to get the relief's prayed therein.

5. That the applicant denies the statements made in para 16, 32, 33, 36 and 41 of the written statement and begs to state and reaffirms that the averments made and grounds stated therein are all true and based on facts.
6. That in the facts and circumstances, the applicant most humbly submits that she is entitled to all the relief's prayed for, and the OA deserves to be allowed with cost.

VERIFICATION

I, Smti. Dipti Devi, W/o Shri Mukul Sharma, aged about 48 years, resident of village Siratia Gaon, P.O Pulibor, District-Jorhat, do hereby verify that the statements made in Paragraph 1 to 6 are true to my knowledge which I believe to be true and I have not suppressed any material fact.

And I sign this verification on this the 25th day of October, 2006.

Dipti Devi

NOTICE

From:- S. Nath.
Advocate.

To. Mr. G. Baishya.
Sr. C. G. L. C.

Sub:- Rejoinder in O.A. No. 11/2006.

Sir, find please enclosed herewith a copy of the rejoinder, which is being filed today. This is for your information and necessary action.

Please acknowledge receipt

Received by
G. Baishya
(G. Baishya) 26.10.06
Sr. C. G. L. C.

Yours Sincerely
S. Nath.
Advocate
26/10