

12

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./TA/ NO. 8/20082008-2008
R.A./CP/NO.2015
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31/7/2015
SECTION OFFICER (JUDL.)

31.7.2015

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

1. Original No. 8/08
2. MIBs Petition No. _____
3. Contempt Petition No. _____
4. Review Application No. _____

Applicant(s).... Anujjal Sarmah.... VS-Union of India & Crs

Advocate for the Applicants... G.N. Sahewalla, Ms. S. Senapati, Mr. N Anil Singh

Mr. K.R. Chandray.....

Advocate for the Respondant(s) Addl. case Mrs. M. Das.....

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

Application in form
is filed on 20.01.08
deposited with fee of Rs. 50/-
No. 70E 049574, 66849941
Dated 2.1.08 66849942

Registrar

(Signature)

Petitioner's Grievance for
these notices are
received with envelope.
Copy not served.

Pl. issue notice to the
respondents
21.11.08
21.11.08

Notice sent to D/Section
for issuing to resp-
ndents. 1 to 4 by regd.
A/D post.

28/01/08 D/No- 310 to
313
D/- 30/1/08.

None appears for the Applicant nor
the Applicant is present to prosecute this
case.

By the impugned order promotion of
the Applicant has been antedated; after
giving him an opportunity to have his say
in the matter. By filing this Original
Application the Applicant has, virtually,
raised a point that "grant of natural justice
is just not an empty formality."

A copy of this O.A has already been
supplied to Mrs M. Das, learned Addl.
Standing counsel for the Union of India.

Issue notice to the Respondents
requiring them to file reply by 29.02.2008.

Call this matter on 29.02.2008.

(Signature)
(Khushiram)
Member(A)

(Signature)
(M.R. Mohanty)
Vice-Chairman

Pg

28-2-08

Perma report awaited

29.02.2008

Mr. K. Roy Choudhury, counsel for the Applicant and Mrs.M.Das, learned Addl. Standing Counsel appearing for the Respondents are present. Counsel for the Respondents seeks four weeks time to file written statement. Prayer is granted.

Call this matter on 31.03.2008

W/s not filed.

28.3.08

(Khushiram)
Member (A)

31.03.2008

No written statement has yet been filed in this case.

Call this matter on 14.05.2008.

Notice duly

Served on R-3.

2/4/08

(Khushiram)
Member(A)

(M.R.Mohanty)
Vice-Chairman

W/s not filed

14.05.2008

Mrs.Manjula Das, learned Sr. Standing counsel for the Union of India undertakes to file written statement in this case in course of the day.

Call this matter on 13.06.2008.

(Khushiram)
Member (A)

(M.R.Mohanty)
Vice-Chairman

W/s submitted by the Respondents

Copy received

W/s filed

12.6.08


08
13.06.08

No rejoinder has yet been filed in this case. Learned counsel for the Applicant seeks some time to file rejoinder.

M.P.87/08 has been filed to amend the cause title of the case to describe the Respondents correctly. The prayer is allowed. Corrected cause title page be filed by 16.06.2008.

Miss S.Senapati, learned counsel for the Applicant undertakes to file required postages and copies of the O.A. incorporating the amended page of the cause title for issuance of fresh notice to the Respondents. She also undertakes to file the same by 16.06.2008.

Call this matter on 24.07.2008 awaiting rejoinder from the applicant and additional written statement, if any, from the Respondents.


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

pg


24.07.2008

Notice to the Respondent No.2 sent afresh has not yet been made sufficient. Mr.K.Ray Choudhury, learned counsel appearing for the Applicant states that he supplied wrong address of the Respondent No.2 for which the notice of Respondent No.2 is unserved. He prays to make necessary correction in the cause title pages to give correct address of the Respondent No.2. The said oral prayer is hereby allowed and he is permitted to make necessary correction of cause title pages of the Original Application in presence of the Court Officer.

Contd/-

19.6.08

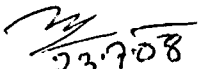
Party include
Amendment Petition
filed by the
applicant.



Fresh notice for
resp. no-2 is prepared
in the correct addr. and
send to the D/section
for reissuing the same
with postal stamps, Rs=80/-
only.

Case
20/6/08. 
S. O (J). 20/6/08

2/No-29/6
DT-23/6/08.

Rejoinder not filed.
① Service report awaited.

23.7.08

O.A.8 of 08

Contd/-

24.07.2008

2. He undertakes to ^{file} make a fresh an extra copy of the Original Application (for issuance of fresh notice to the Respondent No.2 in the correct address) in course of the day. He also undertakes to deposit required postages/cost of the postages for issuance of fresh notice to the Respondent No.2 in the correct address.

3. Registry to issue fresh notice to the Respondent No.2 in the correct address, requiring the Respondent No.2 to file reply/written statement by 5th September, 2008.

4. Mrs. M. Das, learned Addl. Standing counsel appearing for the Respondents No.1 ^{forays to} may be granted more time to file written statement. Respondent No.1 is hereby permitted to file written statement by 5th September, 2008.

5. Call this matter on 5th September 2008.

(Khushiram)
Member(A)

(M.R.Mohanty)
Vice-Chairman

05.09.08

Despite notice, the Respondent No.2 (Council for Scientific and Industrial Research) has not yet filed their written statement in this case. On the request of Mrs M. Das, learned Addl. Standing counsel for Union of India call this matter on 07.10.2008 awaiting written statement from Respondent No.2.

11.8.08

Rejoinder submitted
by the Applicant.
Copy served.

W/S and rejoinder
filed by the parties.

4.9.08

No W/S from 4.09.08.

R-20-1-2-2

0A-128

Send a copy of this order to Respondent No.2 in the address given in the Original Application requiring him to file his counter by the date fixed.

(Khushiram)
Member(A)

(M.R.Mohanty)
Vice-Chairman

pg

07.10.2008

Despite notice, Council of Scientific & Industrial Research (Respondent No.2) has not filed written statement in this case.

Subject to legal pleas to be examined at the hearing, this case is admitted.

Call this matter on 04.12.2008 for hearing.

Registry to send notice to the Applicant and to the Respondents to come ready for hearing on 04.12.2008.

(S.N.Shukla)
Member (A)

(M.R.Mohanty)
Vice-Chairman

/bb/

Copies of order dated 7/10/08 send to D/Sec. for issuing to the applicant and to the respondent by post.

D/No-4388 to 4392

DT-14-11-08

The case is ready for hearing

3/12/08

O.A. 80

04.12.2008

Sri K. K. Choudhury, learned counsel appearing for the Petitioner is ~~also~~ present. Mrs. Manjula Das, Counsel representing the Respondents ^{also} is present.

Mrs. M. Das, learned counsel for the Respondents has filed reply statement to the rejoinder in the Court by serving a copy thereof to Sri K. R. Choudhury, learned counsel for the Petitioner. Mrs. Das, undertakes to file the written statement on behalf of Respondent No. 2 within seven days.

Call this matter on 30.01.2009 for hearing.

(S.N. Shukla
Member(A))

30.01.2009

None appears for either of the parties.

Call this matter on 20.03.2009 for hearing.

(M.R. Mohanty)
Vice-Chairman

nlm

8.12.08

W.C. submitted
by Respondent No. 2.
Copy served.

The case is ready.

29.1.09

lm

The case is ready
for hearing.

19.3.09

(7)

O.A.8/2008

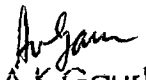
20.03.2009

None for the parties. Adjourned to be taken up on 07.05.2009.

The case is ready for hearing.

6.5.09

/bb/


(A.K. Gaur)
Member (J)

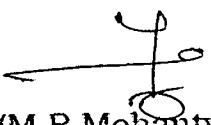
The case is ready for hearing.

23.6.09

lm

07.05.2009

Call this matter on 25.06.2009 for hearing.


(M.R. Mohanty)
Vice-Chairman


The case is ready for hearing.

17.8.09

/lm/

24.06.2009

Call this matter on 18.08.2009 for hearing.


(M.R. Mohanty)
Vice-Chairman

18.08.2009


On the prayer of learned counsel for the parties, call this matter on 20.10.2009.

The case is ready for hearing.

19.10.09

/bb/


(M.K. Chaturvedi)
Member (A)


(M.R. Mohanty)
Vice-Chairman

20.10.2009

Mr. D. Mazumdar, learned counsel for the Applicant prays for an adjournment and allowed.

Call this matter on 15.12.2009.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/lm/

0.11.8/08

20.10.2009

Mr. D. Mazumdar, learned counsel
for the Applicant prays for
adjournment and allowed.

Call this matter on 15.12.2009.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/lm/

The case is ready
for hearing.

14.12.09

15.12.2009

Learned proxy counsel prays for an
adjournment on behalf of learned counsel
for the Applicant and allowed.

Call this matter on ~~21.12.2010~~ 28-1-2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

28.01.2010

Learned proxy counsel for Applicant
prays for adjournment.

List on 19.02.2010. It is made clear that
no further adjournment will be allowed.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/bb/

The case is ready
for hearing.

18.2.2010

Mr. D. Mazumdar, learned counsel
for the Applicant prays for an
adjournment and allowed.
Call this matter on 15.12.2009.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/lm/

P.B.

O.A. No. 08 of 2008

19.02.2010 Proxy counsel of Mr. G.N. Sahewala, learned counsel for applicant prays for adjournment. Mrs M. Das, learned Sr. CGSC for Respondents is present. We have noticed that vide repeated orders, time have been granted for more than one year. Last and final opportunity is granted with the observation that no further adjournment will be allowed except subject to payment of cost.

List the matter on 24th February 2010.

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)
Member (A) Member (J)

/PB/

24.02.2010

Heard Mr S.Senapati, learned counsel for the applicant and Mrs M.Das, learned Sr.C.G.S.C for the respondents. Hearing concluded.

For the reasons recorded separately the O.A. is dismissed.

(Madan Kr. Chaturvedi)
Member (A)

(Mukesh K. Gupta)
Member (J)

/pg/

The case is ready for hearing.

24/2/10

R
For Mrs M. Das
Sr. CGSC
Bai

15/3/2010

Judgment/Final order dated 24/2/2010 prepared and sent to the D/Secy for issuing the all the respondents by post vide No 596 to 599 dated 17-3-2010

Received copy of
Judgment
for the applicant
8.4.10

5.12.08

Reply to the reminder
filed by the Adm. case
- Mr. M. Day, copy
served. (Expt. No. 384)

As

5.12.08

Reply to the reminder
filed by the Respondent
nos. 384. Copy served.

As

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. 8 of 2008.

DATE OF DECISION: 24 -02-2010.

Shri Anujjal Sarmah

.....Applicant/s

Mr S. Senapati

.....Advocates for the
Applicant/s

-Versus -

Union of India & Ors.

.....Respondent/s


Mrs M. Das, Sr. C.G.S.C

.....Advocate for the
Respondent/s

CORAM

THE HON'BLE MR MUKESH KUMAR GUPTA, MEMBER (J)
THE HON'BLE MR MADAN KUMAR CHATURVEDI, MEMBER(A)

1. Whether reporters of local newspapers may be allowed to see the judgment ? Yes/No
2. Whether to be referred to the Reporter or not ? Yes/No
3. Whether their Lordships wish to see the fair copy of the judgment ? Yes/No


Member (J)/Member(A)

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 8/2008.

Date of Order : This the 24th Day of February, 2010.

THE HON'BLE MR MUKESH KUMAR GUPTA, JUDICIAL MEMBER

THE HON'BLE MR M.K.CHATURVEDI, ADMINISTRATIVE MEMBER

Shri Anujjal Sarmah
S/o Late Gunanda Sarmah
Qr. No. D-16 North East Institute of
Science & Technology,
Jorhat.

.....Applicant

By Advocate Mr S.Senapati

1. The Union of India,
Represented by the Secretary to the
Government of India,
Ministry of Science & Technology,
New Delhi – 110001.
2. Council of Scientific & Industrial Research,
Anusandhan Bhawan,
2, Rafi Marg, New Delhi – 110001
represented by its Secretary.
3. The Director,
Regional Research Laboratory,
Jorhat-785006, Assam presently known as
North East Institute of Science and Technology,
(Constituent of Council of Scientific & Industrial Research).
4. The Section Officer
North East Institute of Science and Technology,
Jorhat – 785006, Assam.
(A constituent of Council of Scientific &
Industrial Research).

.....Respondents

By Advocate Mrs M. Das, Sr. C.G.S.C.



ORDERMUKESH KUMAR GUPTA, MEMBER(J)

Validity of office Memorandum dated 18.4.2007 rejecting applicant's representation is challenged in present O.A. Applicant seeks direction to respondents to cancel/recall or forbear from giving effect to the same as well as to restore his position and grant him promotion with all consequential benefits.

2. Admitted facts are applicant holding the B.Sc in Chemistry entered the service with respondents as Grade III (1). On completion of 5 years of residency period, he was promoted to next higher post of Grade III (2), thereafter to Grade III(3) with effect from 28.11.1991 & 28.11.96 respectively.

3. His grievance has been that he was given promotion to next higher post of Grade III (4) with effect from 28.11.2000 vide order dated 30.12.03 which had been cancelled without any justification. Since he had been promoted to the higher post of Grade III (4) and had worked satisfactorily for about 5 months, there was absolutely no justification to recall said promotion on the specious plea of inadvertent assessment promotion. It was further contended by Mr S.Senapati, learned counsel for the applicant that principle of natural justice was violated by canceling said promotion. Since he possessed better qualification for Grade III (4) he was entitled to earlier promotion/advance promotion by 2 years namely, 28.11.99 instead of 28.11.2001.

4. The respondents on the other hand contended that as the applicant has acquired higher qualification, he was entitled to be

benefited two years earlier assessment which had fallen during the assessment year 1999-2000 effective on 28.11.99. He was called for interview and he appeared before the Interview Committee on 1.1.2003 but could not be succeed. Inadvertently, he had called for interview and granted promotion vide order dated 30.12.2003, which was erroneous. Mistake was noticed and therefore show cause notice dated 12.5.04 was served upon him requiring him to make representation, if any. He indeed made a representation dated 19.5.04 which was considered and necessary orders was passed on 25.6.04 whereby on consideration all aspects, his representation was rejected and his promotion was made effective from 28.11.2001 under the Normal Assessment Scheme. It was emphasized by the respondents that due to erroneous promotion granted, he had not acquired any legal right to hold the promotional post. Strong reliance was placed on revised Merit and Normal Assessment Scheme (MANAS) which was effective from 1.4.1992 particularly to para 2.3.4, which reads as under :

"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 assessee 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.

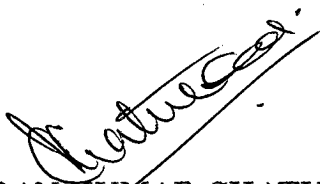
However, scientific and technical employees due for assessments on earlier dates will be allowed notional benefit from the date of assessment with actual monetary benefit w.e.f. 25.9.1990. This benefit will be allowed only under Normal Assessment and not under merit assessment.

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.

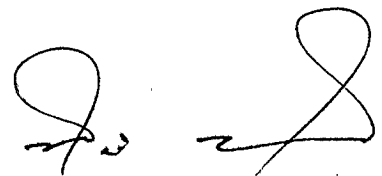
In terms of CSIR letter No.17/66/94-PPS dated 28.1.97 this chance is admissible once in the same group and will not be adjusted against the chances available for normal assessment under revised MANAS. This modification came into force for assessments falling due in the assessment years 1996-97 onwards."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

Strong reliance was also placed on CSIR letter dated 1.2.2008 which emphasized that the so far earlier benefit by 2 years is considered the same applies only "once in same grade". Since applicant had appeared before the Selection Committee and failed he was not eligible to be called for interview under the said scheme for second time in same Group. Since the assessment promotion was granted, applicant acquired no legal right and the mistake had been rectified after it was noticed. Mrs M. Das, learned Sr. C.G.S.C emphasized that the principles of natural justice was indeed not violated as show cause notice was issued, which opportunity he indeed availed. Thus there is no justification to contend that principles of natural justice has been violated in any manner.

5. We have heard learned counsel for the parties, perused the materials placed on record. Revised MANAS, no doubt makes one eligible for merit assessment then the normal assessment on acquiring higher qualification. Based on higher qualification acquired by the applicant, he indeed was granted one chance on the same grade on 1.1.03 but he has failed to qualify said assessment. Therefore, Merit assessment was no longer available to him. Vide order dated 25.6.04, instead of Merit Assessment, he was granted normal assessment on completion of 5 years of residency period with effect from 28.11.01. On examination of the matter particularly in view of the provision of MANAS we are satisfied that the applicant was granted erroneous promotion under the Merit Scheme, which was not covered under para 2.3.4 of the MANAS scheme. Therefore, finding no merits O.A dismissed. No costs.

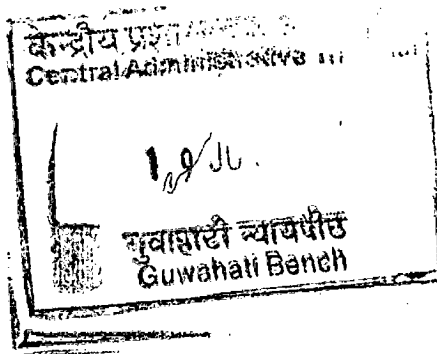


(MADAN KUMAR CHATURVEDI)
ADMINISTRATIVE MEMBER



(MUKESH KUMAR GUPTA)
JUDICIAL MEMBER

DISTRICT -



Filed by :-

K. Roy Choudhury
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

PARTY INCLUDE
AMENDMENT PETITION

O. A. No. 8 /2008

Anujjal Sarmah

----- Petitioner(s)

-Versus-

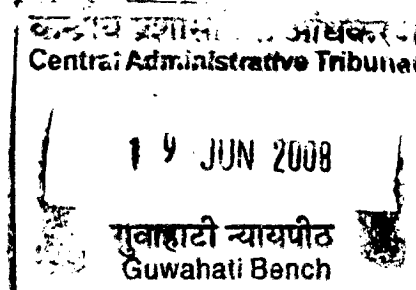
Union of India & ors.

----- Respondent(s)

Category Code :
Subject:

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Filed by the Appellant
through K Roy Chowdhury
Advocate
15/6/08

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH-
GUWAHATI

O. A. No. 8/2008

Sri Anujjal Sarmah

-----**Appellant**

-Vs-

Union of India & Ors.

-----**Respondents.**

Synopsis:-

This application is made challenging the impugned Office Memorandum dated 18.4.2007 issued under Memo No.RLJ(125)/2003/RAC by the Section Officer, North East Institute of Science & Technology (Constituent Establishment of CISR), Jorhat informing the applicant pursuant to his application dated 19.2.2007, that the matter regarding his assessment had been settled by the competent authority vide order dated 25.6.2004 wherein the promotion of the applicant from Grade III(3) to Grade III(4) had been made effective from 28.11.2001 and further stating that there was no reason for the applicant to be aggrieved by the issuance of the said order after a lapse of more then two years.

LIST OF DATES

21.8.2002

Anx-I. Letter of Deputy Secretary, Council of Scientific and Industrial Research (CSIR) vide letter No.17(66)/32/94-PPS informing that the due date of 2 year earlier assessment of the applicant being due on 28.11.1999.

13.12.2002

Anx-II(A) The section officer Regional Research Laboratory (RRL) vide Office Memorandum No.RLJ-REC(116)/98 requested the applicant to submit work report.

13.12.2002

Anx-II(B) Vide Office Memorandum No.RLJ/REC(117)/99 the applicant was called upon to appear before the Assessment Committee.

Anujjal Sarmah

19 JUN 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

22

6.1.2003

Anx-III. The section officer, RRL vide Office Memorandum No.RLJ/REC(117)/1999 informed the applicant that the Assessment Committee had not recommended him for promotion.

23.6.2003

Anx-IV. The section officer, RRL, vide Office Memorandum No.RLJ(125)/2003/RAC requested the applicant to submit work report.

20.8.2003

Anx-V. The section officer, RRL, vide Office Memorandum No.RLJ (125)/2003/RAL informed the applicant to appear before the Assessment Committee.

9.9.2003

Anx-VI. The controller of Administration RRL, vide Office Memorandum No.RLJ/APAR-COMM/2003 informed the applicant about the critical appraisal and grade awarded by the reviewing officer.

24.9.2003

Anx-VI(A) Representation submitted by the applicant before the Director, RRL, Jorhat.

30.12.2003

Anx-VII. The section officer, RRL, Jorhat vide Office Memorandum No.RLJ-7(125)/2003/Rect. & Ass informed the applicant that the Director, RRL, Jorhat accord approval for promotion.

30.12.2003

Anx-VII(A) The applicant submitted his joining report to the Director, RRL, Jorhat.

12.5.2004

Anx-VIII. Vide Office Memorandum NO.RLJ(125)/2003/RAL a show cause notice was issued to the applicant.

19.5.2004

Anx-VIII(A) The applicant submitted his reply to the show cause notice.

Anuraj Samal

19 JUN 2004

गुवाहाटी न्यायपीठ
Guwahati Bench25.6.2004

Anx-IX. The Administrative Officer, RRL, Jorhat vide Office Memorandum No.RLJ (125)/2003/RAL communicated the decision of the competent authority.

7.9.2004

Anx-X. The Director, RRL, Jorhat vide Office Memorandum No.RLJ-13(577)/Estt/84 approved the fixation of pay of the applicant in Grade -III (4).

2.2.2007

Anx-XI. The Section officer, RRL, Jorhat vide Office Memorandum No.RLJ(163)/2007/RAL published a tentative list of Grade-III technical staff eligible for assessment promotion.

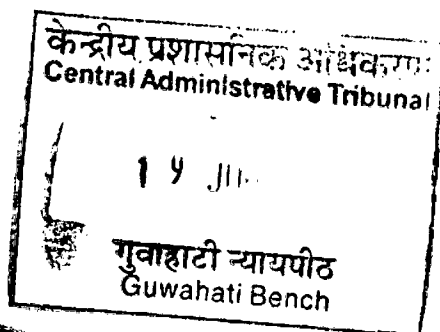
19.2.2007

Anx-XI (A) The Letter of the applicant to the director, RRL.

18.4.2007.

Anx-XII. The section officer, North East Institute of Science & Technology, Jorhat vide Office Memorandum No.RLJ(125)/2003/RAC informed the applicant that the matter of his assessment had been settled by the competent authority.

Amritlal Sarma



Filed by the Appellant
through K Roy Chowdhury
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH-
GUWAHATI

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

O. A. No. 8/2008

BETWEEN

Sri Anujjal Sarmah

S/O Late Gunanda Sarmah

Qtr No.D.16 North East Institute of
Science & Technology, Jorhat.

-----Appellant

-AND-

1. Union of India

Represented by the Secretary
Ministry of Science & Technology
New Delhi-110001

2. Council of Scientific & Industrial

Research, Anusandhan Bhawan,

2, Rafi Marg, New Delhi-110001,

represented by the Secretary

~~Ministry of Science & Technology~~

3. The Director,

Regional Research Laboratory
Jorhat-785006 Assam, presently known
as North East Institute of Science and
Technology, (Constituent of Council of
Scientific & Industrial Research)

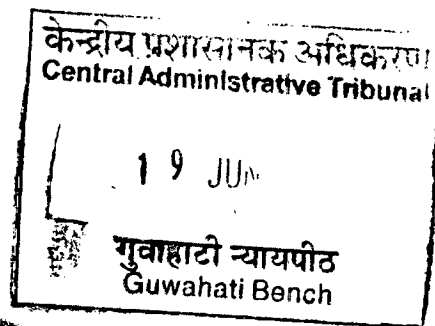
4. The Section Officer,

North East Institute of Science &
Technology, Jorhat-785006, Assam

(A constituent Establishment of Council of Scientific &
Industrial Research)

-----Respondents

K Roy Chowdhury
24/7/08



DETAILS OF THE APPLICATION :-

1. Particulars of order against which this application is made.

This application is made challenging the impugned Office Memorandum dated 18.4.2007 issued under Memo No.RLJ(125)/2003/RAC by the Section Officer, North East Institute of Science & Technology (Constituent Establishment of CISR), Jorhat informing the applicant pursuant to his application dated 19.2.2007, that the matter regarding his assessment had been settled by the competent authority vide order dated 25.6.2004 wherein the promotion of the applicant from Grade III(3) to Grade III(4) had been made effective from 28.11.2001 and further stating that there was no reason for the applicant to be aggrieved by the issuance of the said order after a lapse of more than two years.

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.

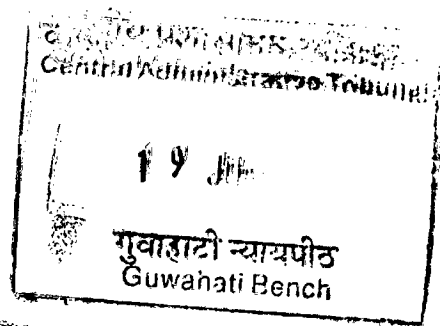
3. Limitation

The applicant further declares that this application is filed within the 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, he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India. The applicant is presently serving as

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Grade III (4), Petroleum & Natural Gas Division,
North East Institute of Science & Technology (A
constituent establishment of CSIR), Jorhat.

4.2) That the applicant initially entered into service
under the Respondents on 28.11.1986 with the
requisite qualification of B.S.C (Chemistry).

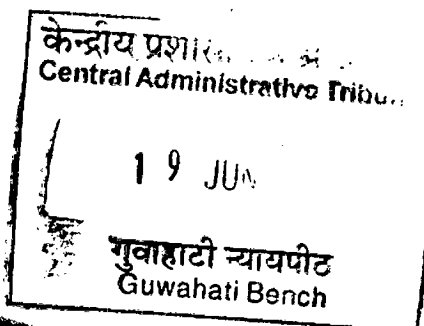
4.3) That the applicant held Grade III (2) post from
28.11.1991 and was promoted to Grade III (3) as
Technical Officer (A) with effect from 28.11.1996
vide order dated 2.1.2002 issued under Memo
No.RLJ/RCC(110)/2000 with scale of pay of Rs.6500-
10,500.

4.4) That your applicant states that with reference to
letter No.RLT-9(2)Estt/92 dated 17.7.2002 issued by
the Director, Regional Research Laboratory, Jorhat
(hereinafter referred to as RRL, Jorhat) on the
subject of 2 year earlier assessment benefit in the
same group for acquiring higher qualification, the
Joint Secretary, Administration, CSIR vide letter
No. 17(66)/32/94-PPS dated 21.8.2002 informed that
the due date of 2 year earlier assessment of the
applicant being due on 28.11.1999, which is prior to
the issuance of CSIR circular dated 14.12.2001, the
applicant is eligible for consideration of 2 years
earlier assessment.

A copy of the letter dated 21.8.2002 is
annexed hereto and is marked as

Annexure-I

Annexed Sample



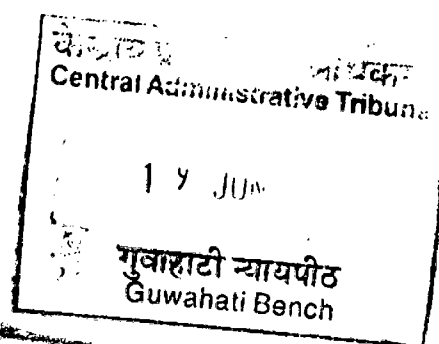
4.5) That your applicant states that vide Office Memorandum No.RLJ-REC(116)/98 dated 13.12.2002 the Section Officer RRL requested the applicant to submit work report for the period of 5 years as per the enclosed format (MANAS) within 20.12.2002 in view of the proposal to process assessment promotion for Group III Technical Staff Members for assessment years 1997-98 and 1998-99 vide another Office Memorandum No.RLJ/REC(117)/99 dated 13.12.2002 the applicant was called upon to appear before the assessment committee for an assessment interview to be held on the 1st & 2nd of January, 2003 for being considered for promotion to the next higher grade under revised MANAS.

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Copies of the Office Memorandums NoRLJ-REC(116)/98 & RLJ/REC(117)/99 dated 13.12.2002 are annexed hereto and are marked as Annexures-II(A) & II(B) respectively.

4.6) That your applicant accordingly appeared before the assessment committee on 1.1.2003 but was informed vide Office Memorandum No.RLJ/REC(117)/1999 dated 6.1.2003 issued by the Section Officer ,RRL Jorhat, that the assessment committee had not recommended him for promotion to the next higher grade.

A copy of Office Memorandum dated 6.1.2003 is annexed hereto and is marked as Annexure-III.



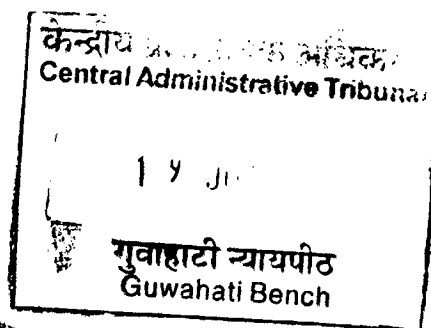
4.7) That your applicant states that vide Office Memorandum No.RLJ(125)/2003/RAC dated 23.6.2003 Section Officer, RRL Jorhat, proposed to process assessment promotion for Group III Technical Staff members for the assessment year 1996-97, 2000-2001 and 2001-2002 and hence requested the said members to submit work reports for the period of 5 years as per enclosed format (MANAS) within 10.7.2003. It may be mentioned that the name of the applicant appeared at serial No.5 under the assessment year 2000-2001 of Grade III(3) and his date of entry to the present Grade was given as 28.11.96 with due date for consideration of assessment as 28.11.2000.

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A copy of the Office Memorandum dated 23.6.2003 is annexed hereto and is marked as Annexure-IV.

4.8) That your applicant states that subsequently vide Office Memorandum No.RLJ(125)/2003/RAC dated 20.8.2003 Section Officer, RRL Jorhat informed that the assessment interview committee meeting for assessing the Grade III Staff Members named therein for promotion to the next higher grade for the assessment years 2000-2001 and 2001-2002 was scheduled to be held on 13.9.2003, in furtherance of which the candidates were requested to appear for assessment interview. The name of the applicant appears at serial No.5 under the assessment year 2000-2001.



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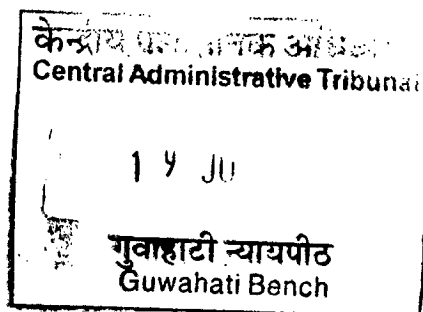
A copy of Office Memorandum dated 20.8.2003 is annexed hereto and is marked as Annexure-V.

4.9) That your applicant states that vide Office Memorandum No.RLJ/APAR-COMM/2003 dated 9.9.2003 issued by the Controller of Administration, RRL Jorhat that as per the provisions of MANAS the applicant was informed about the critical appraisal and grade awarded by the reviewing officer for the year 1997-1998, as per which, the assigned work ~~had~~ ^{to} been completed by the applicant as per the satisfaction of the reporting officer and the grade awarded to him was "Very Good". It was further stated in the Memorandum that if the employee had any representation to make against the gradings, such representation would have to be made in writing within a period of 4 weeks from the date of receipt of the communication, which would be duly considered by the competent authority and the employee would be appraised with the final decision, against which no further representation would lie. Further, the employee may seek an interview with the competent authority.

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A copy of Office Memorandum dated 9.9.2003 is annexed hereto and is marked as Annexure-VI.

4.10) That as per the provisions of the Office Memorandum dated 9.9.03, your applicant submitted a representation before the Director, RRL, Jorhat on

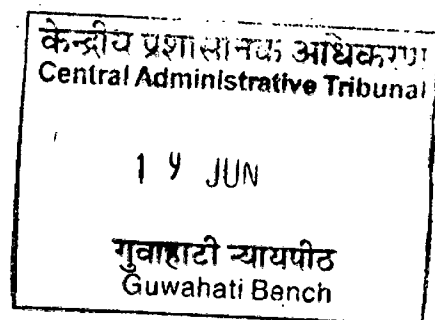


24.9.03 seeking to be intimated as to what was not completed in the assigned work as per the satisfaction of the Reporting Officer for the year 1997-98 and requested the competent authority to consider the higher grade for the period 1998-99, 1999-2000 and 2000-2001 and seek the necessary assigned work as per the requirement of the Reporting Officer for the period 1997-98 and also to show the annual performance report of the said periods to the applicant.

A copy of the representation dated 24.9.03 is annexed hereto and is marked as Annexure VI-A

4.11) That your applicant states that vide Office Memorandum No.RLJ-7(125)/2003/Rect.&Ass dated 30.12.2003 issued by the Section Officer, RRL, Jorhat under the subject "Assessment of Grade III under revised MANAS for the assessment year 2000-2001", the applicant was informed that on the recommendation of the Assessment Interview Committee which met on 13.9.2003, the Director, RRL, Jorhat was pleased to accord approval for promotion of the applicant to the next higher grade under revised MANAS. That as per the said Office Memorandum, the present post of the applicant being Grade III(3) with pay scale of Rs.8000-275-13,500/- and the effective date of the promotion was 28.11.2000. It was further mentioned interalia in the Office Memorandum that the applicant would continue to perform the same duties and such other higher duties

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as may be assigned and while his pay would be fixed according to normal existing rules, he would continue to be governed by other terms and conditions of his appointment in CSIR and that assessment was distinct from the promotion under the DPC system.

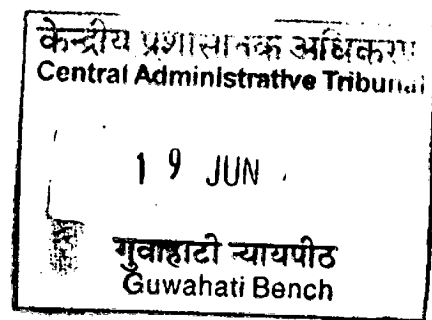
A copy of the Office Memorandum dated 30.12.03 is annexed hereto and is marked as Annexure-VII.

4.12) That the applicant in reply to the Office Memorandum dated 30.12.2003 submitted his joining report to the Director, RRL, Jorhat of joining to his duty in the Group III(4).

A copy of the letter dated 30.12.2003 is annexed hereto and is marked as Annexure- VII(A).

4.13) That the applicant states that after about 5 months from the date of joining of the applicant a show cause notice vide Office Memorandum No.RLJ(125)/2003/RAC dated 12.5.2004 was issued directing to show cause within 10 days of receipt of the Office Memorandum as to why the promotion granted vide Office Memorandum dated 30.12.2003 should not be withdrawn in pursuance of CSIR letter No.17/66/94-PPS dated 28.1.1997. It was contended in the said show cause notice by citing clause (i) and (ii) of CSIR guidelines as contained in the letter dated 28.1.1997 that although, the applicant was

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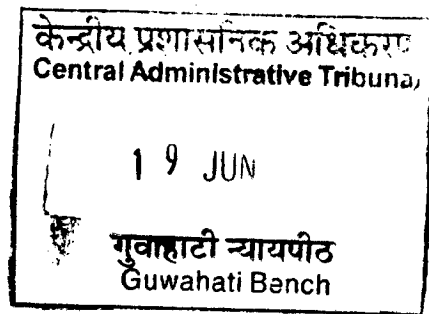


assessed to the next higher grade in the same group 2 years earlier than the normal prescribed period of assessment w.e.f. from 28.11.1999 for acquiring higher qualification under clause 2.3.4 under Revised MANAS, he was not recommended for promotion by the assessment committee. However, the applicant was again assessed inadvertently in the subsequent year with effect from 28.11.2000 i.e. 4 years instead of after completion of prescribed residency period of 5 years for normal assessment in the Revised MANAS. The promotion granted to the next higher grade pursuant thereto which was communicated vide Office Memorandum dated 30.12.03 was erroneous. Since the applicant was assessed inadvertently and granted promotion, the Office Memorandum dated 30.12.03 communicating the same was liable to be withdrawn.

A copy of the Office Memorandum dated 12.5.04 is annexed hereto and is marked as Annexure-VIII.

4.14) That on being astounded by the aforesaid show cause notice, the applicant replied to the same vide letter dated 19.5.2004 stating therein that a competent Board convened by responsible officers who are well versed in the rules and regulations of the organization had done his assessment and although they did not recommend the applicant for next higher grade in the year 1999, he was subsequently assessed in the year 2000 and promoted to the next higher grade w.e.f. 28.11.2000 and the results was

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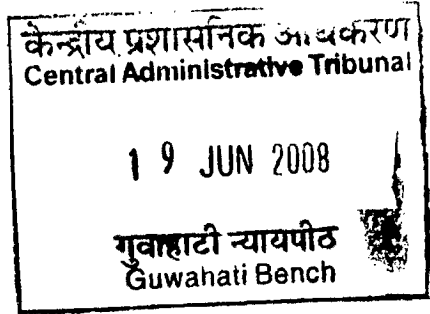


communicated vide Office Memorandum No. RLJ-7(125)/2003/Rect&Ass dated 30.12.2003 and published in the Monthly Bulletins of the organization. It was further stated that under the circumstances, there was no scope of withdrawing the promotion of the applicant to the higher grade merely by taking the plea of "inadvertently assessed before time" and the Office Memorandum dated 30.12.2003 was erroneous. After joining and working with responsibility in the higher grade pursuant to selection on merit by a competent Board of assessment, the promotion of the applicant cannot be withdrawn by Office Memorandum dated 30.12.2003.

A copy of the reply to the show cause dated 19.5.2004 is annexed hereto and is marked as Annexure-VIII(A)

4.15) That the applicant states that after the lapse of more than a month of replying to the show-cause notice, the Administrative Officer, RRL, Jorhat vide order No. RLJ(125)/2003/RAC dated 25.6.2004 communicated the decision of the competent authority with reference to Office Memorandum dated 30.12.2003 to make the promotion of the applicant effective from 28.11.2001. As per the order, the competent authority after considering the show-cause reply of the applicant dated 19.5.2004, while admitting that the applicants assessment was done by a competent board and conducted by officers well-versed in rules and regulations, held that the applicant had no case on merit since the benefit of two years earlier

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promotion, as per the C.S.I.R's letter No.17/60/94-PPS dated 28.1.1997, is intended to be availed of only once and in case a person fails, he/she would be considered for assessment after the completion of residency period prescribed for normal assessment. The applicant was assessed to the next higher grade in the same group two years earlier than the normal prescribed period of assessment w.e.f. 28.11.1999 for acquiring higher qualifications under revised MANAS but his name was not recommended for promotion. In the subsequent year, the applicant was once again assessed inadvertently w.e.f. 28.11.2000 i.e. in 4 years instead of the prescribed 5 years residency period for normal assessment in the Revised MANAS and was promoted to the next higher grade vide Office Memorandum dated 30.12.2003 which was erroneous. Although the applicant was found to have no case on merit, after examination of the matter in totality, since holding further interview/procedure might delay the matter and assessment of that year being already over, the promotion of the applicant was made effective from 28.11.2001 so as to meet the ends of justice.

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A copy of order dated 25.6.2004 is annexed hereto and marked as Annexure-

IX.

4.16) That the applicant states that in pursuance of Office Memorandum No.RLJ-(125)/2003/RAC dated 25.6.2004 the Director, RRL, Jorhat issued Office Memorandum No.RLJ-13(577)/Estt/84 dated 7.9.2004

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approving the fixation of pay of the applicant in Grade III(4) in the scale of pay of Rs.8000-275-13,500.

A copy of Office Memorandum dated 7.9.2004 is annexed hereto and is marked as Annexure-X.

4.17) That the Section Officer, RRL Jorhat vide Notification No.RLJ(163)/2007/RAC dated 2.2.2007 published a tentative list of Grade III Technical Staff eligible for assessment promotion to their respective next higher grades upto period ending 31.3.2007 under revised MANAS. As per the said Notification, the applicant's name appeared at serial No.21 under the assessment year 2006-2007 as per which his date of entry to Grade III(4) was 28.11.2001 and his due date for assessment was 28.11.2006 with residency period of 5 years under the Petroleum & Natural Gas Division.

A copy of Notification dated 2.2.2007 is annexed hereto and is marked as Annexure XI.

4.18) That pursuant to publication of the aforesaid notification dated 2.2.2007, the applicant wrote to the Director, RRL, Jorhat informing him that the date of his entry to the present Grade was assessed on 28.11.1999 in the same Group 2 years earlier than the normal prescribed period of assessment w.e.f. 28.11.1999 instead of 28.11.2001 under the revised MANAS subject to revision in the office record.

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Having been recommended for promotion w.e.f. 28.11.2000 by a competent board well versed with rules and accordingly submitted the joining report with reference to Memo No.RLJ-7(125)/2003Rect.&Ass. Dated 30.12.2003 and continuing till date.

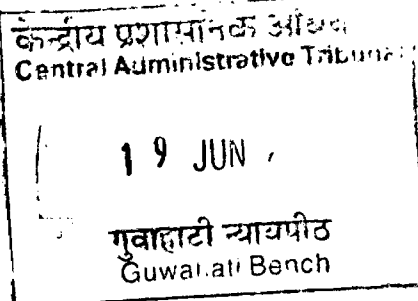
A copy of the application dated 19.2.2007 is annexed hereto and is marked as Annexure XI(A).

4.19) That with reference to application dated 19.2.2007 the Section Officer, North East Institute of Science & Technology, Jorhat informed the applicant vide Office Memorandum No.RLJ(125)/2003/RAC dated 18.4.2007 that the matter of his assessment had been settled by the competent authority vide order dated 25.6.2004 wherein the applicant's promotion from Grade III(3) to Grade III(4) had been made effective from 28.11.2001. Therefore there was no reason for the applicant to be aggrieved after a lapse of more than 2 years of issuance of the said order.

A copy of the Office Memorandum dated 18.4.2007 is annexed hereto and is marked as Annexure-XII.

4.20) That the applicant states that as per eligibility criterion for Group-III employees as laid down in clause 2.2.3 of the General Instructions, the threshold i.e. minimum marks which is required to be obtained by a candidate for becoming eligible for two year early assessment benefit in the same group is 90 marks. In

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the instant case, since the applicant had been called upon by the Respondent Authorities to submit work report for the assessment year 1998-99, (Annexure-II-A), it can be reasonably inferred that the applicant had obtained the minimum 90 marks.

4.21) That the applicant states that in view of the proposal to process assessment promotion for Group-III technical staff, the section officer RRL, vide office Memorandum dated 13.12.2002 (Annexure-II-B) called upon the applicant to appear before the assessment committee for being considered for promotion to the next higher grade. Even though the applicant appeared before the assessment committee on 1.11.2003, the applicant was informed vide Office Memorandum dated 6.1.2003 (Annexure-III) that he had not been recommended for promotion to the next higher grade.

4.22) That although the applicant had successfully completed the work assignment for the year 1997-98 and obtained the grade of "Very Good" to the satisfaction of the Reporting officer as clearly stated in the Office Memorandum dated 9.9.2003 (Annexure-VI), the respondent authorities due to reasons best known to them, did not publish the same at the relevant point of time and instead published it belatedly i.e. on 9.9.2003, much to the detriment of the interest of the applicant, who did not get promotion from Group-III (3) to Group III(4) inspite of scoring the two years earlier assessment benefit in the same group for acquiring higher qualification in the assessment year 1998-99. It may be reiterated at the cost of repetition

Annex-1 Summary

that as per the letter dated 21.8.2002 issued by the Joint Secretary, Administration, CSIR (Annexure-I) , the due date of two year earlier assessment of the applicant is 28.11.1999.

4.23) That the applicant states that assuming but not admitting that there is no provision for assessment of a candidate for 2 year earlier assessment benefit in the same group for the 2nd time, the Respondent Authorities ought not to have called the applicant for assessment interview for a 2nd time on 13.9.2003 vide Office Memorandum dated 20.8.2003 (Annexure-V) after having directed the applicant to appear before the assessment committee on 1.1.2003 vide Office Memorandum dated 13.12.2002 (Annexure-II-B), but having done so and accorded approval for his promotion to the next higher grade i.e. from Grade-III (3) to III (4) w.e.f 28.11.2000 upon being duly recommended by the Assessment Interview Committee vide Office Memorandum dated 30.12.2003 (Annexure-VII), the Respondent Authorities acted in a manner which cannot be countenanced in law for canceling the promotion of the applicant vide Office Memorandum dated 18.4.2007 (Annexure-XII).

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4.24) That the applicant states that clause 2.0 of the General Instructions relating to assessment scheme envisages normal and/or merit promotion on the basis of prescribed threshold. The merit assessment scheme is applicable, amongst others to Group-III (3) upto Group-III (6) in which category the applicant falls, provided the incumbent possess entry level qualification of

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Group-IV and are engaged in R & D activities. It has been further laid down in clause 2.1.3, that only those scientists who secure atleast 225 marks in 3 years and 300 marks in 4 years in their ACR/APAR would be eligible under the scheme. The thresholds for assessment under the merit scheme for Group-III are prescribed in para 2.2.3, as per which the threshold i.e. minimum marks for merit assessment for Group-III (3) the 3rd year and 4th year are 90 and 80 respectively and for Group-III(4) in the 3rd year and 4th year are 90 and 85 respectively. Needless to mention, the fact that the applicant was found eligible for 2 year earlier assessment benefit and accordingly directed to appear before the assessment committee for promotion, not only that the applicant was once again assessed by the assessment committee for promotion in the subsequent year vide Office Memorandum dated 20.8.2003 (Annexure-V) and was accorded approval for promotion to the next higher grade vide Office Memorandum dated 30.12.2003 (Annexure-VII) and the effective date of promotion was fixed at 28.11.2000.

4.25) That the applicant states that pursuant to the promotion granted to him vide Office Memorandum dated 30.12.2003 (Annexure-VII) his name was published in list of the members of the staff who had been promoted by the assessment committee with the effective date of promotion shown as 28.11.2000 in the monthly bulletin (RRL Jorhat News) (Vol. XXIV No.6 November December, 2003) published by the Director Regional Research Laboratory, Jorhat.

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Your applicant craves the indulgence of the Hon'ble Tribunal to produce, refer and rely upon the same at the time of hearing.

4.26) That the applicant states that the assessment committee being constituted by responsible officers from approved panels of experts, it is highly improbable and untenable as to how an assessment conducted by them could be carried out with inadvertence and the order of promotion dated 30.12.2003 can be withdrawn on the ground of inadvertent assessment notwithstanding the fact that such an action had lead to unjust deprivation of promotional benefits to the deserving applicant.

4.27) That the applicant states that it is a fit case for this Hon'ble Tribunal to interfere with and protect the rights and interests of the present applicant by issuing appropriate direction to the respondent authorities to cancel, recall and forbear from giving effect to the impugned Office Memorandum dated 18.4.2007 (Annexure-XII) and order of promotion granted to the applicant with all consequential benefit with immediate effect.

4.28) This application is made bonafide and in the interest of justice.

5. GROUND FOR RELIEF :-

5.1. For that the applicant having acquired valuable legal right for promotion to Grade-III (4) vide Office Memorandum dated 30.12.2003, the impugned Office

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Memorandum dated 18.4.2007 is liable to be set aside and quashed.

5.2. For that the respondent authorities having called the applicant for assessment interview for a 2nd time on 13.9.2003 after failing to recommend him for promotion, pursuant to the 1st assessment interview held on 1.1.2003 and approving his promotion to the next higher grade w.e.f. 28.11.2000, the action of the respondent authorities in canceling the promotion of the applicant vide Office Memorandum dated 18.4.07 (Annexure-XII) is arbitrary, unfair and illegal and hence liable to be set aside and quashed.

5.3. For that the competent authority considered the case of the applicant alongwith others for two years earlier assessment benefit in the same group for acquiring higher qualification and found the applicant to be eligible for consideration for two years earlier assessment as the due date falls on 28.11.1999 i.e. the date on which the applicant completed three years in Grade-III(3) which is prior to issue of CSIR circular dated 14.12.2001 and said fact is revealed from the letter dated 28.1.2002 (Annexure-I) issued by Deputy Secretary, but it appears that the case of the applicant was not recommended for promotion to higher Grade by the Assessment Committee which met on 1.1.2003. Due to some mistake of fact as well as for late issuance of awarding of Grade for the year 1997-98 by the controller of administration and the same issued only on 9.9.2003 showing the grade of the applicant "Very Good" and to knowledge of the applicant he was

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awarded the same grade for the year 1998-99 and as such the order issued vide Office Memorandum dated 30.12.2003 is absolutely correct and in accordance with MANAS, but the respondent authorities wrongly considered the facts in their letter dated 12.5.2004, 25.6.2004 and 18.4.2007 and as such the impugned order is liable to be set aside and quashed.

5.4. For that the authorities while re-considering the correctness of the Office Memorandum dated 30.12.2003 found fault in the same on the ground that the applicant was once again assessed in subsequent year w.e.f. 28.11.2000 but failed to consider the fact that his assessment made on 28.11.1999 vide Office Memorandum dated 6.1.2006 is wrong and erroneous due to non publication of the applicant's grade prior to the meeting of the Assessment Committee and as such, the impugned orders are bad in law and are liable to be set aside and quashed.

5.5. For that since the first assessment order dated 6.1.2006 based on the performance of the applicant w.e.f. 28.11.1999 being erroneous can be re-considered and/or reviewed at any point of time and making assessment of the applicant for the subsequent year will not affect his merit or entitle him to promotion of two years earlier than normal prescribed period as per MANAS and the authorities while passing the impugned order failed to consider this aspect of the matter and only considered his subsequent assessment w.e.f 28.11.2000 and as such the impugned orders are liable to be set aside and quashed and the applicant

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entitled to promotion as per Office Memorandum dated 30.12.2003.

5.6. For that the decision of the respondent authorities in with drawing/canceling the order of promotion after the applicant having served in the promoted post, is grossly improper and unjust which cannot be sustained in service jurisprudence.

5.7. For that the denial of legitimate service benefits to the applicant on the whims and caprices of the respondent authorities is misconceived, bad in law and hence unsustainable.

5.8. For that the impugned Office Memorandum dated 18.4.2007 (Annexure-XII) being violative of the enshrined principles of natural justice and administrative fairplay, and is hence liable to be set aside and quashed.

6. DETAILS OF REMEDIES EXHAUSTED:-

That the applicant state that he has no other alternative and other efficacious remedy than to file this application.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT:-

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application

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has been made before any court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT FOR :-

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to grant the following reliefs :-

8.1. That the impugned Office Memorandum dated 18.4.2007 be set aside and quashed.

8.2. That the respondents authorities be directed to cancel, recall or forbear from giving effect to the impugned Office Memorandum dated 18.4.2007 and to restore the order of promotion granted to the applicant with all consequential benefit with immediate effect.

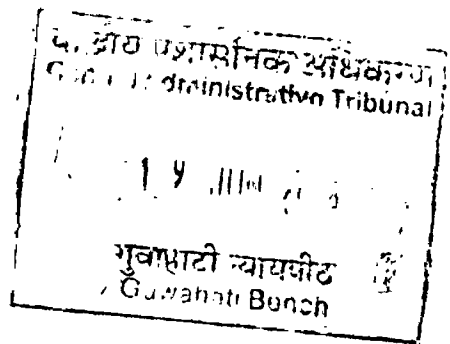
8.3. To pass any other order or orders or direction to grant adequate reliefs to the applicant as the Hon'ble Tribunal may deem fit and proper.

8.4. Costs of the application.

9. INTERIM ORDER PRAYED FOR :-

That your Applicant pray that pendency of the instant application may not be a bar to the grant of the reliefs prayed for herein.

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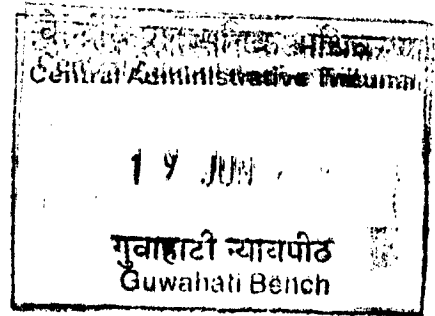
10. PARTICULARS OF THE IPO.

- i) IPO NO. : 70E 049574, 66F 849941, 66F 849942.
- ii) Date of Issue : 02.01.2008
- iii) Issued From : GPO, Guwahati.
- iv) Payable at : CAT, Guwahati.

11. LIST OF ENCLOSURES :-

As stated in the index.

Amrita Sarma



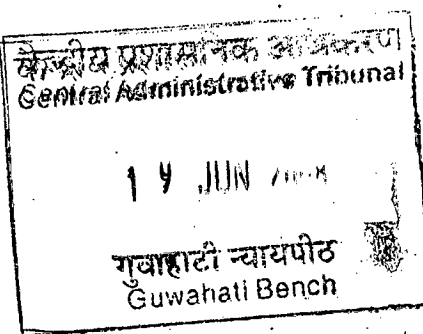
26

VERIFICATION

I, Sri Anujjal Sharma Son of Late Gunanda Sharma, aged about 49 years, resident of Qtr No.D-16, North East Institute of Science & Technology, Jorhat-6 the Appellant above-named do hereby state and verify that the statements made hereinabove are true to my knowledge, information and belief and I hereby sing this verification on this the 16th day of June, 2008 at Guwahati.

Anujjal Sharma

-27-



ANNEXURE - I

वैज्ञानिक तथा औद्योगिक अनुसंधान परिषद्
COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH
अनुसंधान भवन, 2, रफी मार्ग, नई दिल्ली-110 001
Anusandhan Bhawan, 2, Rafi Marg, New Delhi-110001



Dated 21.8.2002

No. 17(66)/32/94-PPS

From

संयुक्त सचिव (प्रशासन)
Joint Secretary (Admn.)

1.2.2.

To

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

Subject: Two year earlier assessment benefit in the same group for
acquiring higher qualification.

Sir,

With reference to your letter No. RLJ-9(2)Est/92 dated 17.7.2002 on the
subject cited above, I am directed to state as under :-

1. Shri P.K. Baruah who acquired MLIS degree in 1998 and whose due date
of 2 year earlier assessment falls on 4.6.2000 i.e. prior to issue of CSIR
circular dated 2.8.2000, is eligible for consideration for two year earlier
assessment.
2. Mrs. P.E. Baruah who acquired MLIS degree in 1998 is not eligible for
the benefit of two years earlier assessment as she is not working in Library
and her due date of 2 years earlier assessment falls on 16.8.2000 (being
promoted as Group III(4) on 16.8.97) i.e. after the issue of CSIR circular
dated 2.8.2000.
3. The due date of two year earlier assessment in respect of Shri A Sarma
falls on 28.11.99 i.e. prior to issue of CSIR circular dated 14.12.2001, as
such he is eligible for consideration for 2 years earlier assessment.

Yours faithfully,

(Sushil Kumar)
Deputy Secretary

27
27/8/02

AO
Asstt
27-8-02

Certified to be true (copy)

K Roy Chowdhury
Advocate

ANNEXURE-II-A

48
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
19 JUN
गुवाहाटी न्यायापीठ
Guwahati Bench
5.2.

Report the period to

REGIONAL RESEARCH LABORATORY : JORHAT : ASSAM
No. of :

No. RLJ-REC(116)/98 W. Date: Dated 13/12/2002

Office Memorandum - Yes
Scholarship -
reverse

It is proposed to process Assessment Promotion for the following Group III Technical staff members for the assessment year of 1997-98 and 1998-99. Therefore, the concerned staff members are requested to submit the WORK REPORT (10 copies) for the period of five years as per the format enclosed (MANAS) latest by 20th December, 2002.

01. Shri N N Dutta, Gr. III(3) 1997-98
02. Mrs. A P Saikia, Gr. III(4) 1998-99
03. Shri Anujal Sarmah, Gr. III(3) 1998-99
Please (Librarian) Bench, which ly. work during at order to show separate role
To, Project Coordinator
Project

01. Shri N N Dutta, Gr. III(3)
02. Mrs. A P Saikia, Gr. III(4)
03. Shri Anujal Sarmah, Gr. III(3) 1998-99
04. P A to Director, etc. 1. which he
05. Office copy.

Manuscript, etc. etc.

Certified to be true Copy
K Roy Chowdhury
Advocate

19 JUN 1984

गुवाहाटी न्यायपीठ
Guwahati Bench

Annexure 5.2.1(1)

Work Report for the period to

1) BIO DATA

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 | Scholarship/ Awards |
|--|-------------|------------|------|------------------------|
| | | | | |

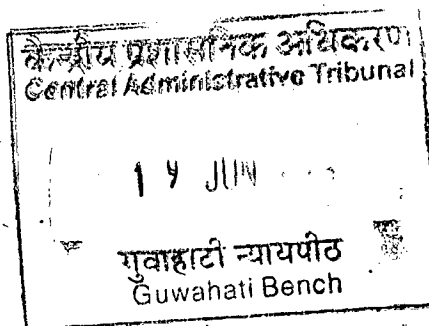
5. Please give title/brief description of R&D Projects (Laboratory, bench, pilot scale) on which actively worked during period under report showing separately your role therein.

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

Current Membership of Professional Bodies, Technical Committees, Societies, Academics with date from which he become member :

Honours, Awards, with dates etc.

....2/



- 2 -

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

PART - B

Main achievements during the period to

1. Outstanding R&D achievements during the period:
2. Best Five publications in prestigious journals. Attach reprints.
3. If some or all your contribution are in the area of basic science, such contribution may be listed alongwith appropriate description of their importance.
4. Any other signification contribution e.g. fabrication/design of equipment, patent, 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:

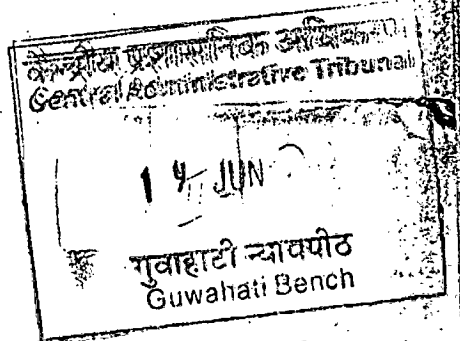
1. Head of Division
2. Director of Lab./Instt

NOTE: 1. Those engaged in S&T activities as distinct from R&D should give their S&T output.

2. Upto the best 5 publications in prestigious journals, wherever applicable. The definition of what is 'Prestigious' is being left to the judgement of the assessee. (This is in clarification to para 2 part B of the proforma).

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.

ANNEXURE II - B



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

No.RLJ/REC(117)/99

Date: 13.12.2002

OFFICE MEMORANDUM

Sub: Assessment Interview for Gr.IV Scientific staff due upto 31.12.2000 and for Gr.III Tech staff for the assessment year of 1997-98, 1998-99 and 1999-2000 under Revised MANAS.

The Assessment Committee will meet on 1st & 2nd Jan., 2003 in the Conference Room of RRL-Jorhat to assess the following Gr.IV Scientific and Gr.III Tech staff members for consideration of their promotion to respective next higher grade.

They are therefore, requested kindly to appear before the Assessment Committee on the Date and Venue mentioned above at 9.00 a.m. onwards.

Gr.IV Scientist upto 31.12.2000

01. Dr J C S Katakya, Gr. IV(4)
02. Dr R N Baruah, Gr.IV(4)
03. Sh H P Sarmah, Gr.IV(4)
04. Dr N C Dey, Gr.IV(4)
05. Sh R C Das, Gr.IV(4)
06. Sh R C Srivastava, Gr.IV(4)
07. Dr (Ms) Aradhana Goswami, IV(3)
08. Sh K K Kaul, Gr.IV(3)

Gr.III Staff

01. Mr N N Dutta, Gr.III(3) - 1997-98
02. Mr A P Saikia, Gr.III(4) - 1998-99
03. Mr Annujal Sarmah, Gr.III(3) - 1999-2000.

(B J Deuri)
Section Officer

To : All members as above.

Copy to :

1. P A to Director
2. P A to A.O.
3. Office copy.

Section Officer

Certified to be true Copy

K Roy Chowdhury
Advocate

Document Forme

4654

ANNEXURE - III

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

19 JUL

गुवाहाटी न्यायपीठ
Guwahati Bench

REGIONAL RESEARCH LABORATORY :: JORHAT (ASSAM)

No. RIJ/REC(117)/1999

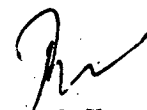
Date:06-01-2003

OFFICE MEMORANDUM

Sub: Assessment Interview Result of Gr.III under Revised MANAS.

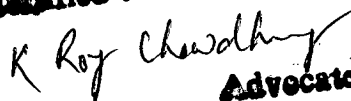
The Assessment Committees which met on January 1, 2003 have assessed the following candidate but not recommended the Gr.III Employee for his promotion to the next higher grade.

| Sl.No. | Name of the candidate & Present grade |
|--------|---------------------------------------|
| 01. | Mr Annujal Sarma, Gr.III(3) |

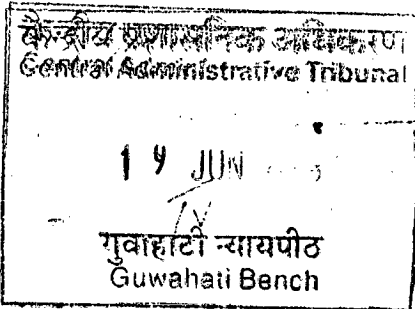

(B J Deuri)
Section Officer

To
Mr. Annujal Sarma, Gr.III(3)

Certified to be true Copy


Advocate

ANNEXURE - IV



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

No.RLJ(125)/2003/RAC

Dated 23/06/2003

OFFICE MEMORANDUM

It is proposed to process Assessment Promotion for the following Group III Tech staff members for the assessment year of 1996-97, 2000-01 & 2001-02. Therefore, the concerned staff members are requested to submit the WORK REPORTS (10 copies) for the period of five years as per the format enclosed (MANAS) latest by 10th July, 2003.

| S1. Name of Assessee No. | Group & Grade | Entry dt. to present grade | Due date for consideration of Assessment |
|-----------------------------|---------------------|----------------------------------|--|
|-----------------------------|---------------------|----------------------------------|--|

1996-97

| | | | |
|-----------------------|--------|----------|----------|
| 01. Mr Ajoy Borkotoky | III(4) | 01.02.90 | 01.02.97 |
|-----------------------|--------|----------|----------|

2000-2001

| | | | |
|-------------------------|--------|----------|------------|
| 01. Mr A K S Baruah | III(5) | 01.04.94 | 01.04.2000 |
| 02. Mr Pabitra Baruah | III(5) | 01.11.94 | 01.11.2000 |
| 03. Mr Ajit Baruah | III(4) | 01.02.94 | 01.02.2001 |
| 04. Mr Probin Kr Sarmah | III(3) | 17.09.94 | 17.09.2000 |
| 05. Mr Annujal Sarmah | III(3) | 28.11.96 | 28.11.2000 |

2001-2002

| | | | |
|-------------------------|--------|----------|------------|
| 01. Mr I Ikram | III(5) | 21.04.93 | 21.04.2001 |
| 02. Dr H N Bora | III(5) | 28.12.96 | 28.12.2001 |
| 03. Mr K C Lekhok | III(4) | 15.02.97 | 15.01.2002 |
| 04. Mr S Borthakur | III(4) | 19.01.97 | 19.01.2002 |
| 05. Mr Prafulla Borah | III(4) | 01.02.97 | 01.02.2002 |
| 06. Mr N C Laskar | III(4) | 10.02.97 | 10.02.2000 |
| 07. Mr Jayanta Bora | III(3) | 02.05.96 | 02.05.99 |
| 08. Mr Budhen Baruah | III(3) | 12.05.96 | 12.05.99 |
| 09. Mr Dwijen Borthakur | III(3) | 02.06.96 | 02.06.2001 |
| 10. Mr. R N Das | III(3) | 31.10.96 | 31.10.2001 |
| 11. Mr US Bhattacharyya | III(3) | 27.11.96 | 27.11.2001 |
| 12. Mr Mukibur Rahman | III(3) | 27.11.96 | 27.11.2001 |
| 13. Mrs P Deka Bhuyan | III(3) | 02.12.96 | 02.12.2001 |
| 14. Mr K R Baruah | III(3) | 20.01.93 | 20.01.2002 |

(B J Deuri)
Section Officer

To : All the staff members mentioned above.

CC: 1. P A to Director
2. P A to A.O.
3. All Notice Boards

Section officer

Certified to be true Copy

K Roy Chowdhury
Advocate

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal
19 JUN
गुवाहाटी न्यायपीठ
Guwahati Bench
Annexure 5.2.1(1)

Work Report for the period to

A) BIO DATA

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

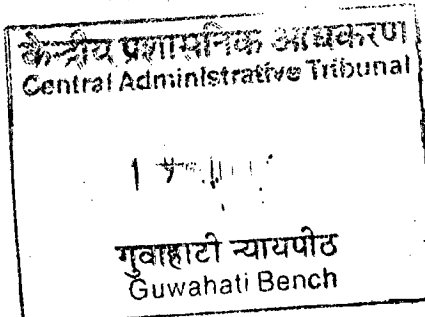
| Degree (In reverse order upto degree level only) | Class/Grade | University | Year | Scholarship/ Awards |
|--|-------------|------------|------|------------------------|
| | | | | |

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 of 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, Academics with date from which he become member :

7. Honours, Awards, with dates etc.



- 2 -

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

PART - B

Main achievements during the period to

1. Outstanding R&D achievements during the period:
2. Best Five publications in prestigious journals. Attach reprints.
3. If some or all your contribution are in the area of basic science, such contribution may be listed alongwith appropriate description of their importance.
4. Any other signification contribution e.g. fabrication/design of equipment, patent, 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: 1. Those engaged in S&T activities as distinct from R&D should give their S&T output.

2. Upto the best 5 publications in prestigious journals, wherever applicable. The definition of what is 'Prestigious' is being left to the judgement of the assessee. (This is in clarification to para 2 part B of the proforma).

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.

ANNEXURE-V

केंद्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

19 JUNE 2003

गुवाहाटी न्यायपीठ
Guwahati Bench

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

Dated 20/08/2003

No.RLJ(125)/2003/RAC

OFFICE MEMORANDUM

The Assessment Interview Committee meeting to assess the following Gr.III staff members for promotion to the next higher grade for the assessment year 2000-01 & 2001-02 is scheduled to be held on September 13, 2003 at 9.00 A.M. onwards in the Conference Room of RRL-Jorhat.

Therefore, they are requested to appear before the Assessment Interview Committee meeting as per schedule mentioned above.

2000-2001

- | | |
|-------------------------|--------|
| 01. Mr A K S Baruah | III(5) |
| 02. Mr Pabitra Baruah | III(5) |
| 03. Mr Ajit Baruah | III(4) |
| 04. Mr Probin Kr Sarmah | III(3) |
| 05. Mr Annujal Sarmah | III(3) |

2001-2002

- | | |
|-------------------------|--------|
| 06. Mr I Ikram | III(5) |
| 07. Dr H N Bora | III(5) |
| 08. Mr K C Lekhok | III(4) |
| 09. Mr S Borthakur | III(4) |
| 10. Mr Prafulla Borah | III(4) |
| 11. Mr N C Laskar | III(4) |
| 12. Mr Jayanta Bora | III(3) |
| 13. Mr Budhen Baruah | III(3) |
| 14. Mr Dwijen Borthakur | III(3) |
| 15. Mr. R N Das | III(3) |
| 16. Mr US Bhattacharyya | III(3) |
| 17. Mr Mukibur Rahman | III(3) |
| 18. Mrs P Deka Bhuyan | III(3) |
| 19. Mr K R Baruah | III(3) |

(B J Deuri)
Section Officer

To : All the staff members mentioned above.

- CC: 1. P A to Director
2. P A to A.O.
3. Office copy.

Certified to be true Copy

K Raj Choudhury
Advocate

SECTION OFFICER

ANNEXURE VI

REGIONAL RESEARCH LABORATORY : JORHAT : ASSAM

OFFICE MEMORANDUM

No RLJ/APAR-COMM/2003

Date 09.9.2003

As required under the provisions of MANAS, the critical appraisal and grade awarded by the Reviewing Officer / Normalisation Committee/Director for the year 1997-98 as under :

Critical Appraisal : 'Complete the assigned work as per the satisfaction of the Reporting Officer'

Grade Awarded : 'Very Good'

A. K. S.

Controller of Administration
Regional Research Laboratory
Jorhat - 785 008 (Assam)

If the employee has any representation to make against the gradings communicated to him/her, he/she may respond in writing within a period of four weeks from the date of receipt of the communication by him/her. The representation thus made will be considered by the Competent Authority and the employee will be informed of the final decision. Wherever necessary, the employee may seek an interview with the Competent Authority. However, no further representation will be lie against the final decision of the Competent Authority.

~~CC/1110~~

To

Dr/Mrs/Miss/Shree

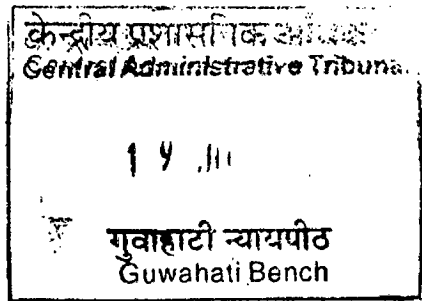
Anujjal Sarmah,

Petroleum Division

Not Mention in Affidavit

Certified to be true Copy

K Roy Chowdhury
Advocate



ANNEXURE-VI-A

To,

The Director, R.R.L. Jorhat-6,

9.30 A.M

Submitted to C.D.A

Dated the 24th Sept. 2003.

Sub:- Representation of critical Appraisal for the period 1997-98 and grade awarded for the period of 1998-99, 1999-2000, and 2000-2001.

Sir,

With due respect, I beg to by before you the following few lines for favour of your kind consideration.

That Sir, with reference to your memo No.RLJ/APPAR-COMM/2003 dated the 9th Sept. 2003 please let me know and shoe what was not completed the assigned work as per the satisfaction of the reporting officer for the year 1997-98 and grade awarded in which I was not satisfied for the period 1998-99, 1999-2000 and 2000-2001. Therefore, the Competent Authority is requested to consider the higher grade for the period 1998-99, 1999-2000, 2000-2001 and seek the necessary assigned work as per requirement of the reporting officer for the period 1997-98. I also here by request you to show me all the Annual performance report of the said periods.

Thanking you,

Yours faithfully,

Anujjal Sarmah

Gr. III(3) of Petroleum
and Natural Gas Division.

*Certified to be true copy
K Roy Chowdhury
Advocate*

ANNEXURE - VI - A

To the Director, R.R.L. Jorhat - 6

8/c
24/9/03
9-30 PM
submitted to e.o.a

Dated the 24th Sept-2003

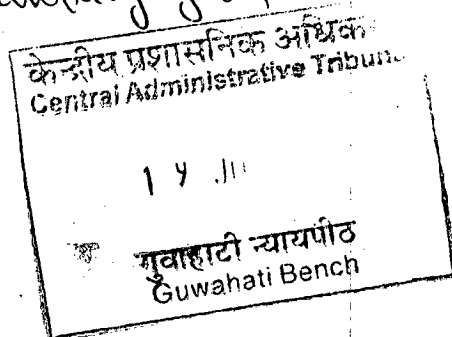
Sub: Representation of critical Appraisal for the period 1997-98 and grade awarded for the period of 1998-99, 1999-2000, and 2000-2001.

SIR,

With due respect, I beg to lay before you the following facts for favour of your kind consideration.

That Sir, with reference to your memo no RBJ/APPAR-COMM/2003 dated the 9th Sept 2003 please let me know and show what was not completed the assigned work as per the satisfaction of the Reporting Officer for the year 1997-98 and grade awarded in which I was not satisfied for the period 1998-99, 1999-2000 and 2000-2001. Therefore, the competent Authority is requested to consider the higher grade for the period 1998-99, 1999-2000, 2000-2001 and seek the necessary assigned work as per requirement of the Reporting Officer for the period 1997-98. I also here by request you to show me all the Annual performance report of the said periods.

Thanking you,



Yours, faithfully
Anuraj Jorhat
On VII(3) of Petrolum and Prod Ga Division.

Certified to be true Copy

K. Roy Chowdhury
Advocate

-40-

ANNEXURE - VII

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

No.RLJ-7(125)/2003/Rect.&Ass.

Date: 30.12.2003

OFFICE MEMORANDUM

Sub: Assessment of Gr.III under Revised MANAS for the Assessment year 2000-01

On the recommendation of the Assessment interview Committee, which met on September 13, 2003 at RRL, Jorhat, the Director RRL Jorhat has been pleased to accord approval for promotion of the following staff to the next higher grade on his assessment under Revised MANAS. The effective date of promotion is shown against his name

| Sl. No | Name of the Candidate | Present post & Pay scale | Post to which promoted & pay scale | Effective date Of promotion |
|--------|-----------------------|---------------------------------|------------------------------------|-----------------------------|
| 1 | Mr. Annujal Sharma | III (3) Rs.6500-200-10,500/- | III (4) Rs.8000-275-13,500/- | 28.11.2000 |

- i) The above incumbent will continue to perform the same duties and as such other higher duties as may be assigned by the Head of Institution.
- ii) His pay will be fixed according to normal existing rules.
- iii) He will continue to be governed by other terms & conditions of his appointment in CSIR.
- iv) Assessment to 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.
- v) Assessment is distinct from promotion under the DPC system and does not necessarily result in change of work pattern or higher status or power, though it does lead to an expectation of higher level of Scientific/Technical performance.

(B Deuri)
Section Officer(R)

To ✓
Mr. Annujal Sharma
Copy to:

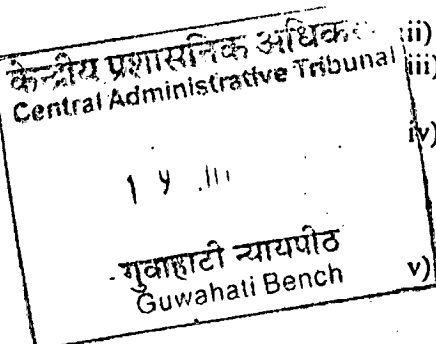
1. Accounts Section
2. Bills Section
3. Personal file
- 4 P S to Director
- 5.P A to A.O/C.O.A.
- 6.Head, PME Cell

8. Head, I&BD Division
9. Head, Concerned Division
10. Office copy.

Section Officer(R)

Certified to be true Copy

K. Roy Chowdhury
Advocate



-41-

| |
|--|
| केन्द्रीय प्रशासनिक न्यायाधीश Central Administrative Tribunal |
| 19 Jan |
| गुवाहाटी न्यायपीठ Guwahati Bench |

ANNEXURE-VII-A

To,

The Director, R.R.L, Jorhat-6

(Through proper channel)

Dated 30.12.2003.

Sub:- Joining report with reference memo No.RLJ-7(125)/2003/Rect and Ass.

Sir,

With reference to your memo no.RLJ-7(125)/2003/Rect. and Ass dated the 30.12.2003 I am joining in my duty in the group -III (4).

Thanking you,

Yours faithfully,

Anujjal Sarmah

Forwarded

T.O. Gr.III (4)

Sd/- illegible

Petroleum and Natural

30.12.2003

Gas Division.

certified to be true copy
K Roy Chowdhury
Advocate

ANNEXURE - VII - A

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

19.11.03

गुवाहाटी न्यायपीठ
Guwahati Bench

VII - A

To

the Director, R.R.L. Jorhat-6
(Through proper channel)

Dated the 30.12.2003

Sub. Joining report with reference
memo no PLJ-7(125)/2003/Recd and Ass.

Sir,

with reference to your memo no
PLJ-7(125)/2003/Recd and Ass dated the
30.12.2003 I am joining in my duty
in the group III(4).

Thanking you,

Yours faithfully
Anusajal Sarma

T.O. Gr III(4)

Petroleum and Natural
Gas Division

Forwarded

31/12/2003

Certified to be true Copy

R Roy Chowdhury
Advocate

ANNEXURE - VIII

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

17/11

गुवाहाटी न्यायपीठ
Guwahati Bench

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

May 12, 2004

No.RLJ(125)/2003/RAC

OFFICE MEMORANDUM

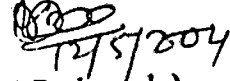
Sub: Show Cause Notice.

1. Shri Anujjal Sarmah Gr.III(3), Petroleum & Natural Gas Division, was assessed to the next higher grade in the same group two years earlier than the normal prescribed period of assessment w.e.f. 28.11.99 for acquiring higher qualification under Revised MANAS clause 2.3.4. However, his name was not recommended by the assessment committee for promotion.
2. As per CSIR guidelines contained in letter No.17/66/94-PPS dated 28.1.97 clause (i) & (ii) exactly reproduced as under:
 - (i) "Those employees who have acquired/will acquired entry level qualifications of the next higher Group may be assessed to the next higher grade once in the same Group two years earlier than the normal prescribed period of assessment"
 - (ii) If an assessee is not recommended for promotion he/she will be considered for assessment after completion of residency period prescribed for normal assessment in the revised MANAS as per Table for the relevant Group and chance of 2 years earlier assessment will not be adjusted against the chances available for normal assessment under revised MANAS; Shri Anujjal Sarmah was not eligible for assessment further except on completion of normal period of residency.
3. However, he was once again assessed inadvertently in the subsequent year w.e.f. 28.11.2000 i.e. in 4(four) years instead of after the completion of the residency period prescribed for normal assessment in the revised MANAS i.e. 5(five) years and got promoted to the next higher grade and communicated vide OM No.RLJ-7(125)/2003/Rect.&Ass. dated 30.12.2003 which was erroneous.

Since Shri Anujjal Sarmah has been assessed inadvertently in the subsequent year instead of after the completion of the residency period prescribed for normal assessment in the revised MANAS, therefore, subsequent inadvertent assessment and promotion communicated vide OM No.RLJ-7(125)/2003/Rect. & Ass. dated 30.12.2003 needs to be withdrawn in pursuance of CSIR letter No.17/66/94-PPS dated 28.1.1997 Clause (i) & (ii) mentioned above.

He is therefore directed to show cause, why the same promotion shall not be withdrawn, his reply if any shall be submitted within 10 days of the receipt of OM.

This issues with the approval of the Competent Authority.


(N K Barbaruah)
Administrative Officer

To: Shri Anujjal Sarmah, Gr.III(3)
Petroleum & Natural Gas Division, RRI, Jorhat.

- Copy to :
1. Personal file
 2. P S to Director
 3. P A to A.O/C.O.A.
 4. Office copy.

Administrative Officer

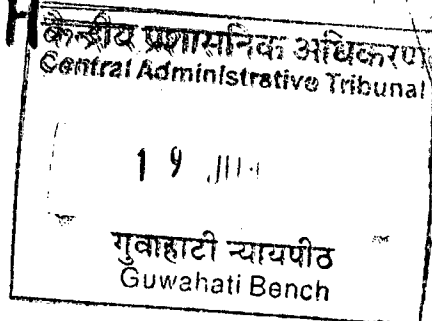
Certified to be true copy
K Roy Chowdhury
Advocate

- 44 -

VII

64

ANNEXURE - VIII - A



To

The Director,
Regional Research Laboratory,
Jorhat, Assam.

Dated : 19 May/2004.

Ref : O.M.No.RLJ(125)/2003/RAC dtd. May 12, 2004.

Sub : Reply on Show Cause Notice.

Dear Sir,

It is quite astonishing by receiving such a show-cause notice (as mentioned under Ref. Above) by me in respect of my promotional matter even after ~~enjoying~~ joining & enjoying the higher grade by the undersigned with responsibility. Undersigned wants to state that his assessment was done by a competent Board of assessment and same was convened by well versed and responsible officers of the organisation who know detail about the rules and regulations about it.

I had been assessed in the year 1999 but not recommended for next higher grade. Subsequently following year I was once again assessed and result of the same was communicated to me vide OM No.RLJ-7(125)/2003/Rect & ASS. dtd.30.12.2003 whereby I am promoted to the next higher grade w.e.f. 28.11.2000. Same was communicated to the other internal depts. of your organisation and published in the bulletins (monthly) Vol-XXIV No.6 Nov-Dec, 2003 through ISSN-0972-2424 also.

Under the above circumstances, there is no scope of withdrawing my above promotion to the higher grade as communicated to the undersigned vide OM No.RLJ-7(125)/2003/Rect.&Ass. dtd. 30.12.2003 where taking the plea of 'inadvertently assessed' before time and 'OM No.RLJ-7(125)/2003/Rect.& Ass. dated 30.12.2003 was erroneous.' The undersigned cannot face any obstacles in his promotional matter arise due to lack of responsibilities of other officials in your organisation even after he is selected on merit by a competent Board of assessment and after joining and working with responsibility in the higher grade job. Hence his promotion cannot be withdrawn as communicated vide OM No RLJ-7(125)/2003/Rect & Ass. dated 30.12.2003.

Yours sincerely,

Arunima Sarmah
A. Sarmah

Petroleum & Natural Gas Div. RRL, Jorhat.

Certified to be true Copy

K Roy Chowdhury

Advocate

ANNEXURE - IX

| |
|---|
| केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal |
| 19 III |
| गुवाहाटी न्यायपीठ Guwahati Bench |

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

June 25, 2004

No.RLJ(125)/2003/RAC

ORDER

Shri Anujjal Sarmah Gr.III(3), Petroleum & Natural Gas Division was assessed to the next higher grade in the same group 2 years earlier than the normal prescribed period of assessment w.e.f. 28.11.1999 for acquiring higher qualification under Revised MANAS. His name was not recommended by the assessment committee for promotion. Shri Sarmah was once again assessed inadvertently in the subsequent year w.e.f. 28.11.2000, i.e., in 4 years instead of after the completion of the residency period prescribed for normal assessment in the revised MANAS, i.e., 5 years and got promoted to the next higher grade which was communicated to him vide OM No.RLJ-7(125)/2003/Rect.&Ass. dated 30.12.2003 which was erroneous.

As a sequel to the inadvertent assessment promotion given to Shri Anujjal Sarmah, an OM No.RLJ(125)/2003/RAC dated May 12, 2004 was served to Shri Sarmah and he was directed to Show Cause as to why the inadvertent assessment promotion, communicated through OM No.RLJ-7(125)/2003/Rect.&Ass. dated 30.12.2003 should not be withdrawn in pursuance of CSIR letter No.17/66/94-PPS dated 28.1.97 and facts recorded therein.

In response to the above show cause, Shri Sarmah made a reply dated 19th May 2004, the Competent Authority has considered the reply dated 19.5.2004 of Shri Anujjal Sarmah, Gr.III(3), O.M. dated 12.5.2004, wherein it was proposed to withdraw his assessment promotion from Gr.III(3) to Gr.III(4) in pursuance of CSIR letter No.17/66/94-PPS dated 28.01.97 and facts of the case in totality and orders as follows:

"I have considered the reply dated 19.5.2004 of Shri Anujjal Sarmah, Gr.III(3) in response to this office OM of even dated 12.5.2004, wherein it was proposed to withdraw his assessment promotion from Gr.III(3) to Gr.III(4) in terms of CSIR's letter No.17/66/94-PPS dated 28.1.97.

A mere perusal to the aforesaid CSIR's letter dated 28.1.97 suggests that the benefit of 2 years earlier assessment promotion was intended for once. In case, a person fails, he/she will be considered for assessment after completion of residency period prescribed for normal assessment. There is no ambiguity in the said decision of CSIR, which is applicable in the case of Shri Anujjal Sarmah.

The O.M. dated 12.5.2004 made it clear that his consideration w.e.f. 28.11.2000 was an inadvertent mistake and simply because office committed mistake, one cannot take benefit, if otherwise not permissible under the law. As per law the error/mistake committed could be rectified following principles of natural justice and in this case, the procedure of providing opportunity to Shri Sarmah was duly followed.

I have also perused his reply and reasons recorded therein. His ground mentioned in first para that his assessment was done by competent board and conducted by office well versed in rules and regulation is factually correct but not acceptable on the simple reason that the competence of assessment board and officers was not the issue under consideration. The issue under consideration is of his eligibility w.e.f. 28.11.2000 on which he said nothing in this para.

Contd...2/

Certified to be true Copy

K. Roy Chowdhury
Advocate

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

19/11/01

गुवाहाटी न्यायपीठ
Guwahati Bench

- 2 -

The 2nd para of his reply is a mere repetition of facts and therefore nothings to comment about.

In the last and 3rd para, Shri Sarmah has stated that there is no scope of withdrawing his promotion in view of para 1 & 2 of his reply. In this regard, I have already given my comments on para 1 & 2 as aforesaid. His further plea in para 3 that he cannot face any obstacle due to lack of responsibilities of other officers, even if he was assessed by Board on merit. In this regard, I further reiterate that his performance before the board is not the issue, but the real issues is of eligibility. A non-eligible person may perform better but he/she cannot be promoted without being eligible. Shri Sarmah, therefore, silent on the issue of eligibility and furnished no grounds on this basic issue.

I, therefore hold Shri Sarmah has no case on merit but after examining the matter in totality, I find that holding further interview/procedure may delay the matter and since the assessment of that year is already over, I feel that end of justice shall be met if his promotion is made effective from 28.11.2001."

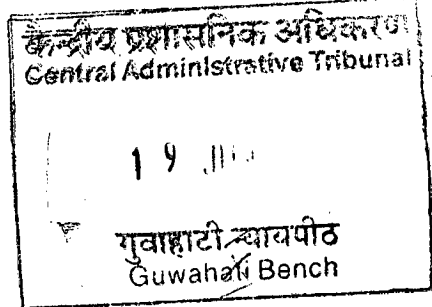
Accordingly, the Competent Authority has made his promotion effective on 28.11.2001 with reference to earlier O.M. No.RLJ-7(125)/2003/Rect.&Ass. dated 30.12.2003. (VII. pg. 40)

[Signature]
Administrative Officer

To: Shri Anujjal Sarmah, Gr.III(3)
Petroleum & Natural Gas Division
RRL, Jorhat

Received at - 4-10 p.m.
from Bhaskar Daimi

ANNEXURE - X



REGIONAL RESEARCH LABORATORY : JORHAT : ASSAM
(A constituent establishment of CSIR)
No. RLJ-13(577)/Estt/84

Dated 07.09.04

Office Memorandum

In pursuance of OM No. RLJ-13(125)/2003/RAC dated 25.06.2004 the Director RRL, Jorhat has been pleased to approve the fixation of pay in respect of the following officials as shown below :

| Name & Grade | Event | Last pay drawn | Pay fixed | Effective date |
|-----------------------------------|-----------|----------------|------------|----------------|
| Scale of Pay 8,000 - 275 - 13,500 | | | | |
| 1. Annujjal Sharma Gr III(4) | Promotion | Rs 7500/- | Rs 8,000/- | 28.11.2001 |
| | Inc | Rs 7700/- | Rs 8,275/- | 01.11.2002 |
| | Inc | Rs 7900/- | Rs 8,550/- | 01.11.2003 |

To.

✓ Shri Annujjal Sharma
Gr III(4)
RRL, Jorhat, Assam

Section Officer

Copy to :-

1. Accounts Section
2. Bill Section
3. SO(R)
4. Head, Planning Division
5. PS to Director
6. Personal file concerned
7. Data Manager

Section Officer

Certified to be true Copy
K Roy Chowdhury
Advocate

ANNEXURE - XI

Central Administrative Tribunal

19 JUL

गुवाहाटी न्यायपीठ
Guwahati Bench

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

Date: 02/02/2007

No. RLJ (163)/2007/RAC

NOTIFICATION

Sub: Assessment promotion of Gr. III to their respective next higher grades.

On the basis of available record in the office, the following Gr. III Technical staff of the Lab. has become eligible, subject to revision due to EOL, without MC, Vigilance clearance etc. for consideration for assessment promotion to their respective next higher grades up to period ending 31.03.2007 under Revised MANAS. The list is tentative and in case of any omission of names or factual inaccuracy the same may be brought to the notice of the undersigned in writing on or before 20th February 2007.

ASSESSMENT YEAR-2004-05

| Sl. No | ID No. | Name of Assessee | Present grade | Date of entry to present grade | Residency period | Due date for assessment | Division/Section | Remarks |
|--------|--------|----------------------|---------------|--------------------------------|------------------|-------------------------|--------------------|------------------------|
| 01 | 370 | Sh. M Borkatoky | III (5) | 01/09/1999 | 5 | 01/09/04 | Geosciences | 1 st chance |
| 02 | 532 | Ms. Lakhimi Bora | III (5) | 01/02/2000 | 5 | 01/02/05 | Analytical Chem. | 1 st chance |
| 03 | 602 | Sh. K C Deuri | III (5) | 01/02/2000 | 5 | 01/02/05 | Geosciences | 1 st chance |
| 06 | 555 | Ms. Anjumoni Bharali | III (5) | 01/02/2000 | 5 | 01/02/05 | Appld. Civil Engg. | 1 st chance |
| 07 | 364 | Sh. N C Laskar | III (5) | 10/02/2000 | 5 | 10/02/05 | Petrol. & Nat. Gas | 1 st chance |
| 08 | 867 | Sh. T K Bhattacharya | III (5) | 01/02/2000 | 5 | 01/02/05 | PSE | 1 st chance |
| 09 | 492 | Sh. R K Borah | III (5) | 01/02/2000 | 5 | 01/02/05 | Analytical Chem. | 1 st chance |

ASSESSMENT YEAR-2005-06

| | | | | | | | | |
|----|-----|-----------------------|---------|------------|---|----------|------------------|------------------------|
| 10 | 362 | Sh. R C Bharali | III (4) | 01/10/2000 | 5 | 01/10/05 | Clinical Centre | 1 st chance |
| 11 | 328 | Sh. Someswar Hazarika | III (3) | 01/10/2000 | 5 | 01/10/05 | I&BD | 1 st chance |
| 12 | 230 | Dr. A K Bondoloi | III (6) | 09/10/2000 | 5 | 09/10/05 | Floriculture | 1 st chance |
| 13 | 368 | Sh. M M Bora | III (5) | 15/01/2001 | 5 | 15/01/06 | Chemical Engg. | 1 st chance |
| 14 | 321 | Sh. Ajit Baruah | III (5) | 01/02/2001 | 5 | 01/02/06 | Material Science | 1 st chance |

ASSESSMENT YEAR-2006-07

| | | | | | | | | |
|----|-----|-----------------------|---------|------------|---|----------|--------------------|------------------------|
| 15 | 863 | Sh. Jayanta Bora | III (4) | 02/05/2001 | 5 | 02/05/06 | Nat. Prod. Chem. | 1 st chance |
| 16 | 864 | Sh. Budhen Baruah | III (4) | 12/05/2001 | 5 | 12/05/06 | MAEP | 1 st chance |
| 17 | 553 | Sh. Probin Samrahi | III (4) | 17/09/2001 | 5 | 17/09/06 | Civil Engg. | 1 st chance |
| 18 | 862 | Sh. Dwijen Borthakur | III (4) | 02/06/2001 | 5 | 02/06/06 | Appld. Civil Engg. | 1 st chance |
| 19 | 365 | Sh. Mukibur Rahman | III (4) | 27/11/2001 | 5 | 27/11/06 | Planning | 1 st chance |
| 20 | 559 | Sh. U S Bhattacharyya | III (4) | 27/11/2001 | 5 | 27/11/06 | C.O.A's Section | 1 st chance |
| 21 | 366 | Sh. Anujal Samrahi | III (4) | 28/11/2001 | 5 | 28/11/06 | Petrol. & Nat. Gas | 1 st chance |
| 22 | 367 | Mrs. P Deka Bhuyan | III (4) | 02/12/2001 | 5 | 02/12/06 | MAEP | 1 st chance |
| 23 | 521 | Dr. H N Bora | III (6) | 28/12/2001 | 5 | 28/12/06 | Medicinal Chem. | 1 st chance |
| 24 | 538 | Sh. S Borthakur | III (5) | 19/01/2002 | 5 | 19/01/07 | Chemical Engg. | 1 st chance |
| 25 | 361 | Sh. K R Baruah | III (4) | 20/01/2002 | 5 | 20/01/07 | Synthetic Chem. | 1 st chance |

ASSESSMENT YEAR-2003-04 & 2005-06 and 2006-07

| | | | | | | | | |
|----|------|---------------------|---------|------------|---|----------|-------------|------------------------|
| 26 | 995 | Sh. Prodip Dutta | III (1) | 01/10/1997 | 6 | 01/10/03 | Geosciences | 2 nd chance |
| 27 | 1015 | Sh. Makhan Bora | III (1) | 25/09/2000 | 5 | 25/09/05 | Electrical | 1 st chance |
| 28 | 1017 | Ms. Jonali Saikia | III (1) | 19/10/2000 | 5 | 19/10/05 | Civil Engg. | 1 st chance |
| 29 | 1018 | Sh. Nanaj Kumar Das | III (1) | 24/10/2000 | 5 | 24/10/05 | Civil Engg. | 1 st chance |
| 30 | 1024 | Sh. Madhuya Saikia | III (1) | 20/09/2001 | 5 | 20/09/06 | Planning | 1 st chance |

It may also be noted that the date of assessment as mentioned against each in this OMI may defer if the incumbents concerned were on EOL without MC or unauthorized absence during the period of assessment indicated against each names.

(J. L. Khongsai)
SECTION OFFICER

Certified to be true Copy

K. Roy Chowdhury
Advocate

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

19 JUN

गुवाहाटी न्यायपीठ
Guwahati Bench

| | | | |
|----|------|--------------------------|---------|
| 01 | 570 | Sh. M Borkatoky | III (5) |
| 02 | 532 | Ms. Lakhimi Bora | III (5) |
| 03 | 602 | Sh. K C Deka | III (5) |
| 06 | 555 | Ms. Anjumoni Bharali | III (5) |
| 07 | 364 | Sh. N C Laikar | III (5) |
| 08 | 867 | Sh. T K Bhattacharya | III (5) |
| 09 | 492 | Sh. R K Borah | III (5) |
| 10 | 362 | Sh. R C Bharali | III (4) |
| 11 | 528 | Sh. Someswar Hazarika | III (3) |
| 12 | 230 | Dr. A K Bordoloi | III (6) |
| 13 | 368 | Sh. M M Bora | III (5) |
| 14 | 321 | Sh. Ajit Baruah | III (5) |
| 15 | 863 | Sh. Jayanta Bora | III (4) |
| 16 | 864 | Sh. Budhen Baruah | III (4) |
| 17 | 553 | Sh. Probin Sarmah | III (4) |
| 18 | 862 | Sh. Dwijen Borthakur | III (4) |
| 19 | 365 | Sh. Mukilbar Chakraborty | III (4) |
| 20 | 559 | Sh. U S Bhattacharyya | III (4) |
| 21 | 366 | Sh. Anujjal Sarmah | III (4) |
| 22 | 367 | Mrs. P Deka Bhuyan | III (4) |
| 23 | 521 | Dr. H N Bora | III (6) |
| 24 | 538 | Sh. S Borthakur | III (5) |
| 25 | 361 | Sh. K R Baruah | III (4) |
| 26 | 995 | Sh. Prodip Dutta | III (1) |
| 27 | 1015 | Sh. Makhan E... | III (1) |
| 28 | 1017 | Ms. Jonali Saikia | III (1) |
| 29 | 1018 | Sh. Manoj Kumar Das | III (1) |
| 30 | 1024 | Sh. Madhavi Saikia | III (1) |

Copy to:

1. P S to Director
2. P A to C.O.A.
3. Notice Boards.
4. Office copy.

m/ks
SECTION OFFICER

-50-

| |
|---|
| केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal |
| 19 JUN |
| गुवाहाटी न्यायपीठ Guwahati Bench |

ANNEXURE-XI-A

To,

The Director, R.R.L., Jorhat-6

Dated the 19th Feb 2007

Sub:- Ref No.RLJ(163)/2007/RAC dated 02.02.2007.

Sir,

Most respectfully, I would like to inform you that the date of my entry to present grade assessed on 28.11.99 in the same group 2 years earlier than the normal prescribed period of assessment w.e.f 28.11.99 under the revised MANAS Subject to revision in the office record instead of 28.11.2001. Therefore the due date for assessment from the date of entry w.e.f. 28.11.99 to 28.11.2004 for residency period of five years. Once I was recommended by the complete board and conducted by office well versed in rules and approved to accord with effective date of promotion 28.11.2000 by submitting a joining report with reference memo No.RLJ-7(125)/2003 Rect ass dated the 30.12.2003 continued till date.

Lastly I request you to add all the different assessment and combined in a definite position of my present grade by recovering all the back areas with due effect from 28.11.99 on 28.11.2000 subject to revise with above mentioned date of entry before going to the next higher grade.

Yours faithfully,

Sd/- illegible
19.2.2007

Anujjal Sarmah
T. O. Gr.III (4)

Petroleum and Natural Gas
Division.

*certified to be true copy
K. Roy Chowdhury
Advocate*

ANNEXURE - XI - A

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

19.11.11

गुवाहाटी न्यायपीठ
Guwahati Bench

The Director, R.R.L. Jorhat - 6

Dated the 19th Feb-2007

Sub: Ref no. RLG(163)/2007/RAC dated
02.02.2007.

Sir,

Most respectfully, I would like to inform you that the date of my entry to present grade assessed on 28.11.99 in the same group 2 years earlier than the normal prescribed period of assessment w.e.f. 28.11.99 under the revised MARAS subject to revision in the office record instead of 28.11.2001. Therefore the due date for assessment from the date of entry w.e.f. 28.11.99 to 28.11.2004 for a residency period of five years. Once I was recommended by the competent board and conducted by office well versed in rules and approved to accord with effective date of promotion 28.11.2000 by submitting a joining report with reference memo no RLG-7(125)/2003/Recta dated the 30.12.2003 continued till date.

Early I request you to add all the different assessment and combined in a definite position of my present grade by recovering all the back areas with due effect from 28.11.99 or 28.11.2000 subject to revision with above mentioned date of entry before going to the next higher grade.

Yours faithfully,

Anujit Sarma

T.O. G.O III (4)
Political and Public Relations
Division

Certified to be true Copy

K Roy Chowdhury

Advocate

17/2/2007

ANNEXURE - XII

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
19 JUN
गुवाहाटी न्यायपीठ
Guwahati Bench

NORTH EAST INSTITUTE OF SCIENCE & TECHNOLOGY
(A constituent Establishment of CSIR)
JORHAT - 785006 (ASSAM).

No.RLJ(125)/2003/RAC


Date: 18.04.2007

OFFICE MEMORANDUM

With reference to his application dated 19th Feb., 2007, Shri Anujjal Sarmah, Gr.III(4), Petroleum & Natural Gas Division, NEIST, Jorhat is hereby informed that the matter regarding his assessment has been settled vide Competent Authority ORDER dated June 25, 2004 wherein his promotion from Gr.III(3) to Gr.III(4) has been made effective from 28.11.2001.

Therefore, Shri Anujjal Sarmah, has no reason to be aggrieved after a lapse of more than two years of issue of the ORDER of the Competent Authority.

This issues with the approval of the Competent Authority.


(J.L. Khongsai)
Section Officer

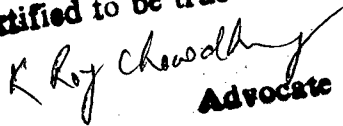
To,

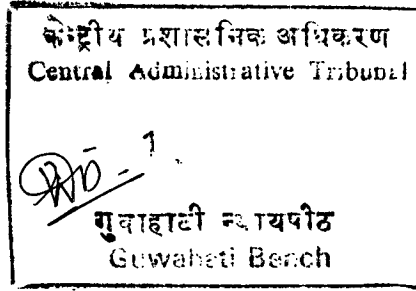
✓ Shri Anujjal Sarmah
Gr.III(4), Petroleum & Natural Gas, Division
NEIST, Jorhat.

Copy to:

1. P S to Director
2. P A to C.O.A.
3. Personal file
4. Office copy

Section Officer

Certified to be true Copy

Advocate



Filed by :-

K Roy Chowdhury
Advocate
17.1.08

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH,
GUWAHATI.

O.A. No. 8 /2008

Anujjal Sarmah

----- Petitioner

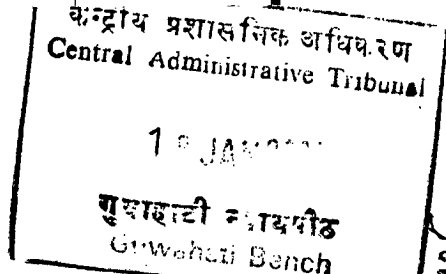
-Versus-

Union of India & Others

----- Respondent(s)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH

GUWAHATI

O. A. No. 8 /2008

Sri Anujjal Sarmah

-----Appellant

-Vs-

Union of India & Ors.

-----Respondents.

Synopsis:-

This application is made challenging the impugned Office Memorandum dated 18.4.2007 issued under Memo No.RLJ(125)/2003/RAC by the Section Officer, North East Institute of Science & Technology (Constituent Establishment of CISR), Jorhat informing the applicant pursuant to his application dated 19.2.2007, that the matter regarding his assessment had been settled by the competent authority vide order dated 25.6.2004 wherein the promotion of the applicant from Grade III(3) to Grade III(4) had been made effective from 28.11.2001 and further stating that there was no reason for the applicant to be aggrieved by the issuance of the said order after a lapse of more then two years.

LIST OF DATES

21.8.2002

Anx-I. Letter of Deputy Secretary, Council of Scientific and Industrial Research (CSIR) vide letter No.17(66)/32/94-PPS informing that the due date of 2 year earlier assessment of the applicant being due on 28.11.1999.

13.12.2002

Anx-II(A) The section officer Regional Research Laboratory (RRL) vide Office Memorandum No.RLJ-REC(116)/98 requested the applicant to submit work report.

13.12.2002

Anx-II(B) Vide Office Memorandum No.RLJ/REC(117)/99 the applicant was called upon to appear before the Assessment Committee.

Anujjal Sarmah

Filed By The Appellant
Through--
K Roy Chowdhury
Advocate,

17.1.08

25.6.2004

Anx-IX. The Administrative Officer, RRL, Jorhat vide Office Memorandum No.RLJ (125)/2003/RAL communicated the decision of the competent authority.

7.9.2004

Anx-X. The Director, RRL, Jorhat vide Office Memorandum No.RLJ-13(577)/Estt/84 approved the fixation of pay of the applicant in Grade -III (4).

2.2.2007

Anx-XI. The Section officer, RRL, Jorhat vide Office Memorandum No.RLJ(163)/2007/RAL published a tentative list of Grade-III technical staff eligible for assessment promotion.

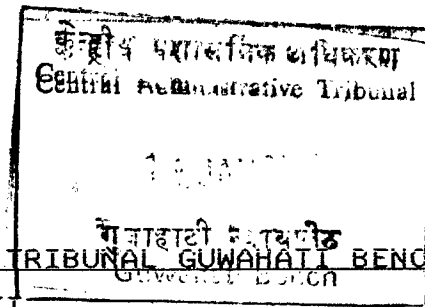
19.2.2007

Anx-XI (A) The Letter of the applicant to the director, RRL.

18.4.2007.

Anx-XII. The section officer, North East Institute of Science & Technology, Jorhat vide Office Memorandum No.RLJ(125)/2003/RAC informed the applicant that the matter of his assessment had been settled by the competent authority.

Amrjoi Sarma



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH-
GUWAHATI

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

D. A. No. 8 /2008

BETWEEN

Sri Anujjal Sarmah

S/O Late Gunanda Sarmah

Qtr No.D.16

North East Institute of Science & Technology, Jorhat.

-----Appellant

-AND-

1. Union of India

Represented by the Secretary

Ministry of Science & Technology

New Delhi-110001

2. The Joint Secretary (Admn)

Council of Scientific & Industrial Research

Anusandhan Bhawan, 2, Rafi Marg, New Delhi-110001

3. The Director,

Regional Research Laboratory

Jorhat-785006 Assam. (Constituent of Council of

Scientific & Industrial Research)

4. The Section Officer,

North East Institute of Science & Technology,

Jorhat-785006, Assam

(A constituent Establishment of Council of Scientific &
Industrial Research)

-----Respondents

Filed By Th- Appellant
Through-
K Roy Chowdhury &
Advocate,
17-1-08

✓ Anujjal Sarmah

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
18 JAN 2009
गुवाहाटी न्यायपीठ
Guwahati Bench

DETAILS OF THE APPLICATION :-

1. Particulars of order against which this application is made.

This application is made challenging the impugned Office Memorandum dated 18.4.2007 issued under Memo No. RLJ(125)/2003/RAC by the Section Officer, North East Institute of Science & Technology (Constituent Establishment of CISR), Jorhat informing the applicant pursuant to his application dated 19.2.2007, that the matter regarding his assessment had been settled by the competent authority vide order dated 25.6.2004 wherein the promotion of the applicant from Grade III(3) to Grade III(4) had been made effective from 28.11.2001 and further stating that there was no reason for the applicant to be aggrieved by the issuance of the said order after a lapse of more than two years.

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 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, he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India. The applicant is presently serving as

Anugol Sarma

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Gawahati D. 23

Grade III (4), Petroleum & Natural Gas Division,
North East Institute of Science & Technology (A
constituent establishment of CSIR), Jorhat.

4.2) That the applicant initially entered into service
under the Respondents on 28.11.1986 with the
requisite qualification of B.S.C (Chemistry).

4.3) That the applicant held Grade III (2) post from
28.11.1991 and was promoted to Grade III (3) as
Technical Officer (A) with effect from 28.11.1996
vide order dated 2.1.2002 issued under Memo
No. RLJ/RCC(110)/2000 with scale of pay of Rs. 6500-
10,500.

4.4) That your applicant states that with reference to
letter No. RLT-9(2)Estt/92 dated 17.7.2002 issued by
the Director, Regional Research Laboratory, Jorhat
(hereinafter referred to as RRL, Jorhat) on the
subject of 2 year earlier assessment benefit in the
same group for acquiring higher qualification, the
Joint Secretary, Administration, CSIR vide letter
No. 17(66)/32/94-PPS dated 21.8.2002 informed that
the due date of 2 year earlier assessment of the
applicant being due on 28.11.1999, which is prior to
the issuance of CSIR circular dated 14.12.2001, the
applicant is eligible for consideration of 2 years
earlier assessment.

A copy of the letter dated 21.8.2002 is
annexed hereto and is marked as
Annexure-I

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|-------------------------------------|
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4.5) That your applicant states that vide Office Memorandum No.RLJ-REC(116)/98 dated 13.12.2002 the Section Officer RRL requested the applicant to submit work report for the period of 5 years as per the enclosed format (MANAS) within 20.12.2002 in view of the proposal to process assessment promotion for Group III Technical Staff Members for assessment years 1997-98 and 1998-99 vide another Office Memorandum No.RLJ/REC(117)/99 dated 13.12.2002 the applicant was called upon to appear before the assessment committee for an assessment interview to be held on the 1st & 2nd of January, 2003 for being considered for promotion to the next higher grade under revised MANAS.

Copies of the Office Memorandums NoRLJ-REC(116)/98 & RLJ/REC(117)/99 dated 13.12.2002 are annexed hereto and are marked as Annexures-II(A) & II(B) respectively.

4.6) That your applicant accordingly appeared before the assessment committee on 1.11.2003 but was informed vide Office Memorandum No.RLJ/REC(117)/1999 dated 6.1.2003 issued by the Section Officer RRL Jorhat, that the assessment committee had not recommended him for promotion to the next higher grade.

A copy of Office Memorandum dated 6.1.2003 is annexed hereto and is marked as Annexure-III.

Anujal Sarma

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Guwahati Bench

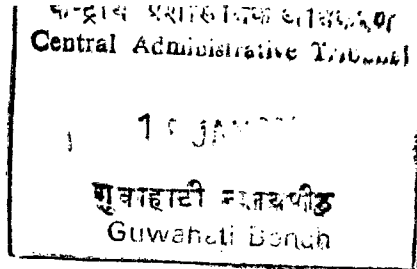
4.7) That your applicant states that vide Office Memorandum No.RLJ(125)/2003/RAC dated 26.3.2003 Section Officer, RRL Jorhat, proposed to process assessment promotion for Group III Technical Staff members for the assessment year 1996-97, 2000-2001 and 2001-2002 and hence requested the said members to submit work reports for the period of 5 years as per enclosed format (MANAS) within 10.7.2003. It may be mentioned that the name of the applicant appeared at serial No.5 under the assessment year 2000-2001 of Grade III(3) and his date of entry to the present Grade was given as 28.11.96 with due date for consideration of assessment as 28.11.2000.

A copy of the Office Memorandum dated 23.6.2003 is annexed hereto and is marked as Annexure-IV.

4.8) That your applicant states that subsequently vide Office Memorandum No.RLJ(125)/2003/RAC dated 20.8.2003 Section Officer, RRL Jorhat informed that the assessment interview committee meeting for assessing the Grade III Staff Members named therein for promotion to the next higher grade for the assessment years 2000-2001 and 2001-2002 was scheduled to be held on 13.9.2003, in furtherance of which the candidates were requested to appear for assessment interview. The name of the applicant appears at serial No.5 under the assessment year 2000-2001.

Anujjal Sarma

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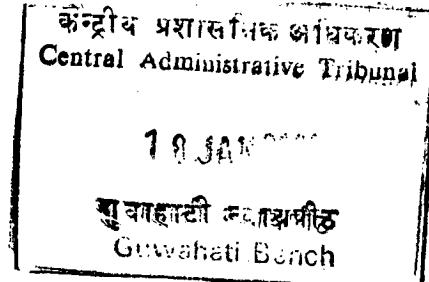
A copy of Office Memorandum dated 20.8.2003 is annexed hereto and is marked as Annexure-V.

4.9) That your applicant states that vide Office Memorandum No.RLJ/APAR-COMM/2003 dated 9.9.2003 issued by the Controller of Administration, RRL Jorhat that as per the provisions of MANAS the applicant was informed about the critical appraisal and grade awarded by the reviewing officer for the year 1997-1998, as per which, the assigned work had been completed by the applicant as per the satisfaction of the reporting officer and the grade awarded to him was "Very Good". It was further stated in the Memorandum that if the employee had any representation to make against the gradings, such representation would have to be made in writing within a period of 4 weeks from the date of receipt of the communication, which would be duly considered by the competent authority and the employee would be appraised with the final decision, against which no further representation would lie. Further, the employee may seek an interview with the competent authority.

A copy of Office Memorandum dated 9.9.2003 is annexed hereto and is marked as Annexure-VI.

4.10) That as per the provisions of the Office Memorandum dated 9.9.03, your applicant submitted a representation before the Director, RRL, Jorhat on

Amritlal Sarma



24.9.03 seeking to be intimated as to what was not completed in the assigned work as per the satisfaction of the Reporting Officer for the year 1997-98 and requested the competent authority to consider the higher grade for the period 1998-99, 1999-2000 and 2000-2001 and seek the necessary assigned work as per the requirement of the Reporting Officer for the period 1997-98 and also to show the annual performance report of the said periods to the applicant.

A copy of the representation dated 24.9.03 is annexed hereto and is marked as Annexure VI-A

4.11) That your applicant states that vide Office Memorandum No.RLJ-7(125)/2003/Rect.&Ass dated 30.12.2003 issued by the Section Officer, RRL, Jorhat under the subject "Assessment of Grade III under revised MANAS for the assessment year 2000-2001", the applicant was informed that on the recommendation of the Assessment Interview Committee which met on 13.9.2003, the Director, RRL, Jorhat was pleased to accord approval for promotion of the applicant to the next higher grade under revised MANAS. That as per the said Office Memorandum, the present post of the applicant being Grade III(3) with pay scale of Rs.8000-275-13,500/- and the effective date of the promotion was 28.11.2000. It was further mentioned interalia in the Office Memorandum that the applicant would continue to perform the same duties and such other higher duties.

Anujal Sarma

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as may be assigned and while his pay would be fixed according to normal existing rules, he would continue to be governed by other terms and conditions of his appointment in CSIR and that assessment was distinct from the promotion under the DPC system.

A copy of the Office Memorandum dated 30.12.03 is annexed hereto and is marked as Annexure-VII.

4.12) That the applicant in reply to the Office Memorandum dated 30.12.2003 submitted his joining report to the Director, RRL, Jorhat of joining to his duty in the Group III(4).

A copy of the letter dated 30.12.2003 is annexed hereto and is marked as Annexure- VII(A)

4.13) That the applicant states that after about 5 months from the date of joining of the applicant a show cause notice vide Office Memorandum No. RLJ(125)/2003/RAC dated 12.5.2004 was issued directing to show cause within 10 days of receipt of the Office Memorandum as to why the promotion granted vide Office Memorandum dated 30.12.2003 should not be withdrawn in pursuance of CSIR letter No. 17/66/94-PPS dated 28.1.1997. It was contended in the said show cause notice by citing clause (i) and (ii) of CSIR guidelines as contained in the letter dated 28.1.1997 that although, the applicant was

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assessed to the next higher grade in the same group 2 years earlier than the normal prescribed period of assessment w.e.f. from 28.11.1999 for acquiring higher qualification under clause 2.3.4 under Revised MANAS, he was not recommended for promotion by the assessment committee. However, the applicant was again assessed inadvertently in the subsequent year with effect from 28.11.2000 i.e. 4 years instead of after completion of prescribed residency period of 5 years for normal assessment in the Revised MANAS. The promotion granted to the next higher grade pursuant thereto which was communicated vide Office Memorandum dated 30.12.03 was erroneous. Since the applicant was assessed inadvertently and granted promotion, the Office Memorandum dated 30.12.03 communicating the same was liable to be withdrawn.

A copy of the Office Memorandum dated 12.5.04 is annexed hereto and is marked as Annexure-VIII.

4.14) That on being astounded by the aforesaid show cause notice, the applicant replied to the same vide letter dated 19.5.2004 stating therein that a competent Board convened by responsible officers who are well versed in the rules and regulations of the organization had done his assessment and although they did not recommend the applicant for next higher grade in the year 1999, he was subsequently assessed in the year 2000 and promoted to the next higher grade w.e.f. 28.11.2000 and the results was

Anusjaj Sarma

communicated vide Office Memorandum No.RLJ-7(125)/2003/Rect&Ass dated 30.12.2003 and published in the Monthly Bulletins of the organization. It was further stated that under the circumstances, there was no scope of withdrawing the promotion of the applicant to the higher grade merely by taking the plea of "inadvertently assessed before time" and the Office Memorandum dated 30.12.2003 was erroneous. After joining and working with responsibility in the higher grade pursuant to selection on merit by a competent Board of assessment, the promotion of the applicant cannot be withdrawn by Office Memorandum dated 30.12.2003.

A copy of the reply to the show cause dated 19.5.2004 is annexed hereto and is marked as Annexure-VIII(A)

4.15) That the applicant states that after the lapse of more than a month of replying to the show-cause notice, the Administrative Officer, RRL, Jorhat vide order No.RLJ(125)/2003/RAC dated 25.6.2004 communicated the decision of the competent authority with reference to Office Memorandum dated 30.12.2003 to make the promotion of the applicant effective from 28.11.2001. As per the order, the competent authority after considering the show-cause reply of the applicant dated 19.5.2004, while admitting that the applicants assessment was done by a competent board and conducted by officers well-versed in rules and regulations, held that the applicant had no case on merit since the benefit of two years earlier

Anusjaj Sarma

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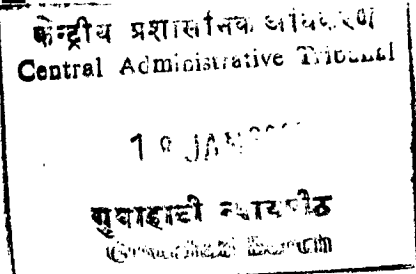
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promotion, as per the C.S.I.R's letter No.17/60/94-PPS dated 28.1.1997, is intended to be availed of only once and in case a person fails, he/she would be considered for assessment after the completion of residency period prescribed for normal assessment. The applicant was assessed to the next higher grade in the same group two years earlier than the normal prescribed period of assessment w.e.f. 28.11.1999 for acquiring higher qualifications under revised MANAS but his name was not recommended for promotion. In the subsequent year, the applicant was once again assessed inadvertently w.e.f. 28.11.2000 i.e. in 4 years instead of the prescribed 5 years residency period for normal assessment in the Revised MANAS and was promoted to the next higher grade vide Office Memorandum dated 30.12.2003 which was erroneous. Although the applicant was found to have no case on merit, after examination of the matter in totality, since holding further interview/procedure might delay the matter and assessment of that year being already over, the promotion of the applicant was made effective from 28.11.2001 so as to meet the ends of justice.

A copy of order dated 25.6.2004 is annexed hereto and marked as Annexure-IX.

4.16) That the applicant states that in pursuance of Office Memorandum No.RLJ-(125)/2003/RAC dated 25.6.2004 the Director, RRL, Jorhat issued Office Memorandum No.RLJ-13(577)/Estt/84 dated 7.9.2004

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approving the fixation of pay of the applicant in Grade III(4) in the scale of pay of Rs.8000-275-13,500.

A copy of Office Memorandum dated 7.9.2004 is annexed hereto and is marked as Annexure-X.

4.17) That the Section Officer, RRL Jorhat vide Notification No.RLJ(163)/2007/RAC dated 2.2.2007 published a tentative list of Grade III Technical Staff eligible for assessment promotion to their respective next higher grades upto period ending 31.3.2007 under revised MANAS. As per the said Notification, the applicant's name appeared at serial No.21 under the assessment year 2006-2007 as per which his date of entry to Grade III(4) was 28.11.2001 and his due date for assessment was 28.11.2006 with residency period of 5 years under the Petroleum & Natural Gas Division.

A copy of Notification dated 2.2.2007 is annexed hereto and is marked as Annexure XI.

4.18) That pursuant to publication of the aforesaid notification dated 2.2.2007, the applicant wrote to the Director, RRL, Jorhat informing him that the date of his entry to the present Grade was assessed on 28.11.1999 in the same Group 2 years earlier than the normal prescribed period of assessment w.e.f. 28.11.1999 instead of 28.11.2001 under the revised MANAS subject to revision in the office record.

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| केन्द्रीय प्रशासनिक आयोग Central Administrative Tribunal |
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Having been recommended for promotion w.e.f. 28.11.2000 by a competent board well versed with rules and accordingly submitted the joining report with reference to Memo No.RLJ-7(125)/2003Rect.&Ass. Dated 30.12.2003 and continuing till date.

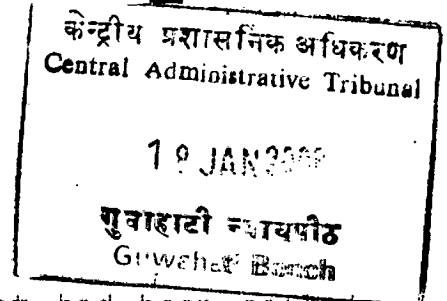
A copy of the application dated 19.2.2007 is annexed hereto and is marked as Annexure XI(A).

4.19) That with reference to application dated 19.2.2007 the Section Officer, North East Institute of Science & Technology, Jorhat informed the applicant vide Office Memorandum No.RLJ(125)/2003/RAC dated 18.4.2007 that the matter of his assessment had been settled by the competent authority vide order dated 25.6.2004 wherein the applicant's promotion from Grade III(3) to Grade III(4) had been made effective from 28.11.2001. Therefore there was no reason for the applicant to be aggrieved after a lapse of more than 2 years of issuance of the said order.

A copy of the Office Memorandum dated 18.4.2007 is annexed hereto and is marked as Annexure-XII.

4.20) That the applicant states that as per eligibility criterion for Group-III employees as laid down in clause 2.2.3 of the General Instructions, the threshold i.e. minimum marks which is required to be obtained by a candidate for becoming eligible for two year early assessment benefit in the same group is 90 marks. In..

Annexal Sammah



the instant case, since the applicant had been called upon by the Respondent Authorities to submit work report for the assessment year 1998-99, (Annexure-II-A), it can be reasonably inferred that the applicant had obtained the minimum 90 marks.

4.21) That the applicant states that in view of the proposal to process assessment promotion for Group-III technical staff, the section officer RRL, vide office Memorandum dated 13.12.2002 (Annexure-II-B) called upon the applicant to appear before the assessment committee for being considered for promotion to the next higher grade. Even though the applicant appeared before the assessment committee on 1.11.2003, the applicant was informed vide Office Memorandum dated 6.1.2003 (Annexure-III) that he had not been recommended for promotion to the next higher grade.

4.22) That although the applicant had successfully completed the work assignment for the year 1997-98 and obtained the grade of "Very Good" to the satisfaction of the Reporting officer as clearly stated in the Office Memorandum dated 9.9.2003 (Annexure-VI), the respondent authorities due to reasons best known to them, did not publish the same at the relevant point of time and instead published it belatedly i.e. on 9.9.2003, much to the detriment of the interest of the applicant, who did not get promotion from Group-III (3) to Group III(4) inspite of scoring the two years earlier assessment benefit in the same group for acquiring higher qualification in the assessment year 1998-99. It may be reiterated at the cost of repetition

that as per the letter dated 21.8.2002 issued by the Joint Secretary, Administration, CSIR (Annexure-I), the due date of two year earlier assessment of the applicant is 28.11.1999.

4.23) That the applicant states that assuming but not admitting that there is no provision for assessment of a candidate for 2 year earlier assessment benefit in the same group for the 2nd time, the Respondent Authorities ought not to have called the applicant for assessment interview for a 2nd time on 13.9.2003 vide Office Memorandum dated 20.8.2003 (Annexure-V) after having directed the applicant to appear before the assessment committee on 1.1.2003 vide Office Memorandum dated 13.12.2002 (Annexure-II-B), but having done so and accorded approval for his promotion to the next higher grade i.e. from Grade-III (3) to III (4) w.e.f 28.11.2000 upon being duly recommended by the Assessment Interview Committee vide Office Memorandum dated 30.12.2003 (Annexure-VII), the Respondent Authorities acted in a manner which cannot be countenanced in law for canceling the promotion of the applicant vide Office Memorandum dated 18.4.2007 (Annexure-XII).

4.24) That the applicant states that clause 2.0 of the General Instructions relating to assessment scheme envisages normal and/or merit promotion on the basis of prescribed threshold. The merit assessment scheme is applicable, amongst others to Group-III (3) upto Group-III (6) in which category the applicant falls, provided the incumbent possess entry level qualification of

Group-IV and are engaged in R & D activities. It has been further laid down in clause 2.1.3 that only those scientists who secure atleast 225 marks in 3 years and 300 marks in 4 years in their ACR/APAR would be eligible under the scheme. The thresholds for assessment under the merit scheme for Group-III are prescribed in para 2.2.3, as per which the threshold i.e. minimum marks for merit assessment for Group-III (3) the 3rd year and 4th year are 90 and 80 respectively and for Group-III(4) in the 3rd year and 4th year are 90 and 85 respectively. Needless to mention, the fact that the applicant was found eligible for 2 year earlier assessment benefit and accordingly directed to appear before the assessment committee for promotion, not only that the applicant was once again assessed by the assessment committee for promotion in the subsequent year vide Office Memorandum dated 20.8.2003 (Annexure-V) and was accorded approval for promotion to the next higher grade vide Office Memorandum dated 30.12.2003 (Annexure-VII) and the effective date of promotion was fixed at 28.11.2000.

4.25) That the applicant states that pursuant to the promotion granted to him vide Office Memorandum dated 30.12.2003 (Annexure-VII) his name was published in list of the members of the staff who had been promoted by the assessment committee with the effective date of promotion shown as 28.11.2000 in the monthly bulletin (RRL Jorhat News) (Vol. XXIV No.6 November December, 2003) published by the Director Regional Research Laboratory, Jorhat.

Your applicant craves the indulgence of the Hon'ble Tribunal to produce, refer and rely upon the same at the time of hearing.

4.26) That the applicant states that the assessment committee being constituted by responsible officers from approved panels of experts, it is highly improbable and untenable as to how an assessment conducted by them could be carried out with inadvertence and the order of promotion dated 30.12.2003 can be withdrawn on the ground of inadvertent assessment notwithstanding the fact that such an action had lead to unjust deprivation of promotional benefits to the deserving applicant.

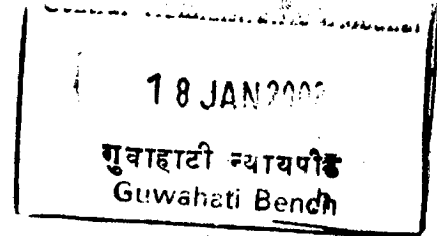
4.27) That the applicant states that it is a fit case for this Hon'ble Tribunal to interfere with and protect the rights and interests of the present applicant by issuing appropriate direction to the respondent authorities to cancel, recall and forbear from giving effect to the impugned Office Memorandum dated 18.4.2007 (Annexure-XII) and order of promotion granted to the applicant with all consequential benefit with immediate effect.

4.28) This application is made bonafide and in the interest of justice.

5. GROUND FOR RELIEF :-

5.1. For that the applicant having acquired valuable legal right for promotion to Grade-III (4) vide Office Memorandum dated 30.12.2003, the impugned Office

Anusil Sarma



Memorandum dated 18.4.2007 is liable to be set aside and quashed.

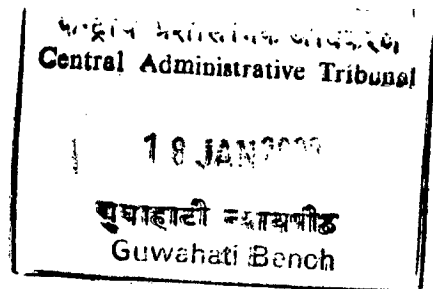
5.2. For that the respondent authorities having called the applicant for assessment interview for a 2nd time on 13.9.2003 after failing to recommend him for promotion, pursuant to the 1st assessment interview held on 1.1.2003 and approving his promotion to the next higher grade w.e.f. 28.11.2000, the action of the respondent authorities in canceling the promotion of the applicant vide Office Memorandum dated 18.4.07 (Annexure-XII) is arbitrary, unfair and illegal and hence liable to be set aside and quashed.

5.3. For that the competent authority considered the case of the applicant alongwith others for two years earlier assessment benefit in the same group for acquiring higher qualification and found the applicant to be eligible for consideration for two years earlier assessment as the due date falls on 28.11.1999 i.e. the date on which the applicant completed three years in Grade-III(3) which is prior to issue of CSIR circular dated 14.12.2001 and said fact is revealed from the letter dated 28.1.2002 (Annexure-I) issued by Deputy Secretary, but it appears that the case of the applicant was not recommended for promotion to higher Grade by the Assessment Committee which met on 1.1.2003. Due to some mistake of fact as well as for late issuance of awarding of Grade for the year 1997-98 by the controller of administration and the same issued only on 9.9.2003 showing the grade of the applicant "Very Good" and to knowledge of the applicant he was

awarded the same grade for the year 1998-99 and as such the order issued vide Office Memorandum dated 30.12.2003 is absolutely correct and in accordance with MANAS, but the respondent authorities wrongly considered the facts in their letter dated 12.5.2004, 25.6.2004 and 18.4.2007 and as such the impugned order is liable to be set aside and quashed.

5.4. For that the authorities while re-considering the correctness of the Office Memorandum dated 30.12.2003 found fault in the same on the ground that the applicant was once again assessed in subsequent year w.e.f. 28.11.2000 but failed to consider the fact that his assessment made on 28.11.1999 vide Office Memorandum dated 6.1.2006 is wrong and erroneous due to non publication of the applicant's grade prior to the meeting of the Assessment Committee and as such, the impugned orders are bad in law and are liable to be set aside and quashed.

5.5. For that since the first assessment order dated 6.1.2006 based on the performance of the applicant w.e.f. 28.11.1999 being erroneous can be re-considered and/or reviewed at any point of time and making assessment of the applicant for the subsequent year will not affect his merit or entitle him to promotion of two years earlier than normal prescribed period as per MANAS and the authorities while passing the impugned order failed to consider this aspect of the matter and only considered his subsequent assessment w.e.f 28.11.2000 and as such the impugned orders are liable to be set aside and quashed and the applicant



entitled to promotion as per Office Memorandum dated 30.12.2003.

5.6. For that the decision of the respondent authorities in with drawing/canceling the order of promotion after the applicant having served in the promoted post, is grossly improper and unjust which cannot be sustained in service jurisprudence.

5.7. For that the denial of legitimate service benefits to the applicant on the whims and caprices of the respondent authorities is misconceived, bad in law and hence unsustainable.

5.8. For that the impugned Office Memorandum dated 18.4.2007 (Annexure-XII) being violative of the enshrined principles of natural justice and administrative fairplay, and is hence liable to be set aside and quashed.

6. DETAILS OF REMEDIES EXHAUSTED:-

That the applicant state that he has no other alternative and other efficacious remedy than to file this application.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT:-

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application

Anujjal Samah

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has been made before any court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8.. RELIEFS SOUGHT FOR :-

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to grant the following reliefs :-

8.1.. That the impugned Office Memorandum dated 18.4.2007 be set aside and quashed.

8.2.. That the respondents authorities be directed to cancel, recall or forbear from giving effect to the impugned Office Memorandum dated 18.4.2007 and to restore the order of promotion granted to the applicant with all consequential benefit with immediate effect.

8.3.. To pass any other order or orders or direction to grant adequate reliefs to the applicant as the Hon'ble Tribunal may deem fit and proper.

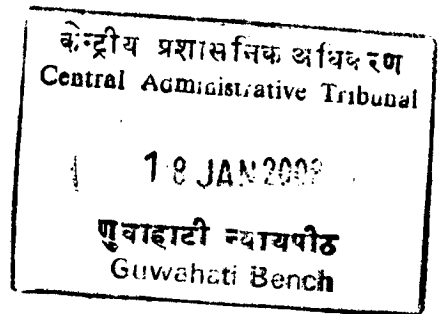
8.4.. Costs of the application.

9.. INTERIM ORDER PRAYED FOR :-

That your Applicant pray that pendency of the instant application may not be a bar to the grant of the reliefs prayed for herein.

Anusil Samal

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10. PARTICULARS OF THE IPO.

- i) IPO NO. : 70E 049574, 66F 849941, 66F 849942.
- ii) Date of Issue : 02.01.2008
- iii) Issued From : GPO, Guwahati.
- iv) Payable at : CAT, Guwahati.

11. LIST OF ENCLOSURES :-

As stated in the index.

— Anurajal Sarma

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Guwahati Bench

VERIFICATION

I, Sri Anujjal Sharma Son of Late Gunanda Sharma, aged about 49 years, resident of Qtr No.D-16, North East Institute of Science & Technology, Jorhat-6 the Appellant above-named do hereby state and verify that the statements made hereinabove are true to my knowledge, information and belief and I hereby sing this verification on this the 17th day of January, 2008 at Guwahati.

Anujjal Sharma

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ANNEXURE - I

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Central Administrative Tribunal

18 JAN 2003

गुवाहाटी न्यायपीठ
Guwahati Bench

वैज्ञानिक तथा औद्योगिक अनुसंधान परिषद्
COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH
अनुसंधान भवन, 2, राफ़ी मार्ग, नई दिल्ली-110 001
Anusandhan Bhawan, 2, Rafi Marg, New Delhi-110001



No. 17(66)/32/94-PPS

Dated 21.8.2002

From

संयुक्त सचिव (प्रशासन)
Joint Secretary (Admn.)

To

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

Sub: Two year earlier assessment benefit in the same group for
acquiring higher qualification.

Sir,

With reference to your letter No. RLJ-9(2)Est/92 dated 17.7.2002 on the
subject cited above, I am directed to state as under :-

1. Shri P.K. Baruah who acquired MLIS degree in 1998 and whose due date
of 2 year earlier assessment falls on 4.6.2000 i.e. prior to issue of CSIR
circular dated 2.8.2000, is eligible for consideration for two year earlier
assessment.
2. Mrs. P.E. Baruah who acquired MLIS degree in 1998 is not eligible for
the benefit of two years earlier assessment as she is not working in Library
and her due date of 2 years earlier assessment falls on 16.8.2000 (being
promoted as Group III(4) on 16.8.97) i.e. after the issue of CSIR circular
dated 2.8.2000.
3. The due date of two year earlier assessment in respect of Shri A Sarma
falls on 28.11.99 i.e. prior to issue of CSIR circular dated 14.12.2001, as
such he is eligible for consideration for 2 years earlier assessment.

Yours faithfully,

(Signature)
(Sushil Kumar)
Deputy Secretary

27
27/8/02

A.O.
Asst. Secy
27-8-02

Certified to be true Copy

(Signature)
K. Roy Chowdhury
Advocate

- 28 -

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ANNEXURE - II - A

केन्द्रीय प्रशासनिक अदिवरण
Central Administrative Tribunal

18 JAN 2002

गुवाहाटी न्यायपीठ
Guwahati Bench

REGIONAL RESEARCH LABORATORY : JORHAT : ASSAM


No.RLJ-REC(116)/98

Dated 13/12/2202

OFFICE MEMORANDUM

It is proposed to process Assessment Promotion for the following Group III Technical staff members for the assessment year of 1997-98 and 1998-99. Therefore, the concerned staff members are requested to submit the WORK REPORT (10 copies) for the period of five years as per the format enclosed (MANAS) latest by 20th December, 2002.

- | | |
|-----------------------------------|-----------|
| 01. Shri N N Dutta, Gr.III(3) | - 1997-98 |
| 02. Mrs. A P Saikia, Gr.III(4) | - 1998-99 |
| 03. Shri Anujal Sarmah, Gr.III(3) | - 1998-99 |


(B J Deuri)
Section Officer

To,

- 01. Shri N N Dutta, Gr.III(3)
- 02. Mrs. A P Saikia, Gr.III(4)
- ✓ 03. Shri Anujal Sarmah, Gr.III(3)
- 04. P A to Director.
- 05. Office copy.

Certified to be true copy
K Roy Chowdhury
Advocate

Annexure 5.2.1(1)

Work Report for the period to

A) BIO DATA

- 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 | Scholarship/ Awards |
|--|-------------|------------|-------|------------------------|
| ----- | ----- | ----- | ----- | ----- |

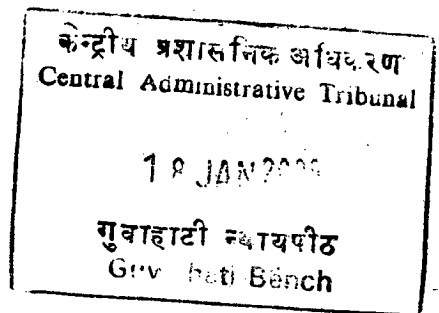
5. Please give title/brief description of R&D Projects
(Laboratory, bench, pilot scale) on which actively worked
during period under report showing separately your role therein.

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

Current Membership of Professional Bodies, Technical Committees,
Societies, Academics with date from which he become member :

Honours, Awards, with dates etc.

-30-



- 2 -

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

PART - B

Main achievements during the period to

1. Outstanding R&D achievements during the period:
2. Best Five publications in prestigious journals. Attach reprints.
3. If some or all your contribution are in the area of basic science, such contribution may be listed alongwith appropriate description of their importance.
4. Any other signification contribution e.g. fabrication/design of equipment, patent, 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:

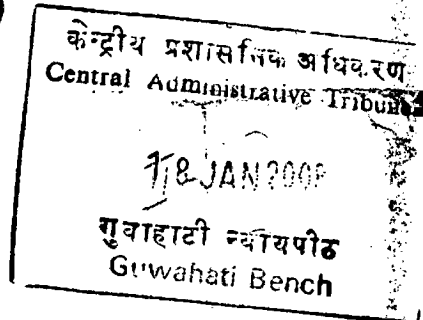
1. Head of Division
2. Director of Lab./Instt

NOTE: 1. Those engaged in S&T activities as distinct from R&D should give their S&T output.

2. Upto the best 5 publications in prestigious journals, wherever applicable. The definition of what is 'Prestigious' is being left to the judgement of the assessee. (This is in clarification to para 2 part B of the proforma).

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.

ANNEXURE-II-B



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

No.RLJ/REC(117)/99

Date: 13.12.2002

OFFICE MEMORANDUM

Sub: Assessment Interview for Gr.IV Scientific staff due upto 31.12.2000 and for Gr.III Tech staff for the assessment year of 1997-98, 1998-99 and 1999-2000 under Revised MANAS.

The Assessment Committee will meet on 1st & 2nd Jan., 2003 in the Conference Room of RRL-Jorhat to assess the following Gr.IV Scientific and Gr.III Tech staff members for consideration of their promotion to respective next higher grade.

They are therefore, requested kindly to appear before the Assessment Committee on the Date and Venue mentioned above at 9.00 a.m. onwards.

Gr.IV Scientist upto 31.12.2000

01. Dr J C S Katakya, Gr. IV(4)
02. Dr R N Baruah, Gr.IV(4)
03. Sh H P Sarmah, Gr.IV(4)
04. Dr N C Dey, Gr.IV(4)
05. Sh R C Das, Gr.IV(4)
06. Sh R C Srivastava, Gr.IV(4)
07. Dr (Ms) Aradhana Goswami, IV(3)
08. Sh K K Kaul, Gr.IV(3)

Gr.III Staff

01. Mr N N Dutta, Gr.III(3) - 1997-98
02. Ms A P Saikia, Gr.III(4) - 1998-99
03. Mr Annujal Sarmah, Gr.III(3) - 1999-2000.

(B J Deuri)
Section Officer

To : All members as above.

Copy to :

1. P A to Director
2. P A to A.O.
3. Office copy.

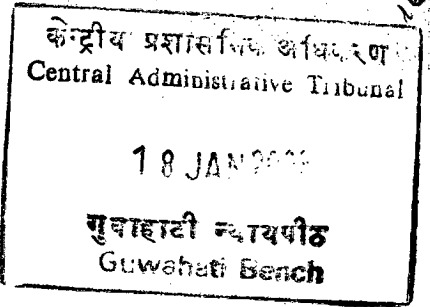
Section Officer

Certified to be true Copy

K Roy Chowdhury
Advocate

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ANNEXURE - III



REGIONAL RESEARCH LABORATORY :: JORHAT (ASSAM)

No. RLJ/REC(117)/1999

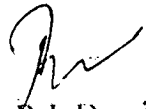
Date: 06-01-2003

OFFICE MEMORANDUM

Sub: Assessment Interview Result of Gr.III under Revised MANAS.

The Assessment Committees which met on January 1, 2003 have assessed the following candidate but not recommended the Gr.III Employee for his promotion to the next higher grade.

| Sl.No. | Name of the candidate & Present grade |
|--------|---------------------------------------|
| 01. | Mr Annujal Sarma, Gr.III(3) |


(B J Deuri)
Section Officer

To

Mr. Annujal Sarma, Gr.III(3)

Certified to be true Copy

K Roy Chowdhury
Advocate

ANNEXURE - IV

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

18 JAN 2003

गुवाहाटी न्यायपीठ
Guwahati Bench

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

No.RLJ(125)/2003/RAC

Dated 23/06/2003

OFFICE MEMORANDUM

It is proposed to process Assessment Promotion for the following Group III Tech staff members for the assessment year of 1996-97, 2000-01 & 2001-02. Therefore, the concerned staff members are requested to submit the WORK REPORTS (10 copies) for the period of five years as per the format enclosed (MANAS) latest by 10th July, 2003.

| S1. Name of Assessee No. | Group & Grade | Entry dt. to present grade | Due date for consideration of Assessment |
|-----------------------------|---------------------|----------------------------------|--|
|-----------------------------|---------------------|----------------------------------|--|

1996-97

| | | | |
|-----------------------|--------|----------|----------|
| 01. Mr Ajoy Borkotoky | III(4) | 01.02.90 | 01.02.97 |
|-----------------------|--------|----------|----------|

2000-2001

| | | | |
|-------------------------|--------|----------|------------|
| 01. Mr A K S Baruah | III(5) | 01.04.94 | 01.04.2000 |
| 02. Mr Pabitra Baruah | III(5) | 01.11.94 | 01.11.2000 |
| 03. Mr Ajit Baruah | III(4) | 01.02.94 | 01.02.2001 |
| 04. Mr Probin Kr Sarmah | III(3) | 17.09.94 | 17.09.2000 |
| 05. Mr Annujal Sarmah | III(3) | 28.11.96 | 28.11.2000 |

2001-2002

| | | | |
|-------------------------|--------|----------|------------|
| 01. Mr I Ikram | III(5) | 21.04.93 | 21.04.2001 |
| 02. Dr H N Bora | III(5) | 28.12.96 | 28.12.2001 |
| 03. Mr K C Lekhok | III(4) | 15.02.97 | 15.01.2002 |
| 04. Mr S Borthakur | III(4) | 19.01.97 | 19.01.2002 |
| 05. Mr Prafulla Borah | III(4) | 01.02.97 | 01.02.2002 |
| 06. Mr N C Laskar | III(4) | 10.02.97 | 10.02.2000 |
| 07. Mr Jayanta Bora | III(3) | 02.05.96 | 02.05.99 |
| 08. Mr Budhen Baruah | III(3) | 12.05.96 | 12.05.99 |
| 09. Mr Dwijen Borthakur | III(3) | 02.06.96 | 02.06.2001 |
| 10. Mr. R N Das | III(3) | 31.10.96 | 31.10.2001 |
| 11. Mr US Bhattacharyya | III(3) | 27.11.96 | 27.11.2001 |
| 12. Mr Mukibur Rahman | III(3) | 27.11.96 | 27.11.2001 |
| 13. Mrs P Deka Bhuyan | III(3) | 02.12.96 | 02.12.2001 |
| 14. Mr K R Baruah | III(3) | 20.01.93 | 20.01.2002 |

(B J Deuri)
Section Officer

To : All the staff members mentioned above.

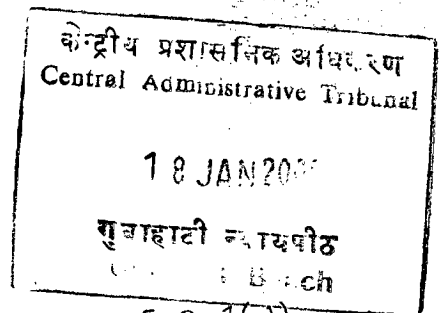
CC: 1. P A to Director
2. P A to A.O.
3. All Notice Boards

Section officer

Certified to be true copy

K Roy Choudhury
Advocate

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Annexure 5.2.1(1)

Work Report for the period to

A) BIODATA

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

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

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 of 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, Academics with date from which he become member :

7. Honours, Awards, with dates etc.

....2/

18 JAN 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

- 2 -

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

PART - B

Main achievements during the period to

1. Outstanding R&D achievements during the period:
2. Best Five publications in prestigious journals. Attach reprints.
3. If some or all your contribution are in the area of basic science, such contribution may be listed alongwith appropriate description of their importance.
4. Any other signification contribution e.g. fabrication/design of equipment, patent, 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: 1. Those engaged in S&T activities as distinct from R&D should give their S&T output.

2. Upto the best 5 publications in prestigious journals, wherever applicable. The definition of what is 'Prestigious' is being left to the judgement of the assessee. (This is in clarification to para 2 part B of the proforma).

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-V

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केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

18 JAN 2003

गुवाहाटी न्यायपीठ
Guwahati Bench

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

No.RLJ(125)/2003/RAC

Dated 20/08/2003

OFFICE MEMORANDUM

The Assessment Interview Committee meeting to assess the following Gr.III staff members for promotion to the next higher grade for the assessment year 2000-01 & 2001-02 is scheduled to be held on September 13, 2003 at 9.00 A.M. onwards in the Conference Room of RRL-Jorhat.

Therefore, they are requested to appear before the Assessment Interview Committee meeting as per schedule mentioned above.

2000-2001

- | | |
|-------------------------|--------|
| 01. Mr A K S Baruah | III(5) |
| 02. Mr Pabitra Baruah | III(5) |
| 03. Mr Ajit Baruah | III(4) |
| 04. Mr Probin Kr Sarmah | III(3) |
| ✓ 05. Mr Annujal Sarmah | III(3) |

2001-2002

- | | |
|-------------------------|--------|
| 06. Mr I Ikram | III(5) |
| 07. Dr H N Bora | III(5) |
| 08. Mr K C Lekhok | III(4) |
| 09. Mr S Borthakur | III(4) |
| 10. Mr Prafulla Borah | III(4) |
| 11. Mr N C Laskar | III(4) |
| 12. Mr Jayanta Bora | III(3) |
| 13. Mr Budhen Baruah | III(3) |
| 14. Mr Dwijen Borthakur | III(3) |
| 15. Mr. R N Das | III(3) |
| 16. Mr US Bhattacharyya | III(3) |
| 17. Mr Mukibur Rahman | III(3) |
| 18. Mrs P Deka Bhuyan | III(3) |
| 19. Mr K R Baruah | III(3) |

(B J Deuri)
Section Officer

To : All the staff members mentioned above.

- CC: 1. P A to Director
2. P A to A.O.
3. Office copy.

Certified to be true Copy
K Roy Chowdhury
Advocate

SECTION OFFICER

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ANNEXURE - VI

| |
|---|
| केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal |
| 18 JAN 2003 |
| गुवाहाटी न्यायपीठ Guwahati Bench |

REGIONAL RESEARCH LABORATORY : JORHAT : ASSAM

OFFICE MEMORANDUM

No RLJ/APAR-COMM/2003

Date 09.9.2003

As required under the provisions of MANAS, the critical appraisal and grade awarded by the Reviewing Officer / Normalisation Committee/Director for the year 1997-98 as under :

Critical Appraisal :

'Complete the assigned work as per the satisfaction of the Reporting Officer'

Grade Awarded :

'Very Good'

As per

Controller of Administration
Regional Research Laboratory
Jorhat - 785 008, Assam.

If the employee has any representation to make against the grading, communicated to him/her, he/she may respond in writing within a period of four weeks from the date of receipt of the communication by him/her. The representation thus made will be considered by the Competent Authority and the employee will be informed of the final decision. Wherever necessary, the employee may seek an interview with the Competent Authority. However, no further representation will be lie against the final decision of the Competent Authority.

~~CC/HRD~~

To

Dr/Mrs/Miss/Shree

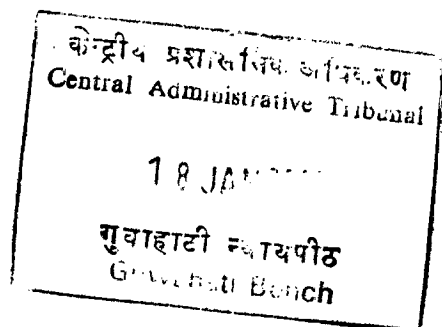
Anujjal Sarmah,

Petroleum Division

Certified to be true Copy

K Roy Chowdhury
Advocate

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ANNEXURE-VI-A.

TYPE D COPY

To,

The Director, R.R.L. Jorhat-6,

9.30 A.M.

Submitted to C.D.A

Dated the 24th Sept. 2003.

Sub:- Representation of critical Appraisal for the period 1997-98 and grade awarded for the period of 1998-99, 1999-2000, and 2000-2001.

Sir,

With due respect, I beg to by before you the following few lines for favour of your kind consideration.

That Sir, with reference to your memo No.RLJ/APPAR-COMM/2003 dated the 9th Sept. 2003 please let me know and shoe what was not completed the assigned work as per the satisfaction of the reporting officer for the year 1997-98 and grade awarded in which I was not satisfied for the period 1998-99, 1999-2000 and 2000-2001. Therefore, the Competent Authority is requested to consider the higher grade for the period 1998-99, 1999-2000, 2000-2001 and seek the necessary assigned work as per requirement of the reporting officer for the period 1997-98. I also here by request you to show me all the Annual performance report of the said periods.

Thanking you,

Yours faithfully,

Anujjal Sarmah

Certified to be true Copy

K Roy Chowdhury
Advocate

Gr. III(3) of Petroleum
and Natural Gas Division.

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ANNEXURE-VI-A

To the Director, R.R.L. Jorhat-6

8/c
24/9/03
9-30 PM
submitted to P.O.A

Dated the 24th Sept-2003

Sub: Representation of critical Appraisal for the period 1997-98 and grade awarded for the period of 1998-99, 1999-2000, and 2000-2001.

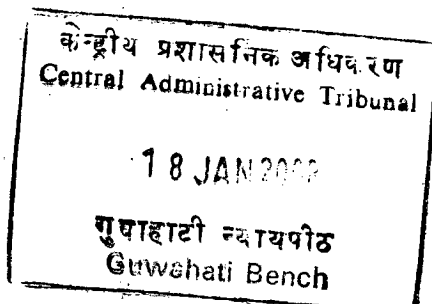
SIR,

With due respect, I beg to lay before you the following facts for favour of your kind consideration.

That Sir, with reference to your memo no RLG/APPAR-COMM/2003 dated the 9th Sept 2003 please let me know and show what was not completed the assigned work as per the satisfaction of the Reporting officer for the year 1997-98 and grade awarded in which I was not satisfied for the period 1998-99, 1999-2000 and 2000-2001. Therefore, the competent Authority is requested to consider the higher grade for the period 1998-99, 1999-2000, 2000-2001 and seek the necessary assigned work as per requirement of the Reporting officer for the period 1997-98. I also here by request you to show me all the Annual performance report of the said periods.

Thanking you,

Yours, faithfully
Anuraj Sarmah
Gen III(3) of Petokun and Prat Gas Division.



Certified to be true Copy

K Roy Choudhury
Advocate

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ANNEXURE - VII

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

19 JAN 2004

गुवाहाटी न्यायपीठ
Guwahati Bench

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

No.RLJ-7(125)/2003/Rect.&Ass.

Date: 30.12.2003

OFFICE MEMORANDUM

Sub: Assessment of Gr.III under Revised MANAS for the Assessment year 2000-01

On the recommendation of the Assessment interview Committee, which met on September 13, 2003 at RRL, Jorhat, the Director RRL Jorhat has been pleased to accord approval for promotion of the following staff to the next higher grade on his assessment under Revised MANAS. The effective date of promotion is shown against his name

| Sl. No | Name of the Candidate | Present post & Pay scale | Post to which promoted & pay scale | Effective date Of promotion |
|--------|-----------------------|---------------------------------|------------------------------------|-----------------------------|
| 1 | Mr. Annujal Sharmah | III (3) Rs.6500-200-10,500/- | III (4) Rs.8000-275-13,500/- | 28.11.2000 |

- i) The above incumbent will continue to perform the same duties and as such other higher duties as may be assigned by the Head of Institution.
- ii) His pay will be fixed according to normal existing rules.
- iii) He will continue to be governed by other terms & conditions of his appointment in CSIR.
- iv) Assessment to 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.
- v) Assessment is distinct from promotion under the DPC system and does not necessarily result in change of work pattern or higher status or power, though it does lead to an expectation of higher level of Scientific/Technical performance.

(B / Deuri)
Section Officer(R)

To ✓ Mr. Annujal Sharmah

Copy to:

1. Accounts Section
2. Bills Section
3. Personal file
- 4 P S to Director
5. P A to A.O/C.O.A.
6. Head, PME Cell

8. Head, I&BD Division
9. Head, Concerned Division
10. Office copy.

Section Officer(R)

Certified to be true Copy

K Roy Chowdhury
Advocate

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केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

19 JAN 2004

गुवाहाटी न्यायपीठ
Gowhati Bench

ANNEXURE-VII-A

Typed Copy

To,

The Director, R.R.L, Jorhat-6

(Through proper channel)

Dated 30.12.2003.

Sub:- Joining report with reference memo No.RLJ-
7(125)/2003/Rect and Ass..

Sir,

With reference to your memo no.RLJ-7(125)/2003/Rect.
and Ass dated the 30.12.2003 I am joining in my duty in the
group -III (4)..

Thanking you,

Yours faithfully,

Anujjal Sarmah

T.O. Gr.III (4)

Petroleum and Natural

Gas Division..

Forwarded

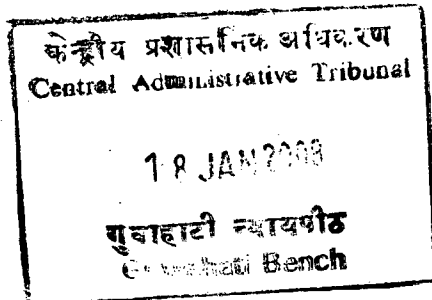
Sd/- illegible

30.12.2003

Certified to be true Copy

K Roy Chowdhury
Advocate

ANNEXURE - VII - A



VII - A

To

the Director, R.R.L. Jorhat-6
(Through proper channel)

Dated the 30.12.2003

Sub: Joining report with reference
memo no RLJ-7(125)/2003/Rec and Ass.

Sir,

With reference to your memo no
RLJ-7(125)/2003/Rec and Ass dated the
30.12.2003 I am joining in my duty
in the group III(4).

Thanking you,

Yours faithfully
Anurajal Sarma.

T.O. Gr III(4)

Petroleum and Natural
Gas Division

Forwarded

31/12/2003

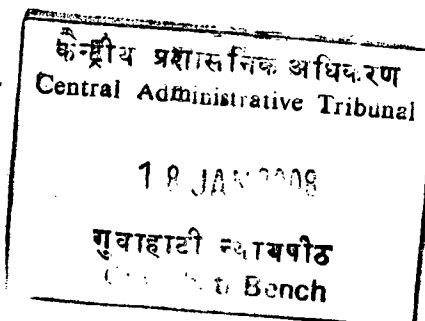
Certified to be true Copy

K Roy Chowdhury
Advocate

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ANNEXURE - VIII



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

No.RLJ(125)/2003/RAC

May 12, 2004

OFFICE MEMORANDUM

Sub: Show Cause Notice.

1. Shri Anujjal Sarmah Gr.III(3), Petroleum & Natural Gas Division, was assessed to the next higher grade in the same group two years earlier than the normal prescribed period of assessment w.e.f. 28.11.99 for acquiring higher qualification under Revised MANAS clause 2.3.4. However, his name was not recommended by the assessment committee for promotion.
2. As per CSIR guidelines contained in letter No.17/66/94-PPS dated 28.1.97 clause (i) & (ii) exactly reproduced as under:
 - (i) "Those employees who have acquired/will acquired entry level qualifications of the next higher Group may be assessed to the next higher grade once in the same Group two years earlier than the normal prescribed period of assessment".
 - (ii) If an assessee is not recommended for promotion he/she will be considered for assessment after completion of residency period prescribed for normal assessment in the revised MANAS as per Table for the relevant Group and chance of 2 years earlier assessment will not be adjusted against the chances available for normal assessment under revised MANAS; Shri Anujjal Sarmah was not eligible for assessment further except on completion of normal period of residency.
3. However, he was once again assessed inadvertently in the subsequent year w.e.f. 28.11.2000 i.e. in 4(four) years instead of after the completion of the residency period prescribed for normal assessment in the revised MANAS i.e. 5(five) years and got promoted to the next higher grade and communicated vide OM No.RLJ-7(125)/2003/Rect.&Ass. dated 30.12.2003 which was erroneous.

Since Shri Anujjal Sarmah has been assessed inadvertently in the subsequent year instead of after the completion of the residency period prescribed for normal assessment in the revised MANAS, therefore, subsequent inadvertent assessment and promotion communicated vide OM No.RLJ-7(125)/2003/Rect. & Ass. dated 30.12.2003 needs to be withdrawn in pursuance of CSIR letter No.17/66/94-PPS dated 28.1.1997 Clause (i) & (ii) mentioned above.

He is therefore directed to show cause, why the same promotion shall not be withdrawn, his reply if any shall be submitted within 10 days of the receipt of OM.

This issues with the approval of the Competent Authority.

(N K Barbaruah)
Administrative Officer

✓ To: Shri Anujjal Sarmah, Gr.III(3)
Petroleum & Natural Gas Division, RRL, Jorhat.

- Copy to :
1. Personal file
 2. P S to Director
 3. P A to A.O/C.O.A.
 4. Office copy.

Certified to be true Copy
K Roy Chowdhury
Advocate

Administrative Officer

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ANNEXURE VIII - A

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

18 JAN 2004

गुवाहाटी न्यायपीठ
Guwahati Bench

To

The Director,
Regional Research Laboratory,
Jorhat, Assam.

Dated : 19 May/2004.

Ref : O.M.No.RLJ(125)/2003/RAC dtd. May 12, 2004.

Sub : Reply on Show Cause Notice.

Dear Sir,

It is quite astonishing by receiving such a show-cause notice (as mentioned under Ref. Above) by me in respect of my promotional matter even after ~~enjoying~~ joining & enjoying the higher grade by the undersigned. with responsibility. Undersigned wants to state that his assessment was done by a competent Board of assessment and same was convened by well versed and responsible officers of the organisation who know detail about the rules and regulations about it.

I had been assessed in the year '1999' but not recommended for next higher grade. Subsequently following year I was once again assessed and result of the same was communicated to me vide OM No.RLJ-7(125)/2003/Rect & ASS. dtd. 30.12.2003 whereby I am promoted to the next higher grade w.e.f. 28.11.2000. Same was communicated to the other internal depts. of your organisation and published in the bulletins (monthly) Vol-XXIV No.6 Nov-Dec, 2003 through ISSN-0972-2424 also.

Under the above circumstances, there is no scope of withdrawing my above promotion to the higher grade as communicated to the undersigned vide OM No.RLJ-7(125)/2003/Rect.&Ass. dtd. 30.12.2003 mere taking the plea of 'inadvertently assessed' before time and 'OM No.RLJ-7(125)/2003/Rect.& Ass. dated 30.12.2003 was erroneous.' The undersigned cannot face any obstacles in his promotional matter arise due to lack of responsibilities of other officials in your organisation even after he is selected on merit by a competent Board of assessment and after joining and working with responsibility in the higher grade job. Hence his promotion cannot be withdrawn as communicated vide OM No RLJ-7(125)/2003/Rect & Ass. dated 30.12.2003.

Certified to be true Copy

K Roy Choudhary
Advocate

Yours sincerely,

Arunima Sarmah
(A. Sarmah), T.O. Gr III (4)

Petroleum & Natural Gas Div. RRL, Jorhat.

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केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
18 JAN 2004
गुवाहाटी न्यायपीठ
Guwahati Bench

ANNEXURE - IX

IX

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

No.RLJ(125)/2003/RAC

June 25, 2004

ORDER

Shri Anujjal Sarmah Gr.III(3), Petroleum & Natural Gas Division was assessed to the next higher grade in the same group 2 years earlier than the normal prescribed period of assessment w.e.f. 28.11.1999 for acquiring higher qualification under Revised MANAS. His name was not recommended by the assessment committee for promotion. Shri Sarmah was once again assessed inadvertently in the subsequent year w.e.f. 28.11.2000, i.e., in 4 years instead of after the completion of the residency period prescribed for normal assessment in the revised MANAS, i.e., 5 years and got promoted to the next higher grade which was communicated to him vide OM No.RLJ-7(125)/2003/Rect.&Ass. dated 30.12.2003 which was erroneous.

As a sequel to the inadvertent assessment promotion given to Shri Anujjal Sarmah, an OM No.RLJ(125)/2003/RAC dated May 12, 2004 was served to Shri Sarmah and he was directed to Show Cause as to why the inadvertent assessment promotion communicated through OM No.RLJ-7(125)/2003/Rect&Ass. dated 30.12.2003 should not be withdrawn in pursuance of CSIR letter No.17/66/94-PPS dated 28.1.97 and facts recorded therein.

In response to the above show cause, Shri Sarmah made a reply dated 19th May 2004, the Competent Authority has considered the reply dated 19.5.2004 of Shri Anujjal Sarmah, Gr.III(3), O.M. dated 12.5.2004, wherein it was proposed to withdraw his assessment promotion from Gr.III(3) to Gr.III(4) in pursuance of CSIR letter No.17/66/94-PPS dated 28.01.97 and facts of the case in totality and orders as follows:

"I have considered the reply dated 19.5.2004 of Shri Anujjal Sarmah, Gr.III(3) in response to this office OM of even dated 12.5.2004, wherein it was proposed to withdraw his assessment promotion from Gr.III(3) to Gr.III(4) in terms of CSIR's letter No.17/66/94-PPS dated 28.1.97.

A mere perusal to the aforesaid CSIR's letter dated 28.1.97 suggests that the benefit of 2 years earlier assessment promotion was intended for once. In case, a person fails, he/she will be considered for assessment after completion of residency period prescribed for normal assessment. There is no ambiguity in the said decision of CSIR, which is applicable in the case of Shri Anujjal Sarmah.

The O.M. dated 12.5.2004 made it clear that his consideration w.e.f. 28.11.2000 was an inadvertent mistake and simply because office committed mistake, one cannot take benefit, if otherwise not permissible under the law. As per law the error/mistake committed could be rectified following principles of natural justice and in this case, the procedure of providing opportunity to Shri Sarmah was duly followed.

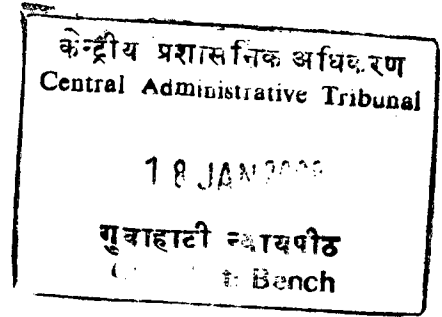
I have also perused his reply and reasons recorded therein. His ground mentioned in first para that his assessment was done by competent board and conducted by office well versed in rules and regulation is factually correct but not acceptable on the simple reason that the competence of assessment board and officers was not the issue under consideration. The issue under consideration is of his eligibility w.e.f. 28.11.2000 on which he said nothing in this para.

Contd... 2/

Certified to be true Copy
K Roy Chowdhury
Advocate

Granting
Natural Justice
- can not be a
just formalis.

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- 2 -

The 2nd para of his reply is a mere repetition of facts and therefore nothings to comment about.

In the last and 3rd para, Shri Sarmah has stated that there is no scope of withdrawing his promotion in view of para 1 & 2 of his reply. In this regard, I have already given my comments on para 1 & 2 as aforesaid. His further plea in para 3 that he cannot face any obstacle due to lack of responsibilities of other officers, even if he was assessed by Board on merit. In this regard, I further reiterate that his performance before the board is not the issue, but the real issues is of eligibility. A non-eligible person may perform better but he/she cannot be promoted without being eligible. Shri Sarmah, therefore, silent on the issue of eligibility and furnished no grounds on this basic issue.

I, therefore hold Shri Sarmah has no case on merit but after examining the matter in totality, I find that holding further interview/procedure may delay the matter and since the assessment of that year is already over, I feel that end of justice shall be met if his promotion is made effective from 28.11.2001."

Accordingly, the Competent Authority has made his promotion effective on 28.11.2001 with reference to earlier O.M. No.RLJ-7(125)/2003/Rect.&Ass. dated 30.12.2003.

✓ To: Shri Anujjal Sarmah, Gr.III(3)
Petroleum & Natural Gas Division
RRL, Jorhat.

[Signature]
Administrative Officer

Received at - 4-10 p.m.
from Bhaskar Daimi

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ANNEXURE - X

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

18 JAN 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

REGIONAL RESEARCH LABORATORY : JORHAT : ASSAM

(a constituent establishment of CSIR)

Dated 07.09.04

No. RLJ-13(577)/Estt/84

Office Memorandum

In pursuance of OM No. RLJ-13(125)/2003/RAC dated 25.06.2004 the Director RRL, Jorhat has been pleased to approve the fixation of pay in respect of the following officials as shown below :

| Name & Grade | Event | Last pay drawn | Pay fixed | Effective date |
|--|-----------|----------------|------------|----------------|
| <u>Scale of Pay 8,000 - 275 - 13,500</u> | | | | |
| 1. Annuijal Sharma Gr III(4) | Promotion | Rs 7500/- | Rs 8,000/- | 28.11.2001 |
| | Inc | Rs 7700/- | Rs 8,275/- | 01.11.2002 |
| | Inc | Rs 7900/- | Rs 8,550/- | 01.11.2003 |

To.

✓ Shri Annuijal Sharma
Gr III(4)
RRL, Jorhat, Assam

Section Officer

Copy to :-

1. Accounts Section
2. Bill Section
3. SO(R)
4. Head, Planning Division
5. PS to Director
6. Personal file concerned
7. Data Manager

Section Officer

Certified to be true Copy

K Roy Chowdhury
Advocate

ANNEXURE - XI

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

18 JAN 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

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

Date: 02/02/2007

No.RLJ (163)/2007/RAC

NOTIFICATION

Sub: Assessment promotion of Gr. III to their respective next higher grades.

On the basis of available record in the office, the following Gr.III Technical staff of the Lab. has become eligible, subject to revision due to EOL without MC, Vigilance clearance etc. for consideration for assessment promotion to their respective next higher grades up to period ending 31.03.2007 under Revised MANAS. The list is tentative and in case of any omission of names or factual inaccuracy the same may be brought to the notice of the undersigned in writing on or before 20th February 2007.

ASSESSMENT YEAR-2004-05

| Sl. No | ID No. | Name of Assessee | Present grade | Date of entry to present grade | Residency period | Duc date for assessment | Division/Section | Remarks |
|--------|--------|---------------------|---------------|--------------------------------|------------------|-------------------------|--------------------|------------------------|
| 01 | 370 | Sh.M Borkatoky | III (5) | 01/09/1999 | 5 | 01/09/04 | Geosciences | 1 st chance |
| 02 | 532 | Ms.Lakhimi Bora | III (5) | 01/02/2000 | 5 | 01/02/05 | Analytical Chem. | 1 st chance |
| 03 | 602 | Sh.K C Deuri | III (5) | 01/02/2000 | 5 | 01/02/05 | Geosciences | 1 st chance |
| 06 | 555 | Ms.Anjumoni Bharali | III (5) | 01/02/2000 | 5 | 01/02/05 | Appld. Civil Engg. | 1 st chance |
| 07 | 364 | Sh.N C Laskar | III (5) | 10/02/2000 | 5 | 10/02/05 | Petrol. & Nat. Gas | 1 st chance |
| 08 | 867 | Sh T K Bhattacharya | III (5) | 01/02/2000 | 5 | 01/02/05 | PSE | 1 st chance |
| 09 | 492 | Sh R K Borah | III (5) | 01/02/2000 | 5 | 01/02/05 | Analytical Chem. | 1 st chance |

ASSESSMENT YEAR-2005-06

| | | | | | | | | |
|----|-----|----------------------|---------|------------|---|----------|------------------|------------------------|
| 10 | 362 | Sh R C Bharali | III (4) | 01/10/2000 | 5 | 01/10/05 | Clinical Centre | 1 st chance |
| 11 | 328 | Sh.Someswar Hazarika | III (3) | 01/10/2000 | 5 | 01/10/05 | I&BD | 1 st chance |
| 12 | 230 | Dr A K Bordoloi | III (6) | 09/10/2000 | 5 | 09/10/05 | Floriculture | 1 st chance |
| 13 | 368 | Sh M M Bora | III (5) | 15/01/2001 | 5 | 15/01/06 | Chemical Engg. | 1 st chance |
| 14 | 321 | Sh Ajit Baruah | III (5) | 01/02/2001 | 5 | 01/02/06 | Material Science | 1 st chance |

ASSESSMENT YEAR-2006-07

| | | | | | | | | |
|----|-----|----------------------|---------|------------|---|----------|--------------------|------------------------|
| 15 | 863 | Sh Jayanta Bora | III (4) | 02/05/2001 | 5 | 02/05/06 | Nat. Prod. Chem. | 1 st chance |
| 16 | 864 | Sh.Budhen Baruah | III (4) | 12/05/2001 | 5 | 12/05/06 | MAEP | 1 st chance |
| 17 | 553 | Sh.Probin Sarmah | III (4) | 17/09/2001 | 5 | 17/09/06 | Civil Engg. | 1 st chance |
| 18 | 862 | Sh Dwijen Borthakur | III (4) | 02/06/2001 | 5 | 02/06/06 | Appld. Civil Engg. | 1 st chance |
| 19 | 365 | Sh Mukibur Rahman | III (4) | 27/11/2001 | 5 | 27/11/06 | Planning | 1 st chance |
| 20 | 559 | Sh U S Bhattacharyya | III (4) | 27/11/2001 | 5 | 27/11/06 | C.O.A's Section | 1 st chance |
| 21 | 366 | Sh Anujal Sarmah | III (4) | 28/11/2001 | 5 | 28/11/06 | Petrol. & Nat. Gas | 1 st chance |
| 22 | 367 | Mrs. P Deka Bhuyan | III (4) | 02/12/2001 | 5 | 02/12/06 | MAEP | 1 st chance |
| 23 | 521 | Dr H N Bora | III (6) | 28/12/2001 | 5 | 28/12/06 | Medicinal Chem. | 1 st chance |
| 24 | 538 | Sh S Borthakur | III (5) | 19/01/2002 | 5 | 19/01/07 | Chemical Engg. | 1 st chance |
| 25 | 361 | Sh K R Baruah | III (4) | 20/01/2002 | 5 | 20/01/07 | Synthetic Chem. | 1 st chance |

ASSESSMENT YEAR-2003-04 & 2005-06 and 2006-07

| | | | | | | | | |
|----|------|--------------------|---------|------------|---|----------|-------------|------------------------|
| 26 | 995 | Sh Prodip Dutta | III (1) | 01/10/1997 | 6 | 01/10/03 | Geosciences | 2 nd chance |
| 27 | 1015 | Sh Makhan Bora | III (1) | 25/09/2000 | 5 | 25/09/05 | Electrical | 1 st chance |
| 28 | 1017 | Ms Jonali Saikia | III (1) | 19/10/2000 | 5 | 19/10/05 | Civil Engg. | 1 st chance |
| 29 | 1018 | Sh Manoj Kumar Das | III (1) | 24/10/2000 | 5 | 24/10/05 | Civil Engg. | 1 st chance |
| 30 | 1024 | Sh Madhuya Saikia | III (1) | 20/09/2001 | 5 | 20/09/06 | Planning | 1 st chance |

It may also be noted that the date of assessment as mentioned against each in this OM may defer if the incumbents concerned were on EOL without MC or unauthorized absence during the period of assessment indicated against each names.

(J. L. Khongsai)
SECTION OFFICER

Certified to be true Copy
K. Roy Chowdhury
Advocate

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केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

18 JAN 2000

गुवाहाटी न्यायपीठ
Guwahati Bench

| | | | |
|----|------|-----------------------|---------|
| 01 | 370 | Sh. M Borkatoky | III (5) |
| 02 | 532 | Ms. Lakhimi Bora | III (5) |
| 03 | 602 | Sh. K C Dey | III (5) |
| 06 | 555 | Ms. Anjamoni Bharali | III (5) |
| 07 | 364 | Sh. N C Laskar | III (5) |
| 08 | 867 | Sh. T K Bhattacharya | III (5) |
| 09 | 492 | Sh. R K Borah | III (5) |
| 10 | 362 | Sh. R C Bharali | III (4) |
| 11 | 528 | Sh. Someswar Hazarika | III (3) |
| 12 | 230 | Dr. A K Bordoloi | III (6) |
| 13 | 368 | Sh. M M Bora | III (5) |
| 14 | 321 | Sh. Ajit Baruah | III (5) |
| 15 | 863 | Sh. Jayanta Bora | III (4) |
| 16 | 864 | Sh. Budhen Baruah | III (4) |
| 17 | 553 | Sh. Probin Sarmah | III (4) |
| 18 | 862 | Sh. Dwijen Borthakur | III (4) |
| 19 | 365 | Sh. Mukibur Rahman | III (4) |
| 20 | 559 | Sh. U S Bhattacharyya | III (4) |
| 21 | 366 | Sh. Anujal Sarmah | III (4) |
| 22 | 367 | Mrs. P Debi Bhuyan | III (4) |
| 23 | 521 | Dr. H N Bora | III (6) |
| 24 | 538 | Sh. S Borthakur | III (5) |
| 25 | 361 | Sh. K R Baruah | III (4) |
| 26 | 995 | Sh. Prodip Dutta | III (1) |
| 27 | 1015 | Sh. Mahan Das | III (1) |
| 28 | 1017 | Ms. Jonali Saikia | III (1) |
| 29 | 1018 | Sh. Manoj Kumar Das | III (1) |
| 30 | 1024 | Sh. Madhurya Saikia | III (1) |

Copy to:

1. P S to Director
2. P A to C.O.A.
3. Notice Boards.
4. Office copy.


SECTION OFFICER

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केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

18 JAN 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

ANNEXURE-XI-A

TYPED COPY

To,

The Director, R.R.L., Jorhat-6

Dated the 19th Feb 2007\

Sub:- Ref No.RLJ(163)/2007/RAC dated 02.02.2007..

Sir..

Most respectfully, I would like to inform you that the date of my entry to present grade assessed on 28.11.99 in the same group 2 years earlier than the normal prescribed.. period of assessment w.e.f 28.11.99 under the revised MANAS.. Subject to revision in the office record instead of.. 28.11.2001. Therefore the due date for assessment from the.. date of entry w.e.f. 28.11.99 to 28.11.2004 for residency.. period of five years. Once I was recommended by the compete.. board and conducted by office well versed in rules and.. approved to accord with effective date of promotion.. 28.11.2000 by submitting a joining report with reference.. memo No.RLJ-7(125)/2003 Rect ass dated the 30.12.2003.. continued till date..

Lastly I request you to add all the different.. assessment and combined in a definite position of my present grade by recovering all the back areas with due effect from.. 28.11.99 on 28.11.2000 subject to revise with above.. mentioned date of entry before going to the next higher.. grade..

Sd/- illegible
19.2.2007

Yours faithfully..

Anujjal Sarmah
T. O. Gr.III (4)
Petroleum and Natural Gas
Division.

Certified to be true Copy
K Roy Chowdhury
Advocate

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ANNEXURE - XI - A

| |
|---|
| केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal |
| 18 JAN 2007 |
| गुवाहाटी न्यायपीठ Bench |

To

The Director, R.R.L. Jorhat - 6

Dated the 19th Feb-2007

Sub: Ref no. R.L.J (163)/2007/RAC dated
02.02.2007.

Sir,

Most respectfully, I would like to inform you that the date of my entry to present grade assessed on 28.11.99 in the same group 2 years earlier than the normal prescribed period of assessment w.e.f. 28.11.99 under the revised MARAS subject to revision in the office record instead of 28.11.2001. Therefore the due date for assessment from the date of entry w.e.f. 28.11.99 to 28.11.2004 for residency period of five years. Once I was recommended by the competent board and conducted by office cell verified in rules and approved to accord with effective date of promotion 28.11.2000 by submitting a joining report with reference memo no R.L.J-7(125)/2003/Rectal dated the 30.12.2003 continued till date.

Lastly I request you to add all the different assessment and combined in a definite position of my present grade by recovering all the back areas with due effect from 28.11.99 or 28.11.2000 subject to revision with above mentioned date of entry before going to the next higher grade.

Certified to be true copy
K Roy Chowdhury
Advocate

19/2/2007

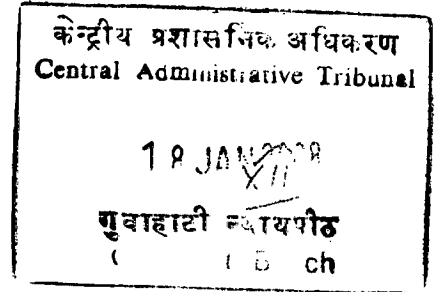
Yours faithfully

Anujit Sarma

To, G.O. III (C4)
Petroleum and Natural Gas
Division.

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ANNEXURE - XII



NORTH EAST INSTITUTE OF SCIENCE & TECHNOLOGY
(A constituent Establishment of CSIR)
JORHAT - 785006 (ASSAM).

No.RLJ(125)/2003/RAC

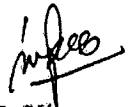
Date: 18.04.2007

OFFICE MEMORANDUM

With reference to his application dated 19th Feb., 2007, Shri Anujjal Sarmah, Gr.III(4), Petroleum & Natural Gas Division, NEIST, Jorhat is hereby informed that the matter regarding his assessment has been settled vide Competent Authority ORDER dated June 25, 2004 wherein his promotion from Gr.III(3) to Gr.III(4) has been made effective from 28.11.2001.

Therefore, Shri Anujjal Sarmah, has no reason to be aggrieved after a lapse of more than two years of issue of the ORDER of the Competent Authority.

This issues with the approval of the Competent Authority.


(J L Khongsai)
Section Officer

To,

✓ Shri Anujjal Sarmah
Gr.III(4), Petroleum & Natural Gas, Division
NEIST, Jorhat.

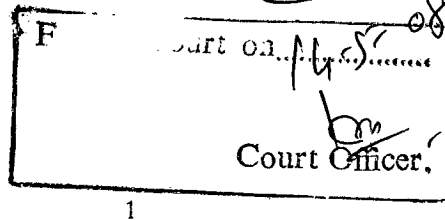
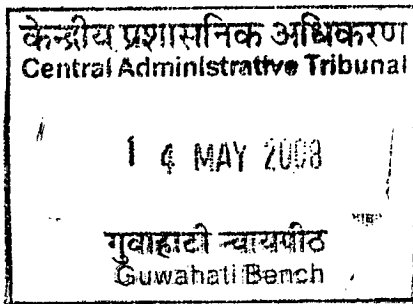
Copy to:

1. P S to Director
2. P A to C.O.A.
3. Personal file
4. Office copy


Section Officer

Certified to be true Copy

K Roy Chowdhury
Advocate



Filed by: -
The Respondents
vs. to
Through
Ms. Meghadas
Sankar
Tanjao Lunkim Khongsai
14/5/08

In the Central Administrative Tribunal
Guwahati Bench

In the matter of :

O.A. No.8/08

Sri Anujjal Sarma

.....Applicant

-vs-

Union of India and ors.

.....Respondents

-And-

In the matter of :

Written statement on behalf of all
the respondents.

(Written statement on behalf of all the Respondents)

I Sri J. Lunkim Khongsai, son of Late T. Khongsai, Section Officer, presently working as Controller of Administration, Officiating as Controller of Administration, North East Institute of Science and Technology, Jorhat, do hereby solemnly affirm and state as follows:-

Received By
D. K. Khongsai
14/5/08

1. That I am Officiating as Controller of Administration, North East Institute of Science and Technology, Jorhat in the district of Assam I have been impleaded as party Respondent No.4, of the application have

Copies

been

served upon the respondents. I have gone through the same and have understood the contents thereof. Being the Controller of Administration, I am acquainted with the facts and circumstances of the case. I have been authorized to file this written statement on behalf of all other respondents.

Tampano Kishin Krongai

2. That I do not admit any of the averments except which are specifically admitted hereinafter and the same are deemed as denied.

3. That the council of Scientific and Industrial Research is an autonomous body under the deptt. of Science and Industrial Research. ^{Director} General of CSIR is the ex-officio Secretary of Govt. of India.

4. In Scientific Technical Staff, there are four Groups and Grades-

a) Candidates with M.Sc. with 1st class or equivalent qualification are appointed as Group IV(1) and the promotional ^{are} upto Gr.IV(6) subject to the provisions laid down in the rules.

b) Candidates with B.Sc. or equivalent qualification are appointed as Group III(1) (Technical) and the promotional ^{are} upto

Gr.III(7) subject to the provisions laid down in the rules.

- c) Candidates with 10th Class passed with 50% marks in aggregate with Certificate from ITI are placed under Group IV(1) and the promotional are upto Gr.II(4).

- d) Candidates with VIIIth passed qualification are placed under Group 1(2) and the promotional avenues are upto Gr.1(4).

As per the Merit and Normal Assessment Scheme (MANAS), the residency period of normal assessment for promotion to the next higher grade in Group III is 5 years and as per CSIR letter No.17/66/94-PPS dated 28.1.97 the provision of 2 year earlier assessment is admissible once in the same group on acquiring higher qualification equivalent to Gr.IV(1) and will not be adjusted against the chances available for normal assessment under revised MANAS. This modification came into 1996-97 onwards.

- (i) "Those employees who have acquired/will acquire entry level qualification of the next higher group may be assessed to the next higher grade once in the same group 2 years earlier than the normal prescribed period of assessment".

129
Jangoo Kunhim Klongai

Tanjav Duraim khangsai 12/3

(ii) "If an assessee is not recommended for promotion he/she will be considered for assessment after completion of residency period prescribed for normal assessment in the revised MANAS as per Table for the relevant group and chance of 2 years earlier assessment will not be adjusted against the chances available for normal assessment under Revised for normal assessment under revised MANAS".

5. That the applicant having the B.Sc. (Chemistry) Degree was being found suitable and selected for appointment to the post of Group-III(1) vide order dt. 28.11.86. Thereafter he was promoted to Group-III(2) vide order dt. 28.11.91, then Group-III(3) on 28.11.96.

6. That, as per the said scheme the applicant's due date of assessment to Group-III(4) is 28.11.01 under the normal circumstances. However as he acquired higher qualification he was benefited to 2 years earlier assessment which falls during the assessment year 1999-2000 and effective on 28.11.99. Accordingly he was called for interview, he appeared before the Interview Committee on 1.1.03, but could not succeed.

7. That, the applicant is eligible for being promoted to the next higher grade after completion of the residency period of 5 years i.e. effective on 28.11.01 and

14 MAY 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

5

(57)

Jamshed Kherogai 12/7

his normal assessment year is 2001-2002. However by mistake the applicant's name was shown at Sl. No.5 under the assessment year 2000-2001.

8. That, consequently in wrongful assessment year the applicant was called for interview and he appeared before the Interview Committee held on 13.9.03. On the recommendation of the committee the applicant was promoted to Group-III(4) vide order dt.30.12.03.

9. That, the respondent authority after coming to the notice of mistake in calculation of normal assessment year issued show-cause notice dt. 12.5.04. The applicant replied to the said notice on 19.5.04.

10. Thereafter, the respondent authority after considering the reply dt. 19.5.04 of the applicant hold that holding of further interview/procedure may delay the matter and since the assessment of that year was already over hence, the promotion of the applicant was not withdrawn and made the promotion effective from 28.11.01 by correcting the due date of normal assessment year.

11. Reply to the facts of the case:-

11.1 That, with regard to the statements made in paragraph 4.1 of the application, the humble answering respondent has nothing to make comment on it.

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| केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal |
| 14 MAY 2008 |
| गुवाहाटी न्यायपीठ Guwahati Bench |

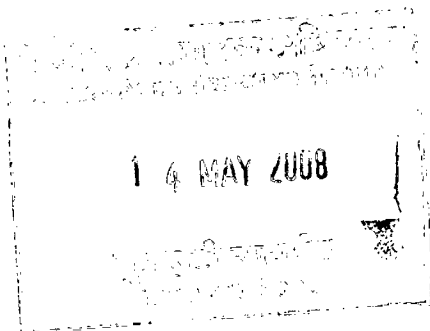
Tampan Krongai 130

11.2 That, with regard to the statements made in paragraph 4.2 and 4.3 of the application, the humble answering respondent has nothing to make comment on it as they being matters of records of the case..

11.3 That, with regard to the statements made in paragraph 4.4 of the application, the humble respondent begs to state that as per the merit and Normal Assessment Scheme (MANAS) the normal assessment period for promotion from ~~one grade~~ to next higher ~~grade~~ ^{in the same group} is 5 years. However, if the candidate acquires higher qualification after joining the service then he is eligible for 2 years earlier assessment. Hence, the applicant's due date of assessment to Group-III(4) is 28.11.01 under the normal circumstances. But as the applicant acquired higher qualification he is eligible for 2 years earlier assessment on 28.11.99.

11.4 That, with regard to the statements made in paragraph 4.5 of the application, the humble answering respondent begs to state that the applicant as benefited 2 years earlier assessment for acquiring higher qualification was called for interview 2 years earlier which falls during the assessment year 1999-2000

11.5 That, with regard to the statements made in paragraph 4.6 of the application, the humble answering respondent begs to state that the applicant appeared before the Assessment Committee on 1.1.03, but he was



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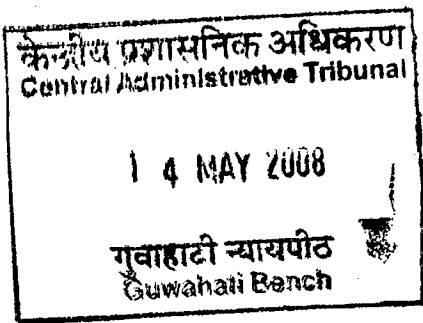
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not selected for being promoted to the next higher grade in Group-III.

11.6 That, with regard to the statements made in paragraph 4.7 of the application, the humble answering respondent begs to state that the normal assessment period for the promotion of the applicant to the next higher post is 5 years, but he was benefited of 2 years earlier assessment because of acquiring higher qualification. He was called for to appear before the committee, but could not succeed in that benefited period. The due date of normal assessment of the applicant falls on 28.11.01, but wrongly the due date of normal assessment of the applicant is shown as 28.11.2000 instead of 28.11.01. However, subsequently that was corrected vide order dt. 25.6.04 by affording the opportunity to reply.

11.7 That, with regard to the statements made in paragraph 4.8 of the application, the humble answering respondent begs to state that applicant's normal assessment period infact is 2001-2002. However, his name was wrongly shown under the assessment year 2000-2001. Inadvertently the residency period of the applicant was counted from 28.11.2000 instead of 28.11.01. However, subsequently as and when the mistake was detected, immediately the respondent authority corrected the same.

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Jangrao Lunkar & Son



Although the applicant was infact not eligible as not having the requisite normal assessment/residency period he was called for interview by wrongly placing him at serial No.5 under the assessment year 2000-2001 instead of 2001-2002.

11.8. That, with regard to the statements made in paragraph 4.9 and 4.10 of the application, the humble answering respondent has nothing to make comment on it as they are matters of record of the case.

11.9 That, with regard to the statements made in paragraph 4.11 and 4.12 of the application, the humble answering respondent begs to state that in view of the recommendation of the Assessment Interview Committee which met on 13.9.03. The applicant's promotion to the next higher grade was approved vide order dt. 30.12.03 by giving effect the promotion from 28.11.2000.

In this connection it is stated that the said promotion of the applicant was the consequential order of recommendation of the Assessment Committee which met on 13.9.03. The applicant although appeared in the interview in the said Selection Committee infact was not eligible for being appeared before the Interview Committee as having not completed the residency period of 5 years prescribed for normal assessment in the revised MANAS. Inadvertently the applicant was assessed by taking effective date of 28.11.2000 instead of 28.11.01 i.e. 4 years instead of 5 years. However, subsequently

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Jampoo Lunken Khongsa

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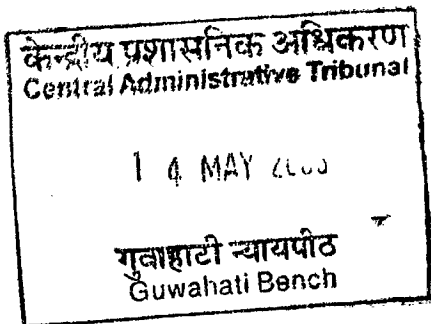
Tampan Kunhim Khorasani
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that was corrected by giving him promotion to the next higher grade effective from 28.11.01.

11.10 That, with regard to the statements made in paragraph 4.13 of the application, the humble answering respondent begs to state that the said show-cause notice dt. 12.5.04 was issued to the applicant by the respondent authority in connection with the inadvertent normal assessment for promotion to the next higher grade. As per revised Merit and Normal Assessment Scheme the promotion to the next higher grade, the residency period prescribed for normal assessment is 5 years. However, the residency period of Assessment was taken wrongly by taking effect on 28.11.2000 instead of 28.11.2001 and he was not even eligible for appearing before the Interview Committee. Accordingly he was given opportunity to reply to the wrongful residency of assessment.

The respondent however after making rectification and as the effective assessment year dt. 28.11.2000 was already over has given the promotion to the applicant to the next higher grade vide order dt. 25.6.04 and made the promotion effective from 28.11.01.

11.11 That, with regard to the statements made in paragraph 4.14 of the application, the humble answering respondent begs to state that the competent assessment board infact goes into details of the knowledge of the candidate vis-à-vis work carried out by him during the period to assess his suitability for higher grade. The



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Assessment Board is not concerned with the administrative matters like due date of assessment etc. At the same time, the applicant cannot take undue advantage of the error about the due date of his assessment mentioned in the Office Memorandum.

Further in the year 1999 he was not recommended by the Interview Committee. However, subsequently he was promoted on the basis of recommendation of the Interview Committee. It is to be stated here, that inadvertently the normal assessment year made effective on 28.11.2000 instead 28.11.01. However, subsequently the normal assessment date was corrected and the promotion of the applicant to the next higher grade i.e. Group-III(4) was not withdrawn, however made effective on 28.11.01.

11.12 That, with regard to the statements made in paragraph 4.15 of the application, the humble answering respondent begs to state that the applicant's due date of normal assessment has been corrected as 28.11.01 on due consideration of his representation read with the facts and circumstances of the case.

11.13 That, with regard to the statements made in paragraph 4.16 of the application, the humble answering respondent begs to state that the applicant's pay fixation has been made later w.e.f. 28.11.01 vide Office Memorandum dt. 7.9.04 mentioned in this paragraph. He

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1/9/04



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has not made any appeal against the pay fixation or the correction of due date of normal assessment to the Director General of CSIR at that time.

11.14 That, with regard to the statements made in paragraph 4.17 and 4.18 of the application, the humble answering respondent has nothing to make comment on it.

11.15 That, with regard to the statements made in paragraph 4.19 of the application, the humble answering respondent has nothing to make comment on it as they are being the matters of records of the case.

11.16 That, with regard to the statements made in paragraph 4.20 of the application, the humble answering respondent begs to state that the applicant was called to submit the work report for the assessment year under the provision of clause 2.3.4 revised MANAS (for acquiring higher qualification). The said clause of MANAS says that "those employees who have acquired entry level qualifications of the next group (higher qualification) may be assess to the next higher grade in the same group two years earlier than the normal prescribed period of assessment, provided they attained the prescribed threshold".

Further the applicant interpreted that as he was called upon to submit work report for the assessment year 1998-99, hence, it is reasonably inferred that he obtained minimum 90% marks. He further in subsequent paragraph

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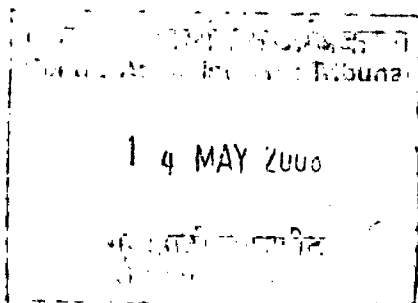
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stated that in Merit Assessment he obtained very good grade. As per clause 5.2.3 of revised merit and normal assessment scheme for very good the rating mark is 75%. Hence, he is not eligible for assessment under the merit assessment scheme. Whatever may be the interpretation made by the applicant in this paragraph having no relevancy to his case for relief as prayed for.

11.17 That, with regard to the statements made in paragraph 4.21 of the application, the applicant was called for interview for two years earlier assessment due one 28.11.99 humble answering respondent (for acquiring higher qualification which falls under the assessment year 1999-2000. However, he was not selected by the interview board. Accordingly, he was intimated vide letter dt. 6.1.03.

11.18 That, with regard to the statements made in paragraph 4.22 of the application, the humble answering respondent begs to state as stated that above, the applicant although appeared before the Assessment Interview Committee which held on 1st and 2nd January, 2003 but the Committee did not recommend the applicant for promotion to the next higher grade and was accordingly informed vide O.M. dt. 6.1.03

Thereafter he along with others appeared before Assessment Interview Committee for the assessment year 2000-01 and 2001-02 held on 30.9.03 and he was recommended by the Assessment Interview



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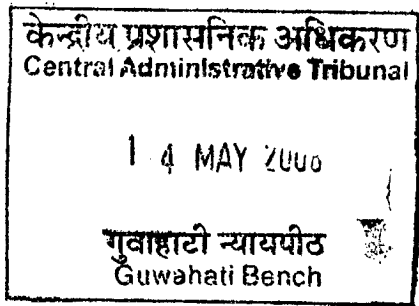
Committee for the next higher grades vide O.M. dt. 30.12.03.

It is to be stated here that the applicant did not challenge his non-selection/non-recommendation by the Assessment Committee made on 1.1.03 which was communicated on 6.1.03. Hence, at this stage the applicant is estopped from making grievance for non-inclusion of his name in the earlier select list prepared by the Assessment Committee met on 1.1.03 which is a separate cause of action and if he had any grievance against that he should have approached before this Hon'ble Tribunal at appropriate time by filing separate application.

Further the statements made in this paragraph are absolutely irrelevant so far the promotion of the applicant to the post of next higher grade from Grade-III is concerned.

11.19 That with regard to the statement made in paragraph 4.24 of the application the humble answering respondent begs to state that the applicant is called for two year earlier assessment due on 28.11.99 based on his acquiring the higher qualification. But he was not successful in the interview held on 1.1.03. Under the scheme MANAS, there is no provision for assessment of a candidate for 2 years earlier assessment benefit for second time. The applicant in fact was called for Assessment Interview Committee meeting held on 13.9.03

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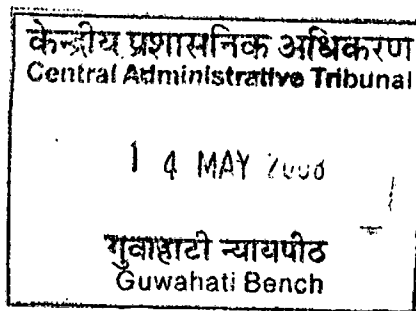
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Jampao
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for normal assessment where the residency period of Group-III post for promotion to next higher Grade is five years as provided in clause-2.2.3 of the scheme and his normal assessment was due on 28.11.01 i.e. for the period of 28.11.96 to 28.11.01 (5 years). The applicant was selected under the normal assessment scheme in the year 2003. However, his due date of promotion has been inadvertently shown as 28.11.2000 instead of 28.11.01.

Further it is stated that as the applicant was assessed inadvertently in four years instead of five years i.e. the completion of residency period prescribed in the normal assessment as per scheme and was promoted vide order dt. 30.12.03 by showing the effective dt. Of promotion w.e.f. 28.11.2000 instead of 28.11.01. The residency period of normal assessment is five years. But the applicant's normal assessment was made in four years. Hence, as and when it was come to the notice the respondent authority corrected/rectified the error by affording opportunity to the applicant and issue an O.M. dt. 18.4.07 by giving promotion to the applicant from Grade-III w.e.f. 28.11.01. It is not correct that the applicant's promotion order dt. 30.12.03 is cancelled. But it is rectified by giving him promotion to the next higher grade w.e.f. 28.11.01 as per scheme.

11.20 That with regard to the statement made in paragraph 4.25 to 4.27 of the application the humble answering respondent begs to state that the applicant does not have the legal right of promotion w.e.f. 28.11.2000



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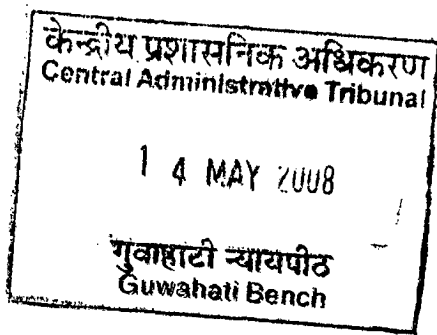
simply because the same has been published in the monthly bulletin of the Institute. The promotion giving effect from 28.11.2000 instead of 28.11.2000 was erroneous. Hence, the effective date was corrected by the Respondent Authority by affording opportunity to the applicant. The applicant has no right to take undue advantage of the error about the due date of his assessment.

Further it is stated that even if in some cases, erroneous promotion had been given contrary to the rules and consequently such employees have been employed to enjoy the fruits of improper promotion employee cannot base his claim for promotion contrary to rules.

Further it is stated the order of promotion dt. 30.12.03 has been withdrawn or cancelled merely, it has been rectified vide order dt. 25.6.04 by giving effect of promotion w.e.f. 28.11.01

11.21 That the answering respondent begs to state that the applicant has not exhausted the alternative remedy before approaching this Hon'ble Tribunal. He has not made appeal before the appropriate appellate forum against the impugned O.M. dt. 18.4.07.

11.22. That this application has no merit at all and is liable to be dismissed.



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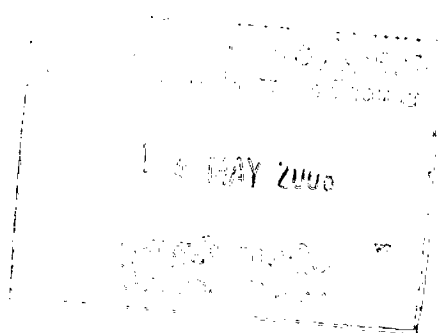
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12. Reply to the Grounds of the Case

12.1 In response to the statements made in paragraphs 5(I) of the application, it is submitted that in wrongful assessment year the applicant was called for interview on 13.9.03 and on recommendation he was promoted vide order dt. 30.12.03 which is erroneous and accordingly that was corrected by giving effect the promotion with effect from 28.11.01. The applicant does not have any right to claim the promotion effective from 28.11.2000 which one is inadvertent error. He cannot claim an erroneous promotion even he was given promotion contrary to guidelines in force.

12.2 In response to the statements made in paragraph 5(III) of the application, it is submitted that the applicant was benefited by 2 years earlier assessment for acquiring higher qualification and was accordingly called for interview but he did not find his place in the merit list prepared by the Interview Committee.

If the applicant has any grievance against that selection he should have approached in appropriate time before effected the list and he has no legal right to agitate the grievance for non-inclusion in the list prepared by the Committee made on 1.1.03 and he is estopped under the doctrine of estoppel agitating by the present application which is a separate cause of action.



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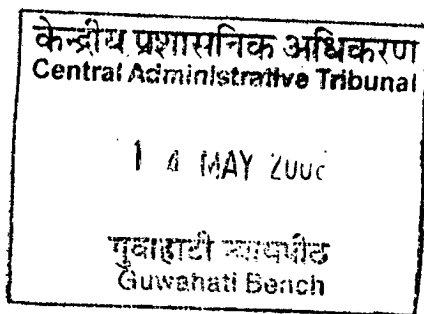
Tanjoo Lunkin Krongsei

12.3 In response to the statements made in paragraph 5(IV) of the application, it is submitted that as per clause (II) of the CSIR guidelines contained in letter dt. 28.1.97, the applicant is to be considered for assessment after completion of residency period of 5 years.

12.4 In response to the statements made in paragraphs 5(V) of the grounds it is submitted that consideration w.e.f. 28.11.2000 was an inadvertent mistake but he was allowed to get his promotion to higher grade by making effective from 28.11.01. Hence, the grounds set forth in this paragraph is not relevant

12.5 In response to the statements made in paragraphs 5(VI) of the grounds it is submitted that the applicant has made wrong statements his promotion was infact not withdrawn or cancelled.

12.6 In response to the statements made in paragraphs 5(VII) and 5(VIII) of the grounds it is submitted that one cannot base his claim for promotion contrary to Rules or Guidelines. The respondent authority rectified the inadvertent mistake and the order dt. 18.4.07 issued by the humble answering respondent is a promotion given to the applicant by rectifying only the effective date from 28.11.01.



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13. That the answering respondent begs to state that the applicant has not exhausted the alternative remedy before approaching this Hon'ble Tribunal. He has not made appeal before the appropriate appellate against the impugned order dt. 18.4.07

14. That this application has no merit at all and is liable to be dismissed.

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VERIFICATION

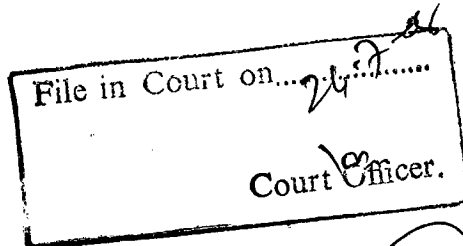
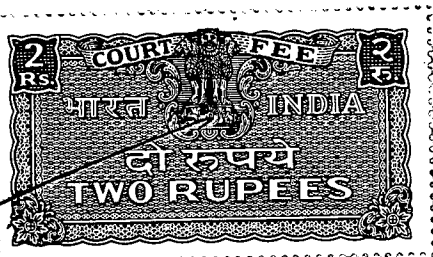
I Sri J. Lunkin Khongsai, son of Late T. Khongsai, aged about 33 years of Nist Colony Campus, P.O.-R.R.L. Jorhat, Section Officer, presently working as Controller of Administration, Officiating as Controller of Administration, North East Institute of Science and Technology, do hereby solemnly affirm and state as follows:-

That I am the Respondent No.4 in the present application and have been authorized to file written statement on behalf of Respondent No.1 to 3 that the statements made in paragraphs 1,2,3,11'1,11'12 to 11'14 and 11'20 are true to my knowledge and those made in paragraphs 4 to 10, 11'2 to 11'10, 11'15 to 11'19 are being matter of the case derived therefrom which I believe to be true and the rest are my humble submissions before this Hon'ble Tribunal.

I have not suppressed any material facts.

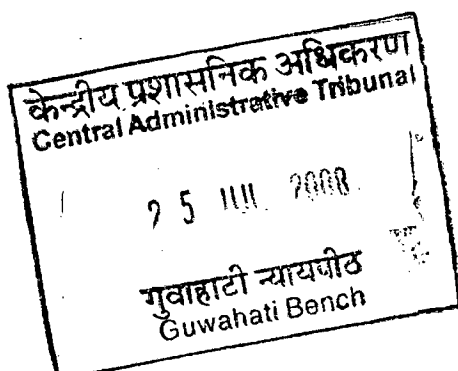
And I sign this verification on 14th day of May 2008 at Guwahati.

Jampao Lunkim Khongsai



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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH-
GUWAHATI**



IN THE MATTER OF:

O. A. No. 8/2008

Sri Anujjal Sarmah

-----Appellant

-Vs-

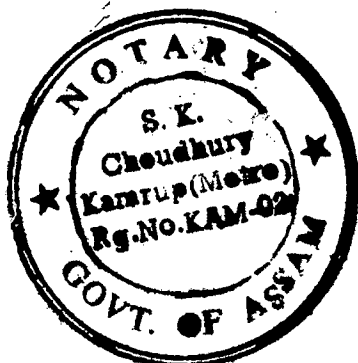
Union of India & Ors.

-----Respondents.

-AND-

IN THE MATTER OF:-

An Affidavit-in-Rejoinder filed by the Applicant in reply to the written statement filed by the Respondents.



AFFIDAVIT-IN-REJOINDER ON BEHALF OF THE APPLICANT.

I, Sri Anujjal Sarmah, son of Late Gunanda Sarmah, aged about 49 years, a resident of Qtr. No. D-16, North-East Institute of Science and Technology, Jorhat-6 do hereby solemnly affirm and state as follows:-

1. That I am the applicant in the instant case and am fully acquainted with the facts and circumstances of the case and as such, competent to file the instant affidavit and am giving my reply as hereinbelow stated.

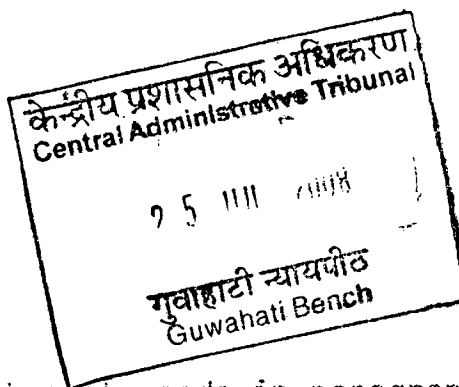
2. That a copy of the written statement filed by the Respondents having been served upon my counsel, I have perused and understood the contents of the same.

Filed by -

Anujjal Sarmah

Applicant
Through Ms. Subandalekha Senapati
Advocate 24/7/08

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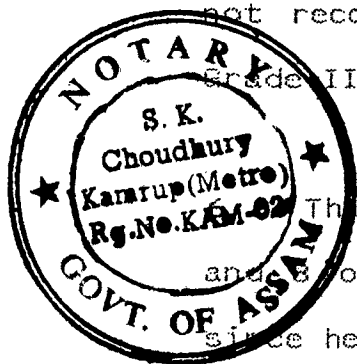


3. That with regard to the statements made in paragraphs 1 and 2 of the written statement the deponent does not have any comment to make.

4. That with regard to the statements made in paragraphs 3 and 4 of the written statement the same being based on records, I deny and dispute all that are contrary to or inconsistent with the records.

5. That with regard to the statements made in paragraphs 5 and 6 of the written statement the deponent states that his appointment to Grade III (1) was made vide order dated 28.11.1986 and not 28.11.96 as erroneously shown in paragraph 5 vide Office Memorandum (hereinafter referred to as O.M) dated 6.1.2003 (Annexure-III to the application), the deponent was informed that the Assessment Committee did not recommend the deponent for the next higher grade i.e Grade III (4).

That with regard to the statements made in paragraphs 7 and 8 of the written statement, the deponent states that since he was promoted to Grade III (3) from Grade III(2) on 28.11.96 under normal Assessment of Revised MANAS (Merit & Normal Assessment Scheme) the applicant is eligible to be promoted to Grade III (4) from Grade III (3) on 28.11.2001, which is after completion of the normal residency period of 5 years. But having acquired entry level qualification of the next higher grade, the deponent became eligible to be considered for earlier assessment as per revised Merit and Normal Assessment Scheme (MANAS). As laid down in clause 2.0 relating to "Merit and Normal Assessment", the Assessment



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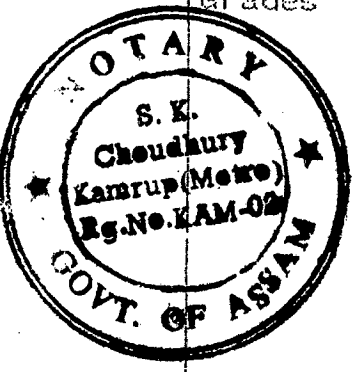
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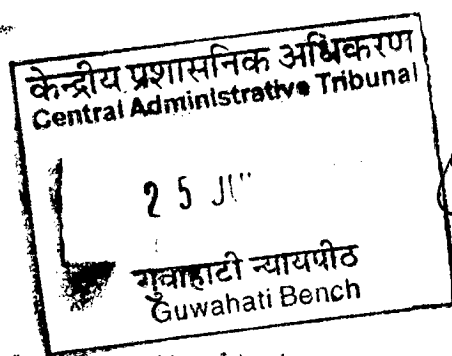
Amritsar Sarma

scheme envisages Normal and/or Merit promotion on the basis of prescribed thresholds. As per sub-clause 2.1.2 thereof, the Merit Assessment Scheme besides being applicable to Group-IV(1) to IV (4), is also applicable to Group III (3) upto III (6), provided the incumbents possess entry level qualifications of Group IV and are engaged in R & D activities. Again, as per sub-clause 2.2.3, the eligibility and threshdhs for Normal Assessment for group -III is as quoted in the table below: -

"2.2.3 group -III.

| 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 | | |
|----------------|----------------|---|------------------------------|------------------|-------|
| | | | Normal Assessment | Merit Assessment | |
| | | | 5 yrs | 4 yrs | 3 yrs |
| III(1) | Rs.4500-7000 | 5,6,7,9 and after remaining for one year at the maximum of the grade | 60 | NA | NA |
| III(2) | Rs.5500-9000 | -do- | 60 | NA | NA |
| III(3) | Rs.6500-10500 | -do- | 70 | 80 | 90 |
| III(4) | Rs.8000-13500 | -do- | 75 | 85 | 90 |
| III(5) | Rs.10000-15200 | -do- | 75 | 85 | 90 |
| III(6) | Rs.12000-16500 | 5.6.8 and at the maximum of the grade | 75 | 85 | 90 |
| III(7) | Rs.14300-18300 | | | | |



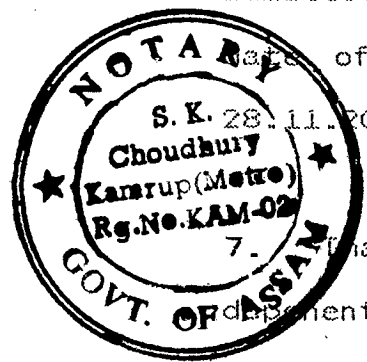


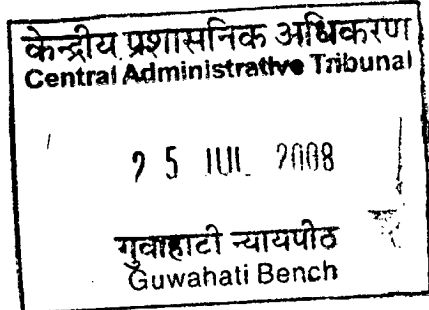
Amritlal Sarma

Thus, the applicant was eligible for Merit Assessment in 3 years by scoring threshold i.e. Minimum marks of 90 and in 4 years by scoring Threshold/Minimum marks of 80. Accordingly vide office Memorandum dated 13.12.2002 (Annexure-II-B to the application), the applicant was called for Interview on 1.1.2003, since by acquiring higher qualification he was eligible for 2 years earlier assessment for the assessment year 1999-2000 and effective on 28.11.1999. The name of the applicant appeared at Serial No.3 under the Assessment year 1999-2000 in the office Memorandum dated 13.12.2002 (Annexure-II-B). Pursuant to submission of work report as directed vide Office Memorandum dated 23.6.2003 (Annexure-IV to the application), in which the deponent's name appears at Sl. No.5 for the assessment year 2000-2001 with 28.11.2000 as the due date for consideration of assessment, the deponent was called for Assessment Interview on 13.9.03 vide Office Memorandum dated 20.8.2003 (Annexure-V to the application) and on being recommended by the said Interview Committee, the deponent was promoted to Group III (4) vide order dated 30.12.2003 (Annexure-VII), on his assessment under Revised MANAS as admitted in para 8 of the written statement. The effective

date of the deponent's promotion to Group III (4) was S. K. 28.11.2000.

7. That with regard to the statements made in para 9, the deponent states that the Office Memorandum dated 30.12.2003 having been acted upon and the deponent having accordingly submitted his joining report in group III(4) on 30.12.2003 (Annexure-VII-A to the application), the Respondent-authority issued the Show-Cause Notice dated 12.5.04 (Annexure-VIII) after a lapse of almost 5 months during





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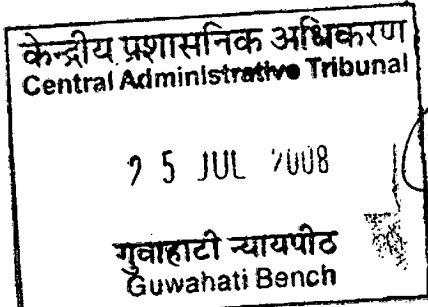
which period, the deponent had been continuously rendering his services as Technical officer, Grade III (4). The deponent immediately replied to the Show Cause Notice vide letter dated 19.5.04 (Annexure-VIII-A) stating therein that having been selected on merit by a competent Board of Assessment convened by responsible officers, well-versed in the Rules and Regulations of the organisation and promoted to the next higher grade w.e.f 28.11.2000 in which capacity the deponent had joined and was responsibly working, there was no scope for withdrawing the promotion by merely taking the plea of "inadvertently assessed" before time.

8. That with regard to the statements made in paragraph 10 of the written statement, the deponent states that as already stated hereinabove, having been appointed to Group III(3) on 28.11.1996, the deponent is due for promotion to Group III (4) after the normal residency period of 5 years, i.e. on 28.11.2001 as per MANAS and hence, there cannot be any question of any consideration being shown by the respondent-authorities to the deponent's reply dated 19.5.2004 (Annexure-VIII-A to the application) for making the promotion effective from 28.11.01 by way of correcting the date of normal assessment year.

9. That with regard to the statements made in paragraphs 11.1, 11.2, 11.3, 11.4 and 11.5 of the written statement, the deponent does not refute the same and reiterates the statements made in paragraphs 4.1, 4.2, 4.3, 4.4, 4.5 and 4.6 of the original application.

10. That with regard to the statements made in paragraphs 11.6 and 11.7, the deponent reiterates the statements made





Amritlal Sarma

in paragraphs 4.7 and 4.8 of the application and states that vide Office Memorandum dated 23.6.2003 (Annexure-IV to the application), the deponent was called upon to submit Work Report since it was proposed to process assessment promotion for Group III Technical staff members and as a sequel thereto, vide Office Memorandum dated 20.8.2003 (Annexure-V to the application) the deponent was called for Assessment Interview on 13.9.2003 for promotion to next higher grade. As defined in Clause 5.1.1, Work Report is the 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 and is applicable only for Groups -III and V (A). In both Office Memorandums dated 23.6.2003 and 20.8.2003, the deponent's name is mentioned at serial No.5 under assessment year 2000-2001 of Grade -III(3) with due date for consideration of Assessment as 28.11.2000 which is in keeping with the date of entry to Grade -III (3) i.e. 11.11.1996.



11. That with regard to the statements made in paragraph 11.8 of the written statement, the deponent reiterates the statements made in paragraphs 4.9 and 4.10 of the application and states that pursuant to communication of the critical appraisal and grade awarded by the Reviewing Officer for 1997-98 vide Office Memorandum dated 9.9.2003 (Annexure-VI), the deponent filed a representation dated 24.9.03 (Annexure-VI-A) before the competent authority seeking to know as to what was not completed in the assigned work for 1997-98 as per the satisfaction of the reporting officer and by requesting to consider the higher grade for the periods 1998-99, 1999-2000 and 2000-2001, desired to be shown all the Annual Performance Reports of the said

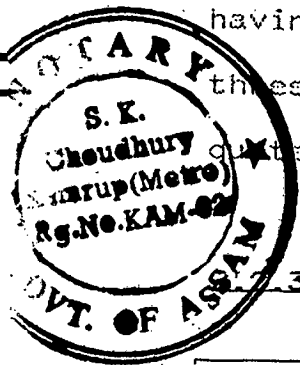
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गुवाहाटी न्यायपीठ
Guwahati Bench

periods. The deponent further states that as per Clause 5.2.3, the grade of "Very Good" is rated as 75 marks. However, for reasons best known to them, Respondent-authorities did not inform the deponent about the final decision taken by the competent authority in this regard.

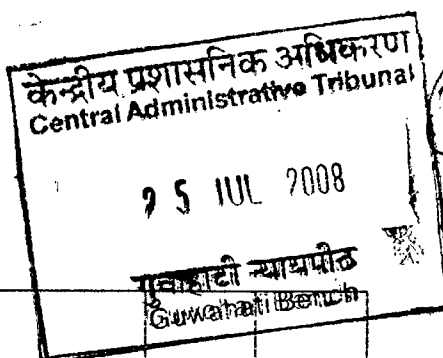
12. That with regard to the statements made in paragraph 11.9 of the written statement, the deponent while reiterating the statements made in paragraphs 4.11 and 4.12 of the application states that the deponent was assessed and recommended by the Assessment Committee which met on 13.9.2003 since he was eligible for consideration under the Merit Assessment Scheme as per Revised MANAS, although the deponent was yet to complete the residency period of 5 years prescribed for Normal Assessment under Revised MANAS. By taking effective date of 28.11.2000 i.e 4 years, the deponent was assessed under 4 years Merit Assessment for having secured higher qualification and the prescribed threshold marks as set forth in Clause 2.2.3, which is quoted hereinbelow :-

| Group & Grades | Scale of pay | Eligibility for Assessment (yrs.) (No. of years required to be completed in the existing Grade) | Threshold Minimum Marks i.e. | | |
|----------------|--------------|---|------------------------------|------------------|-------|
| | | | Normal Assessment | Merit Assessment | |
| | | | 5 yrs | 4 yrs | 3 yrs |
| III(1) | Rs.4500-7000 | 5,6,7,9 and after remaining for one year at the maximum | 60 | NA | NA |



3 Group-III.

Amritlal Sarma

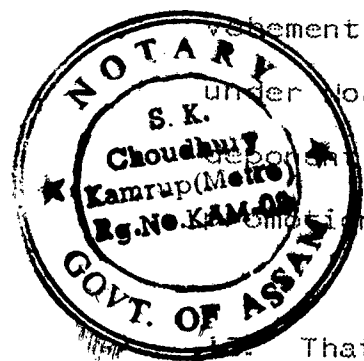


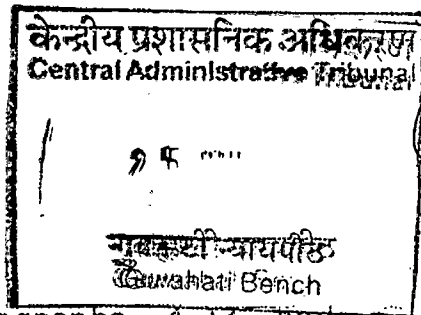
| | | of the grade | | | |
|--------|----------------|---------------------------------------|----|----|----|
| III(2) | Rs.5500-9000 | -do- | 60 | NA | NA |
| III(3) | Rs.6500-10500 | -do- | 70 | 80 | 90 |
| III(4) | Rs.8000-13500 | -do- | 75 | 85 | 90 |
| III(5) | Rs.10000-15200 | -do- | 75 | 85 | 90 |
| III(6) | Rs.12000-16500 | 5.6.8 and at the maximum of the grade | 75 | 85 | 90 |
| III(7) | Rs.14300-18300 | | | | |

Amritlal Sarma

Further, as per Clause 2.1.3, scientists of Group IV (1) to IV (4) and Group III (3) to III(6) who secure atleast 225 marks in 3 years and 300 marks in 4 years in their ACR's /APARs would be eligible for consideration under the Merit Assessment Scheme. Clearly, as per criterion laid down in the aforesaid Clause, the deponent on being found eligible was called upon to appear before the Interview committee and was recommended for promotion to the next higher grade vide Office Memorandum dated 30.12.2003 (Annexure-VII to the application). The averment made by the Respondents that the deponent was not eligible for appearing before the Interview Committee having not completed the residency period of 5 years prescribed for normal assessment is not correct and is vehemently refuted by the answering deponent. It is not under Normal Assessment but under Merit Assessment that the deponent was recommended by the Assessment Committee for promotion to next higher grade.

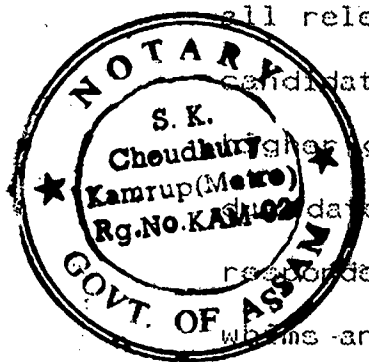
That with regard to the statements made in paragraphs 11.10 and 11.11 of the written statement the deponent while



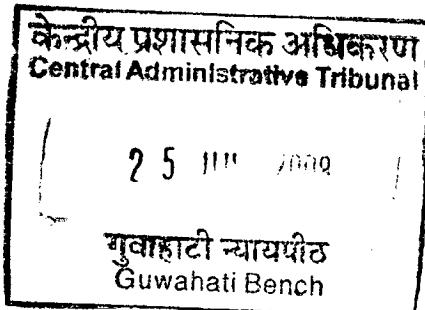


re-iterating the statements made in paragraphs 4.13 and 14.14 of the application states that after 5 months of joining in Group III (4) vide joining report dated 30.12.2003 (Annexure-VII-A to the application) pursuant to Office Memorandum dated 3.12.2003 (Annexure-VII to the application), the deponent was served with the show cause notice dated 12.5.04 (Annexure-VIII to the application) to show cause as to why the promotion granted to the next higher grade w.e.f 28.11.2000 vide Office Memorandum dated 30.12.2003 should not be withdrawn to which the deponent duly replied vide letter dated 19.5.2004 (Annexure-VIII-A) that after being selected on merit by a competent Board of Assessment and having joined and worked with responsibility in the higher grade there was no scope of withdrawing the promotion merely on the plea of inadvertent assessment before time. The deponent states that the competent authority prior to calling the deponent for assessment Interview on 13.9.2003 vide Office Memorandum dated 20.8.2003 (Annexure-V) had requested the members including the deponent to submit work reports as per enclosed format (MANAS) within 10.7.03 and it may be safely presumed that the competent assessment board had taken into consideration all relevant details including due date of assessment of the candidates before recommending for promotion to the next higher grade. In any case, administrative matters including date of assessment are expected to be examined by the respondent authorities with due weightage and not at their whims and caprices.

Annexed Serial



14. That with regard to the statements made in paragraphs 11.12 of the written statements, the deponent states that the due date for promotion as per normal assessment is after



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completion of the normal residency period of 5 years which was completed by the deponent on 28.11.01 having been promoted to Grade III (3) on 28.11.1996.

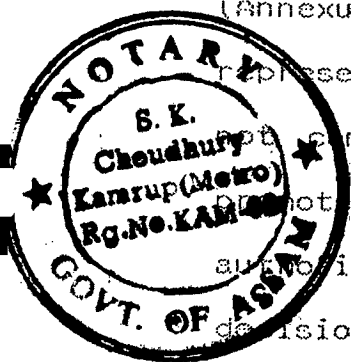
15. That with regard to the statements made in paragraphs 11.13, 11.14 and 11.15 of the written statement being based on records, the deponent denies are statements which are not based on records.

16. That with regard to the statements made in paragraphs 11.16 and 11.17 of the written statement the deponent reiterates the statements made in paragraphs 4.20 and 4.21 of the application.

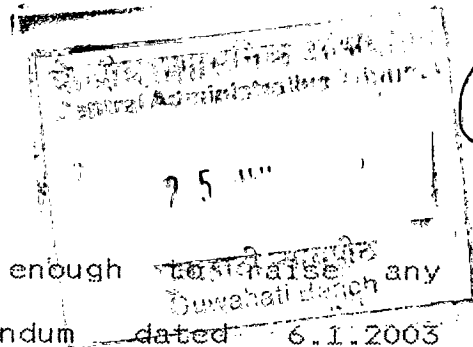
17. That with regard to the statements made in paragraph 11.18 of the written statement, the deponent while reiterating the statements made in paragraph 4.22, states that although he made oral representations before the then authorities for not being recommended, immediately on being communicated the critical appraisal and grade awarded for 1997-98 belatedly vide Office Memorandum dated 9.9.2003 (Annexure-VI to the application), the deponent duly filed a

representation dated 24.9.03 seeking to know as to what was completed in the assigned work for which he was not promoted to the next higher grade but the respondent authorities failed to inform the deponent about the final decision taken by the competent authority in this regard.

Be that as it may, within a span of 6 months, the deponent having been called upon to submit work reports for Assessment Promotion followed by Assessment Interview on 13.9.2003 and then granted promotion to Grade III (4) w.e.f 28.11.2000 vide Office Memorandum dated 30.12.2003, the



Annexed Serial

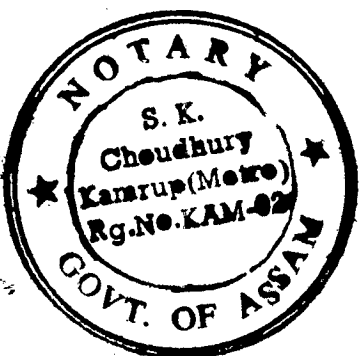


deponent did not feel aggrieved enough to raise any grievance against Office Memorandum dated 6.1.2003 (Annexure-III) at that point of time.

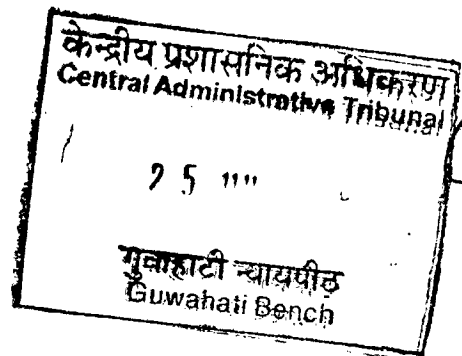
18. That with regard to the statements made in paragraphs 11.9 and 11.20 of the written statement, the deponent while re-iterating the statements made in paragraphs 4.24 and 4.25 of the application states that having acquired higher qualification and secured the prescribed threshold marks as set forth in Clause 2.2.3 and the eligibility criteria of marks as laid down in Clause 2.1.3, the deponent was called upon to appear before the Assessment Committee for the 2nd time on 13.9.2003 and assessed under Merit Assessment Scheme under Revised MANAS and recommended for promotion to the next higher grade vide Office Memorandum dated 30.12.2003 (Annexure-VII to the application) w.e.f 28.11.2000.

The deponent further states that the monthly bulletin "RRL Jorhat News" being published by an authority like the Director, Regional Research Laboratory, Jorhat it is indeed intriguing as to how the effective date of promotion of the Deponent can be shown as 28.11.2000 even in the official bulletin inadvertently.

19. That the statements made in paragraphs 11.21 and 13 being repetitive in nature, the deponent states that although he has not approached the appellate authority, he has approached this Hon'ble Tribunal for justice and appropriate relief.



Amir Sarma



20. That the statements made in paragraphs 11.22 and 14 are same and are denied and refuted by the deponent by reiterating the statement made in paragraph 4.28 of the application.

21. That with regard to paragraph 12 of the written statement, the deponent reverts back to the grounds stated in the application as set forth in paragraph 5 thereof and stands by the same to support his case.

22. That the statement made in this paragraph and paragraphs 1 & 5, 6 & 7 (partly), 8, 9, 10 & 12 (partly), 11, 13 & 14 & 22 are true to my knowledge and the statements made in paragraphs 6 (partly), 7 (partly), 10 (partly) & 12 (partly) are true to my information derived from the records of the case and rest are my humble submissions before this Hon'ble Tribunal.

And I sign this affidavit on this the 24th day of July 2008 at Guwahati.

Identified me:

Subornalekha Senapati

Advocate

SOLEMNLY AT FIRMED AND DECLARED
BEFORE ME
ON IDENTIFICATION OF ADVOCATE
DATE:-

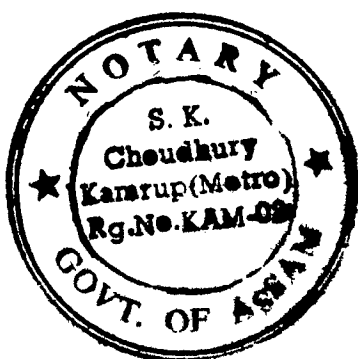
Anuraj Samal

DEPONENT

Solemnly affirmed before me by the deponent who is personally known to me/identified by Sri/Smti.

Subornalekha Senapati

Kamrup, Guwahati



Sanjeeb Kumar Choudhury
24-07-08
NOTARY
KAMRUP (METRO) GUWAHATI

FROM:

Mr. P. Bora/ Ms. S. Senapati/ Md. Aslam/ B. Sharma/D. Senapati
/ N. Anix Singh/Ms. M. Jain/ K. Roy Chowdhury, Advocates.

To

Mrs M. Das

Advocate, Gauhati High Court,
Guwahati.

Ref:

Affidavit-in-Rejoinder in OA 8/08 : A. Sarmah
-vs- NOI & others

SIR/MADAM,

Please find herewith a copy of the application/affidavit under
reference, which is going to be filed/ filed and moved today at -----
----- In Court No. -----

Please acknowledge the receipt of the same.

THANKING YOU,

Yours faithfully,

Received Copy,

Marginal Das
24/7/08
Advocate

S. Senapati
Advocate

Received Copy,

Advocate

Since Mrs M. Das, Advocate is not available now, I undertake to
furnish a copy to her as & when she is available.

S. Senapati
Adv.
24/7/08

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केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

8 DEC 2008

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Guwahati Bench

GUWAHATI BENCH

O.A. No. 08 /2008

Sri Annujjal Sarma

...Applicant.

-Vs-

Union of India and ors.

...Respondents

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| 4. | 2. II | CSIR letter No. 17/66/94-PPS dated 28.01.1997 | 35 |

Received
Service copy
K. Roy Chowdhury
Advocate
5/12/08

Filed by:

5/12/08

Mrs. Manjula Das,
Central Govt. Counsel, UOI
CAT, Guwahati bench,
Guwahati.

(85)

In the Central Administrative Tribunal

Guwahati Bench

In the matter of:

O.A. No.8/08

Sri Anujjal Sarmah

Applicant

Vs.

The Union of India & others

Respondents

And

In the matter of:

Written statement on behalf of respondent No.2.

(Written statement on behalf of respondent No.2)

I, C. Manavazhagan son of Late Shri R. Chockalingam, Under Secretary, Laboratory Administration Division, Council of Scientific & Industrial Research do hereby solemnly affirm and state as follows:-

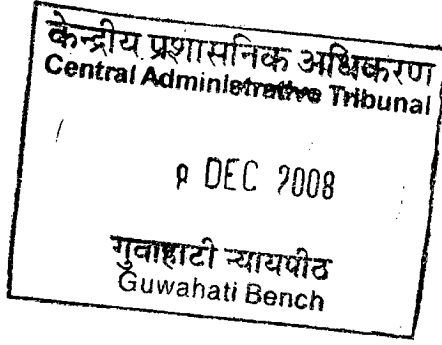
1. That Council of Scientific & Industrial Research (CSIR), New Delhi through Secretary has been impleaded herein as respondent No.2. However, it is mentioned that there is no post of Secretary, CSIR. Thus, the present OA is liable to be dismissed on the ground of mis-joinder of proper parties.

2. That I have gone through the OA and have understood the contents thereof. Being the Under Secretary, Laboratory Administration Section, CSIR Hqrs, I am acquainted with the facts and circumstances of the case on the basis of the records maintained/available in this office.

3. That I do not admit any of the averments except which are specifically admitted hereinafter and the same are deemed as denied.

4. That the Applicant has impleaded Secretary, Ministry of Science and Technology, Government of India as Respondent No.1, which is not a proper and necessary party. Since no relief is admissible against Respondent No.1, so he may be deleted from the array of parties.

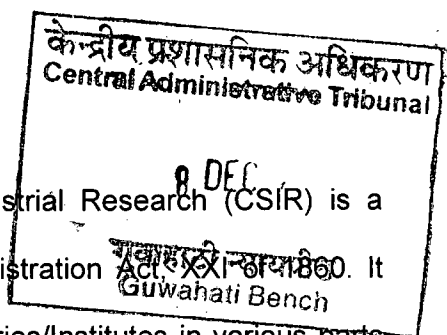
C. Manavazhagan



Filed by :-
The Respondent No. 2
157 Through...
Manager Dns
Central Govt. Counsel
N.O.I.
CAT
Guwahati Bench. 5/12/08

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-2-



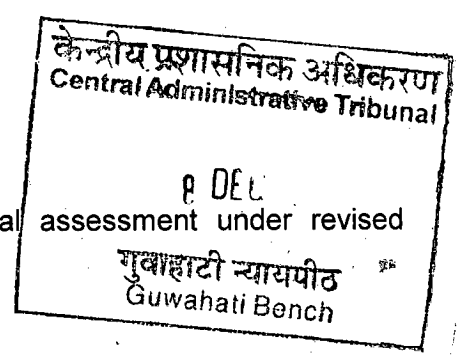
5. That Council of Scientific and Industrial Research (CSIR) is a society registered under the Societies Registration Act, XXI of 1860. It has set up a chain of 37 National Laboratories/Institutes in various parts of the country including North East Institute of Science and Technology (Formerly Regional Research Laboratory), Jorhat (Respondent No.-3 of this case). Governing Body is the Rule making body in CSIR. CSIR has its own bye-laws, rules and regulations as approved/adopted by CSIR. As per the Rules, the Prime Minister of India is the *ex-officio* President of the Society and the Minister In-charge of Science and Technology is the *ex-officio* Vice-President of the Society. The Director General, CSIR is the *ex-officio* Secretary, Department of Scientific and Industrial Research, Government of India. In accordance with Bye-Law 11, CSIR has framed Promotion & Assessment Scheme for its Scientific & Technical (S&T) staff with the approval of GB, CSIR. Relevant Rules (Revised Merit And Normal Assessment Scheme, hereinafter referred as R-MANAS) regarding Assessment Promotion of Technical and Support Staff including two year earlier assessment promotion are annexed as **Annexure-1**.

6. As per Para 2.2.3 of the R- MANAS, the residency period of normal assessment for promotion to the next higher grade in Group III is 5 years and as per Para 2.3.4 of R-MANAS and CSIR letter No.17/66/94-PPS dated 28.01.1997 (Annexed as **Annexure-2**), the provision of 2-year earlier assessment is admissible once in the same group on acquiring entry level qualification of next higher 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. Further, if an assessee is not recommended for promotion he/she will be considered for assessment after completion of normal residency period prescribed for normal assessment as per the Revised MANAS (Para2.2.3) for the relevant group and the chance of 2 years earlier assessment will not be adjusted

[Signature]

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against the chances available for normal assessment under revised MANAS.

7. That the applicant was found suitable and selected for appointment to the post of Group III(1) with effect from 28.11.1986. Thereafter he was promoted to Group III(2) with effect from 28.11.1991, then to Group III(3) with effect from 28.11.1996.

8. That as per the said scheme the applicant's next due date of assessment to Group III(4) is 28.11.2001. However, as he acquired higher qualification of next higher group i.e. Associateship Diploma of Institution of Chemist, he became eligible for 2 years earlier assessment, which falls during the assessment year 1999-2000 and due from 28.11.1999. Accordingly, he was called for assessment. He appeared before the Assessment Committee on 01.01.2003, but, his name was not recommended by the Committee for Assessment promotion.

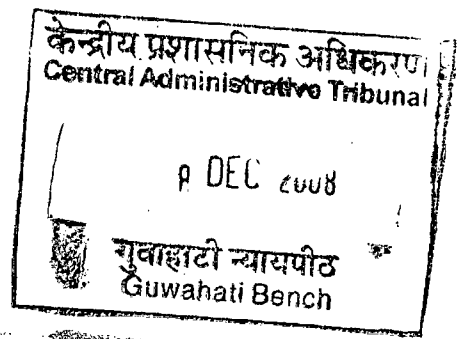
9. In terms of the provisions of Revised MANAS, the applicant is eligible for consideration for promotion to the next higher grade after completion of the residency period of 5 years i.e. effective on 28.11.2001 and his normal assessment year is 2001-2002. However, by mistake the applicant's name was shown at Sl. No.5 with incorrect due date of assessment i.e. 28.11.2000 under the assessment year 2000-2001.

10. It is pertinent to state that the applicant was called for assessment and he appeared before the Assessment Committee meeting held on 13.09.2003. On the recommendation of the Committee the applicant was promoted to Group III(4) vide order dated 30.12.2003 with effect from 28.11.2000 instead of 28.11.2001.

11. That the respondent No.3 after coming to the notice of the mistake in calculation of normal assessment year, issued show-cause notice dated 12.05.2004. The applicant replied to the said notice on 19.05.2004.

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12. That thereafter the respondent No.3 after considering the reply dated 19.05.2004 of the applicant held that holding of further assessment/procedure may delay the matter and since the assessment of that year (2001-2002) was already over, the promotion of the applicant was not withdrawn but the promotion was made effective from 28.11.2001, by correcting the due date of normal assessment.

13. Reply to the facts of the case:-

13.1 That with regard to the statements made in paragraph 4.1 of the application, the humble answering respondent has nothing to comment on it.

13.2 That with regard to the statements made in paragraph 4.2 & 4.3 of the application, the humble answering respondent has no comment on it as they being matter of records of the case.

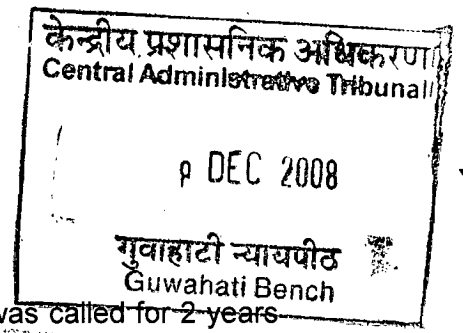
13.3 That with regard to the statements made in paragraph 4.4 of the application, the humble respondent begs to state that as per the R-MANAS, the normal assessment period for promotion from one grade to the next higher grade in the same group is 5 years. However, if the candidate acquires higher qualification after joining the service then as per para 2.3.4 of Revised MANAS he is eligible for 2 years earlier assessment. Hence, the applicant's due date of assessment to Group III(4) is 28.11.2001, under the normal circumstances. But as the applicant acquired higher qualification of the next higher group, he became eligible for 2 years earlier assessment w.e.f. 28.11.1999.

13.4 That with regard to the statements made in paragraph 4.5 of the application, the humble answering respondent begs to state that the applicant was eligible for consideration for 2 years earlier assessment on

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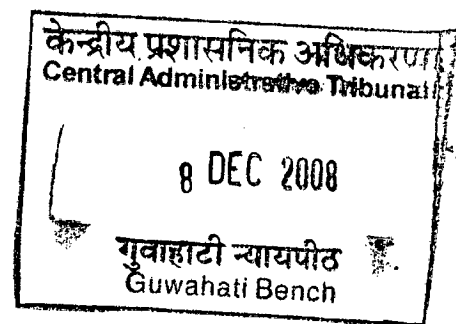
acquiring higher qualification of next higher group, was called for 2 years earlier assessment than the normal period of assessment which falls during the assessment year 1999-2000.

13.5 That with regard to the statements made in paragraph 4.6 of the application, the humble answering respondent begs to state that the applicant appeared before the Assessment Committee on 01.01.2003, but he was not recommended for being promoted to the next higher grade in Group-III.

13.6 That with regard to the statements made in paragraph 4.7 of the application, the humble answering respondent begs to state that the normal assessment period for the promotion of the applicant to the next higher grade is 5 years, but he was considered for 2 years earlier assessment on acquiring higher qualification of next higher group. He was called to appear before the assessment Committee, but was not recommended for assessment promotion. The due date of normal assessment of the applicant falls on 28.11.2001, but wrongly the due date of normal assessment of the applicant is shown as 28.11.2000 instead of 28.11.2001. However, subsequently that was corrected vide order dated 25.06.2004 by affording him the opportunity to reply.

13.7 That with regard to the statements made in paragraph 4.8 of the application, the humble answering respondent begs to state that the applicant's normal assessment period in fact is 2001-2002. Although the applicant was in fact not eligible as not having the requisite normal assessment/residency period, he was called for assessment by wrongly placing him at serial No.5 under the assessment year 2000-2001 instead of 2001-2002. However, subsequently as and when the mistake was detected, immediately the respondent No.-3 corrected the same and his due date of promotion was shown w.e.f. 28.11.2001, i.e., on completion of normal 5 year of residency period as mentioned above, by affording him the opportunity to reply.

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13.8 That with regard to the statements made in paragraph 4.9 and 4.10 of the application, the humble answering respondent has no comment on it, as they are matter of record of the case.

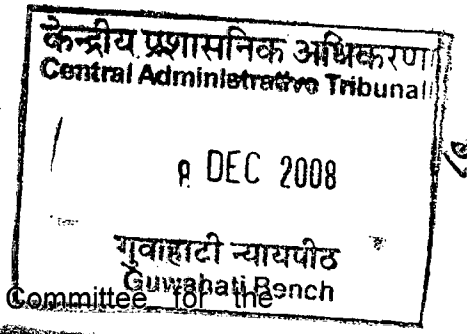
13.9 That with regard to the statements made in paragraph 4.11 & 4.12 of the application, the humble answering respondent begs to state that in view of the recommendation of the Assessment Committee which met on 13.09.2003, the applicant's promotion to the next higher grade was approved w.e.f. 28.11.2000 vide order dated 30.12.2003.

In this connection, it is stated that the said promotion of the applicant was the consequential order of the recommendation of the Assessment Committee, which met on 13.09.2003. The applicant although appeared before the Assessment Committee for the assessment year 2000-2001, in fact, was not eligible to appear before the Assessment Committee as having not completed the residency period of 5 years prescribed for normal assessment in the revised MANAS. Inadvertently, the applicant was assessed by taking his due date of assessment as 28.11.2000, instead of 28.11.2001 i.e. 4 years period instead of 5 years. However, subsequently that was corrected by giving him promotion to the next higher grade w.e.f. 28.11.2001 by affording him an opportunity to reply to.

13.10 That with regard to the statements made in paragraph 4.13 of the application, the humble answering respondent begs to state that the said show-cause notice dated 12.05.2004 was issued to the applicant by the respondent No.-3 in connection with the applicant's inadvertent normal assessment promotion w.e.f. 28.11.2000 to the next higher grade. As per Para 2.2.3 of R-MANAS for promotion to the next higher grade, the residency period prescribed for normal assessment is 5 years. However, the due date of Assessment was inadvertently mentioned as w.e.f. 28.11.2000 instead of 28.11.2001, although the applicant was not even

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eligible for appearing before the Assessment Committee for the assessment year 2000-2001. Accordingly, he was given opportunity to reply on the wrong residency, instead of normal 5 years of residency period.

The respondent No.-3, however, to rectify his due date of promotion as the assessment year 2001-2002 was already over, has given the promotion to the applicant to the next higher grade w.e.f. 28.11.2001 vide order dated 25.06.2004.

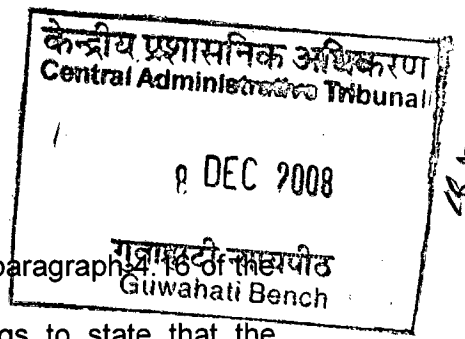
13.11 That with regard to the statements made in paragraph 4.14 of the application, the humble answering respondent begs to state that the Assessment Committee assess the suitability of the candidates for higher grade. The Assessment Committee is not concerned with the administrative matters like due date of assessment etc. Therefore, the applicant cannot take undue advantage of the inadvertent error about the wrong due date of the assessment i.e. 28.11.2000, mentioned in the Office Memorandum, instead of 28.11.2001 on completion of normal 5 years residency period.

Therefore, the normal assessment date was corrected after issuing him a show cause notice and the promotion of the applicant to the next higher grade, i.e., Group III(4) was not withdrawn, though made effective w.e.f. 28.11.2001 on completion of normal 5 years residency period.

13.12 That with regard to the statements made in paragraph 4.15 of the application, the humble answering respondent begs to state that the applicant's due date of normal assessment has been corrected as 28.11.2001 on due consideration of his representation read with the facts and circumstances of the case.

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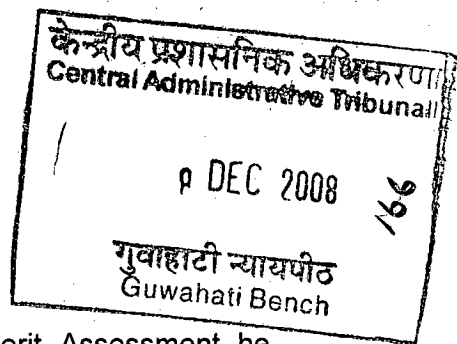
13.13 That with regard to the statements made in paragraph 4.16 of the application, the humble answering respondent begs to state that the applicant's pay fixation has been made later with effect from 28.11.2001 vide Office Memorandum dated 07.09.2004 mentioned in the paragraph. He has not made any appeal against the pay fixation or the correction of due date of normal assessment to the Director General of CSIR at that time.

13.14 That with regard to the statements made in paragraph 4.17, 4.18 & 4.19 of the application, the humble answering respondent has no comments on it, as being matter of fact.

13.15 That with regard to the statements made in paragraph 4.20 of the application, the humble answering respondent begs to state that the applicant was called to submit the work report for the assessment year under the provision of clause 2.3.4 of R-MANAS (for acquiring higher qualification). The clause of R-MANAS says that "those employees who have acquired entry level qualifications of the next group (higher qualification) may be assessed to the next higher grade in the same group two years earlier than the normal prescribed period of assessment, provided they attained the prescribed threshold".

Further the applicant's statement regarding threshold of 90% for 2 year early Assessment is not correct. The applicant has only been given benefit for considering for 2 year earlier assessment as per Para 2.3.4 of R-MANAS on acquiring higher qualification of next higher group for which the threshold marks are 70% as per Para 2.2.3 of R-MANAS. He was

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further in subsequent paragraph stated that in Merit Assessment he obtained very good grade. However, as per clause 5.2.3 of R-MANAS, for "very good", the rating mark is 75%. As such, whatever may be the interpretation made by the applicant in this paragraph the same have no relevance to his case for relief as prayed for.

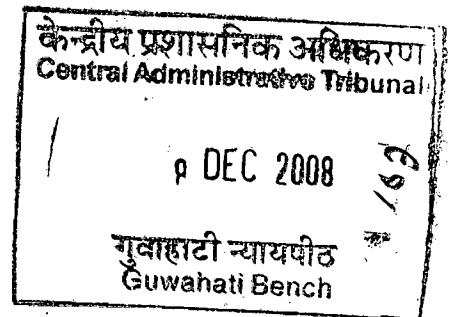
13.16 That with regard to the statements made in paragraph 4.21 of the application, the applicant was called for two years earlier assessment due on 28.11.1999, (for acquiring higher qualification) which falls under the assessment year 1999-2000. However, he was not recommended by the Assessment Committee and accordingly, he was intimated vide letter-dated 06.01.2003.

13.17 That with regard to the statements made in paragraph 4.22 of the application, the humble answering respondent begs to state that as stated above, the applicant appeared before the Assessment Committee meeting, which was held on 1st & 2nd January 2003, but the Committee did not recommend the applicant for promotion to the next higher grade and was accordingly informed vide O.M. dated 06.01.2003.

That with regard to Para 4.2.3 of the applicant, it is stated that inadvertently he was called to appear before the Assessment Committee for the assessment year 2000-2001 held on 30.09.2003 and was recommended by the Assessment Committee for the next higher grade and promoted vide O.M. dated 30.12.2003, whereas as per rule, he should have been called to appear before Assessment Committee for the year 2001-2002, on completion of normal 5 years residency period.

It is to be stated here that the applicant did not challenge his non selection/non-recommendation by the Assessment Committee made on

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01.01.2003, which was communicated on 06.01.2003. Hence, at this stage the applicant is estopped from making grievance for non-inclusion of his name in the earlier select list prepared by the Assessment Committee, which met on 01.01.2003, which is a separate cause of action and if he had any grievance against that he should have approached before this Hon'ble Tribunal at appropriate time by filing separate application.

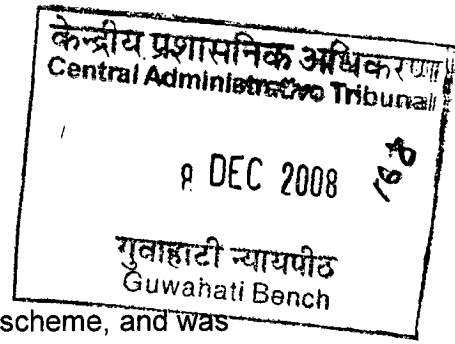
13.18 That with regard to the statement made in paragraph 4.24 of the application, the humble answering respondent begs to state that the applicant was called for two year earlier assessment with due date 28.11.1999 based on his acquiring the higher qualification of next higher group. But he was not recommended by the Assessment Committee. Under R-MANAS scheme, there is no provision for assessment of a candidate for 2 years earlier assessment benefit for the second time. Further, as stated earlier, the provisions for Merit Assessment has been kept in abeyance w.e.f. 1.4.1992 under R-MANAS vide CSIR letter No. 17/66/94-PPS dated 28.1.1997, and as such the applicant was never considered for Merit Assessment. The applicant, in fact, was called for Assessment Committee meeting held on 13.09.2003 for normal assessment, where the residency period of Group III post for promotion to the next higher grade is five years as provided in clause 2.2.3 of the scheme and his normal assessment was due on 28.11.2001, i.e., for the period of 28.11.1996 to 28.11.2001 (5 years). The applicant was promoted under the normal assessment scheme in the year 2003. However, his due date of promotion has been inadvertently shown as 28.11.2000 for the assessment year 2000-2001 instead of 28.11.2001 for the assessment year 2001-2002.

Further, it is stated that as the applicant was assessed for the assessment year 2000-2001 inadvertently in four years instead of five years, i.e., one year earlier than the completion of 5 years residency

[Signature]

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period prescribed for the normal assessment as per the scheme, and was promoted vide order dated 30.12.2003 by showing the effective date of promotion with effect from 28.11.2000. The residency period of normal assessment is five years, but the applicant's normal assessment was made in four years inadvertently. However, when it came to the notice of the respondents, the same was corrected/rectified by affording opportunity to the applicant to reply, vide O.M. dated 25.06.2004 by giving promotion to the applicant from Group III(3) to Group III(4) with effect from 28.11.2001, i.e., his normal due date of promotion. It is not correct that the applicant's promotion order dated 30.12.2003 is cancelled. But, it is rectified by giving him promotion to the next higher grade with effect from his due date of promotion, i.e., 28.11.2001 as per the Scheme.

13.19 That with regard to the statement made in paragraph 4.25 to 4.27 of the application, the humble answering respondent begs to state that the applicant does not have the legal right of promotion with effect from 28.11.2000 simply because the same has been published in the monthly bulletin of the Institute. The promotion order w.e.f. 28.11.2000 instead of 28.11.2001 was not in accordance with rules. Hence, the due date of assessment promotion was corrected by the Respondent No.-3 by affording opportunity to the applicant. The applicant has no right to take undue advantage of the error about the due date of his assessment.

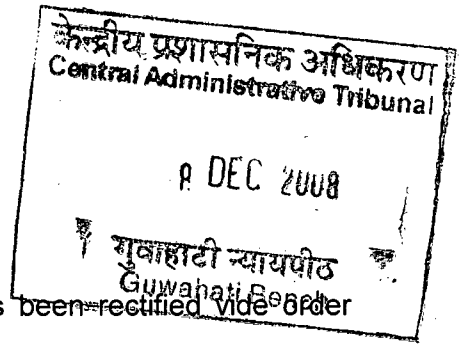
Further, it is stated that even if in some cases, promotion had been given contrary to the rules and consequently such employees have been allowed to enjoy the fruits of improper promotion, an employee cannot base his claim and claim parity with such cases for promotion contrary to rules.

Further, it is also stated that the order of promotion dated 30.12.2003 has not been withdrawn or cancelled, but merely the error

[Signature]

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with regard to due date of his promotion has been rectified vide order dated 25.06.2004, by giving effect of promotion with effect from his actual due date of promotion, i.e., 28.11.2001 in accordance with rules.

13.20 That the answering respondent begs to state that the applicant has not exhausted the alternative remedy before approaching this Hon'ble Tribunal. He has not made appeal before the appropriate appellate authority, the DG, CSIR, (i.e. Respondent No.-2) against the impugned O.M. dated 18.04.2007.

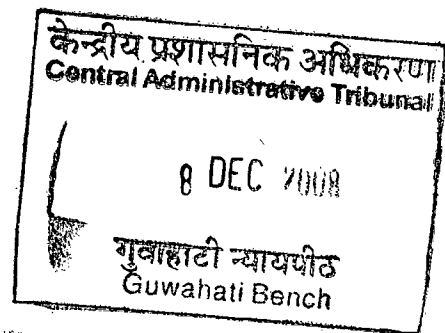
13.21 That this application has no merit at all and is liable to be dismissed.

On behalf of Respondent No.2

सी० मणवलगन/C. MANAVAZHAGAN
अवर सचिव/Under secretary
वैज्ञानिक तथा औद्योगिक अनुसंधान परिषद
Council of Scientific & Industrial Research
नई दिल्ली-110001/New Delhi-110001

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Verification

I, C. Manavazhagan son of Late Shri R. Chockalingam, aged 51 years holding the post of Under Secretary, Laboratory Administration Division, Council of Scientific & Industrial Research do hereby solemnly affirm and state as follows:-

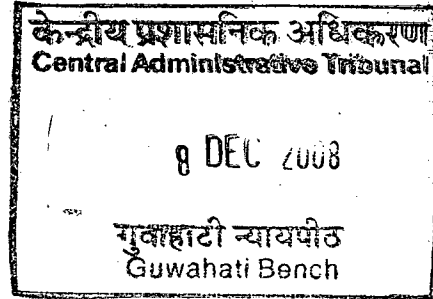
That I am the Under Secretary, Laboratory Administration Division of the Council of Scientific & Industrial Research, Rafi Marg, New Delhi-1 and have been authorized to file written statement on behalf of the Respondent No.2 and that the statements made in paragraphs 1 to 13 are true and correct based on the records of the case and on legal advice and that I have not suppressed any material facts.

AND I sign this verification on 2nd day of December, 2008 at my place at New Delhi.

Signature

सी० मणवलगन/C. MANAVAZHAGAN
अवर सचिव/Under secretary
वैज्ञानिक तथा औद्योगिक अनुसंधान परिषद
Council of Scientific & Industrial Research
नई दिल्ली-110001/New Delhi-110001

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Annexure I

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**REVISED
MERIT AND NORMAL
ASSESSMENT SCHEME
(MANAS)**

FOR

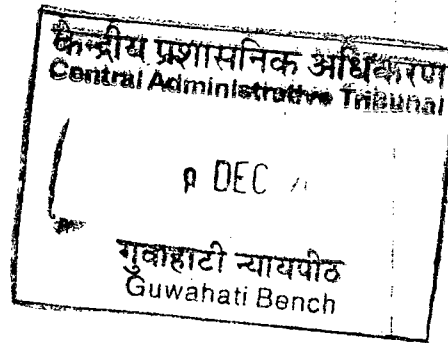
**SCIENTIFIC, TECHNICAL & SUPPORT STAFF
(Effective from 1-4-1992)**

**UP-DATED VERSION
(February, 2004)**



**COUNCIL OF SCIENTIFIC AND INDUSTRIAL
RESEARCH, NEW DELHI**

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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./Instts. 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.

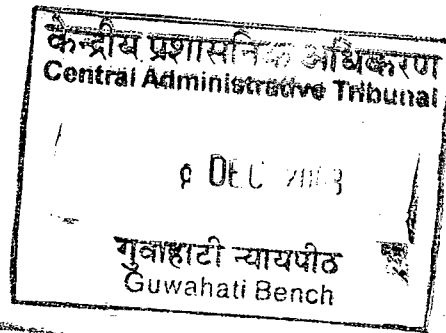
This compilation is expected to cater to the needs of CSIR Labs./Instts. without referring to the various circulars issued so far on the subject. In order to make it handy, the Annexures which were provided with Revised MANAS are not being reproduced here.

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

Dated:

(Sudhir Kumar)
Jt. Secretary (Admn.)

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**REVISED MERIT AND NORMAL ASSESSMENT
SCHEME**

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केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

c DEC

गुवाहाटी न्यायपीठ
Guwahati Bench

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.

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- 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 Associateship of DBT; (d) Boyscast; (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./Instt./CSIR HQs. are available.

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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./Instt. 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.

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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 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.

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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) Inductees 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 inducted 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 inducted into technical cadre, then his pay will be fixed in the grade of Rs.1640-2900, there being no equivalent grade in Gr.II.

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 optees 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.

2.1.5 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:

2.2.1 Group-I

| 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 | |
|----------------|--------------|--|------------------------------|------------------|
| | | | 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 | | | NA |

2.2.2 Group-II

| | | | | |
|-------|---------------|--|----|----|
| 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 | | | NA |

*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.) (No. of years required to be completed in the existing Grade) | Threshold i.e. Minimum Marks | | |
|----------------|----------------|--|------------------------------|------------------|--------|
| | | | Normal Assessment | Merit Assessment | |
| | | | 5 yrs. | 4 yrs. | 3 yrs. |
| III(i) | Rs.4500-7000 | 5,6,7,9 and after remaining for one year at the maximum of the grade | 60 | NA | NA |
| III(2) | Rs.5500-9000 | -do- | 60 | NA | NA |
| III(3) | Rs.6500-10500 | -do- | 70 | 80 | 90 |
| III(4) | Rs.8000-13500 | -do- | 75 | 85 | 90 |
| III(5) | Rs.10000-15200 | -do- | 75 | 85 | 90 |
| III(6) | Rs.12000-16500 | 5,6,8 and at the maximum of the grade | 75 | 85 | 90 |
| III(7) | Rs.14300-18300 | | | | |

- (105)
- 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) (a) (i)
- 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

Induction has been kept in abeyance vide CSIR letter No.17/66/25/94-PPS dated 19.9.2001

1.2 QUALIFICATIONS PRESCRIBED FOR DIRECT RECRUITMENT -

.....NOT PRINTED

- 1.2.1 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.
- 1.2.2 For assessment promotion within the same group, the restriction of minimum qualifications and experience will not apply for the existing employees.

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) minimum (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 and assessment of these persons can be considered upto Grade III(4) in the scale of Rs.2200-4000 as clarified vide CSIR letter No.17/66/25/94-PPS dated 19.6.95.

गुवाहाटी बेंच
Guwahati Bench

1.4 Equivalence of Qualifications

- 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.

- (21)
- 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./Instts. 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./Instts. should refer such cases to CSIR HQs. for decision.

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 assessee 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 |
|----------------|----------------|---|------------------------------|
| | | | Normal Assessment |
| | | | 5 yrs. |
| 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 | | |

*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 in 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

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assessee 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.

2.3.5 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 along with 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.

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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.

PANELS OF EXPERTS

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Panels of Experts

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

- MC - Group I & II, III(1), III(2) and V(A) (1) & V(A)(2)
- RC - Group III(3) to III(6) and V(A)(3) and V(A)(4)

Area-wise Panels of Experts will be prepared separately for each Group with the approval of the MC/RC in the case of Labs/Instts. 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 technologist abroad (who may be called upon to act as experts for peer review).

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

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.

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.

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4.0 CONSTITUTION OF ASSESSMENT COMMITTEES

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- The Assessment Committees will be constituted areawise from the approved Panels of Experts.
- The separate areawise Assessment Committees will be constituted by the MC in the case of Labs/Instts. 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./Instt. | 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. | |

Quorum: Chairman/Alternate Chairman, Director/JS (Admin) or his Nominee and at least one Expert in the areawise Committee

- 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/Instts. and DG, CSIR in the case of CSIR HQs as under:

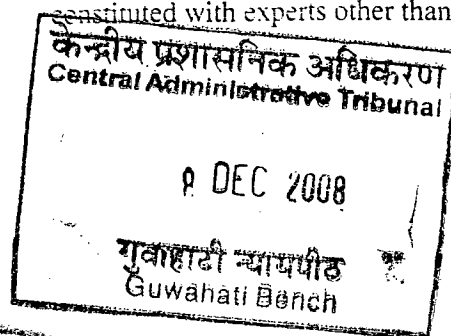
| | | |
|-----------------|--|---------------------------|
| Chairman * | Chairman or Specialist Members of RC ** | Common to all Committees. |
| Member * (one) | Director/DG, CSIR or his nominee | |
| Member (one) | Expert from related area of a sister CSIR Lab./Instt. | |
| Members (three) | Three 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 areawise Committee

* Common to all Committees

** Not applicable to CSIR HQs.

- 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 assesses of reserved categories shall invariably include an expert of SC/ST category. If such an expert is not available in the approved areawise 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.



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.

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

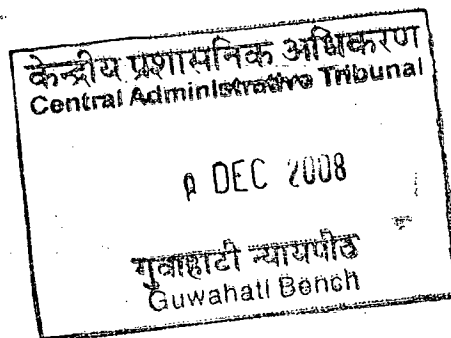
5.2.3 APAR marks will be awarded according to rating of the assessee on a seven-point scale, as under:-

| | |
|--------------|-----------|
| 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 Proformae 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 (Pt.II) dated 21.12.1990.



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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

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

- 6.9 The assessee, 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 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 extant 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

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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.

3. 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.

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6. In the event of penalty of "withholding increments of pay", is imposed, the sealed cover(s) 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 cover(s) 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.

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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

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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. 17/66/94-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:

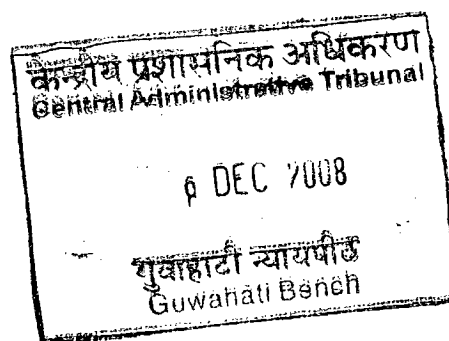
- a) have separate Assessment Committees for each of the years;
- b) not printed;
- c) get separate Work Reports;
- d) do separate assessments for each year in a separate sitting; proceedings of each Assessment Committee meeting be drawn separately for each year.

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)



LIST OF RECOGNISED EQUIVALENT QUALIFICATIONS

| Sl.No | Qualifications | Equivalent to |
|-------|---|--|
| 1. | MVS Course from BITS, Pilani - De-recognised w.e.f. 14-12-2001 vide CSIR Lr.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 |

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| | | |
|-----|---|---|
| 10. | Associateship 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 | Degree in Chemical 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 RC of the Lab./Instt. |
| 15. | Two years Certificate course in Sr. Surveyor's Examination awarded by the West Bengal-Survey Institute prior to 1987-88 - De-recognised w.e.f. 14-12-2001 | Three Years Diploma in the technical subject prescribed as the entry level qualification for Gr.III |
| 16. | Certificate in General Nursing & Midwifery of 3-1/2 years duration awarded by the Rajasthan Nursing Council - De-recognised w.e.f. 14-12-2001 | -do- |
| 17. | Two years course of Diploma in Business Management with one year course of Master of Management Science - De-recognized w.e.f. 14-12-2001 | M.Sc. |
| 18. | Master's degree in Library & Information Science has been treated as equivalent to entry level qualification of Group-IV vide CSIR letter No. 7/66/P. PPS dated 2nd April 2004. | |

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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 - w.e.f. 14-6-1995 - <u>De-recognised</u> w.e.f. 14-12-2001 | 3-Year Diploma in Engg./Tech Entry level qualification for Gr.III |
| 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) - <u>De-recognised</u> w.e.f. 14-12-2001 | B.Arch. degree |
| 4. | M.Sc. degree in Life Sciences of 3-year duration obtained after B.Sc. from BITS, Pilani - w.e.f. 14-10-1999 - <u>De-recognised</u> w.e.f. 14-12-2001 | M.Sc. |
| 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. - w.e.f. 14-10-1999 | B.E. |
| 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 Licentiate Examination in Printing & Graphic Arts obtained from State Council of Engg. & | 3-Year Diploma in Engg./Tech. (Entry level) |

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| | | |
|-----|--|--|
| | Technical Education - w.e.f. 25-10-1999 | qualification for Gr.III) |
| 11. | MBA degree obtained from IGNOU after B.Sc. with not less than 65% marks w.e.f. 31.8.01 | M.Sc. for Recruitment and Assessment for Business Development and/or Resource Planning Monitoring and Evaluation Divisions |
| 12. | MS Degree from Anna University/IIT 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

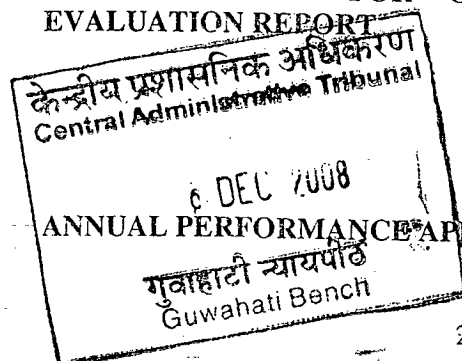
PROFORMA FOR PEER EVALUATION/REVIEW REPORT...

..... 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

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

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

However, the existing Note 1 in the proformae 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 will be informed of the final decision. No further representation shall lie 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.

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.

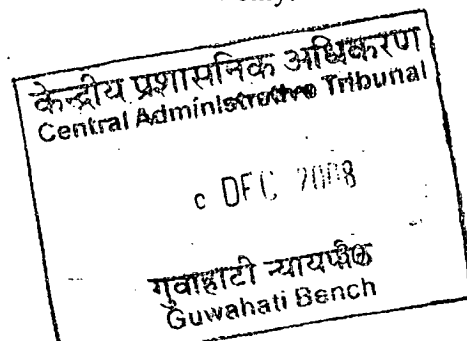
Those, who have not so far acquired such training/skill may be given the required practical training for a period of not less than three months in any CSIR Laboratory/Institute where such facilities exist.

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.



PROCEDURE FOR FASTER TRACK PROMOTION

1. 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.
- 1.1. 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.

2. The staff members in Group-II who have qualifications prescribed for entry level to the next higher Group-III 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 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. Upto 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/- whichever 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-1 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 they 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 whichever 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 scheme may be constituted in accordance with the provision of 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.

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Annexure-VII

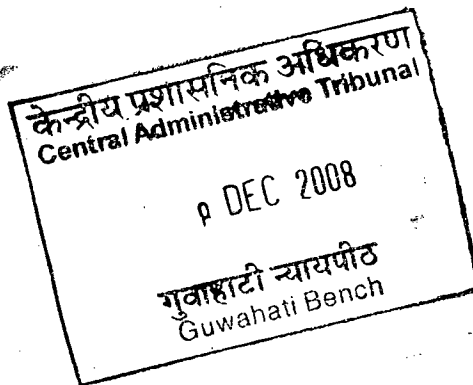
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OPERATIVE SCALES (OLD AND REVISED)

| OLD SCALES | REVISED SCALES |
|-------------------------------------|-------------------------|
| Rs.750-12-870-14-940* | Rs.2550-55-2660-60-3200 |
| Rs.800-15-1010-20-1150* | Rs.2650-65-3300-70-4000 |
| Rs.950-20-1150-EB-25-1400 | Rs.3050-70-4590 |
| Rs.1200-30-1560-EB-40-2040 | Rs.4000-100-6000 |
| Rs.1350-30-1440-40-1800-EB-50-2200 | Rs.4500-125-7000 |
| Rs.1400-40-1800-EB-50-2300 | Rs.5500-175-9000 |
| Rs.1640-60-2600-EB-75-2900 | Rs.6500-200-10,500 |
| Rs.2000-60-2300-EB-75-3200-100-3500 | Rs.8000-275-13,500 |
| Rs.2200-75-2800-EB-100-4000 | Rs.10,000-325-15,200 |
| Rs.3000-100-3500-125-4500 | Rs.12,000-375-16,500 |
| Rs.3700-125-4700-150-5000 | Rs.14,300-400-18,300 |
| Rs.4500-150-5700 | Rs.16,400-450-20,000 |
| Rs.5100-150-5700-200-6300 | Rs.18,400-500-22,400 |
| Rs.5900-200-6700 | |
| Rs.5900-200-7300 | |

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



वैज्ञानिक तथा औद्योगिक अनुसंधान परिषद
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New Delhi-110001, India

17/66/94-PPS

28.1.1997

TO
FROM

संयुक्त सचिव (प्रशासन)

वैज्ञानिक तथा औद्योगिक अनुसंधान परिषद

Joint Secretary (Admin.)

Council of Scientific & Industrial Research

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

8 DEC 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

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

Sub: Incentive of two years earlier assessment than
the normal period of assessment on acquiring
qualifications of next group - Modification in
para 2.3.4 of revised MANAS.

Sir,

I am directed to state that the Governing Body, at its 142nd meeting held on 28.10.1996 considered the matter regarding incentive of two years earlier assessment than the normal period of assessment on acquiring qualifications of next group under para 2.3.4 of revised MANAS and approved as under:

- (i) "Those employees who have acquired/will acquire entry level qualifications of the next higher Group may be assessed to the next higher grade once in the same Group two years earlier than the normal prescribed period of assessment".
- (ii) If an assessee is not recommended for promotion he/she will be considered for assessment after completion of residency period prescribed for normal assessment in the revised MANAS as per Table for the relevant Group and the chance of 2 years earlier assessment will not be adjusted against the chances available for normal assessment under revised MANAS.

The benefit of two-years earlier assessment, however, will be allowed only under Normal Assessment and not under Merit assessment."

The above modification in para 2.3.4 of revised MANAS will come into force for assessments falling due in the assessment years 1996-97 onwards. The assessments falling due prior to the assessment year 1996-97 will continue to be regulated as per provision under the existing para 2.3.4 of revised MANAS.

contd.../-

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It is requested that the above decision may kindly be brought to the notice of all concerned for information, guidance and necessary action and given wide publicity in the Lab./Instt.

Yours faithfully,

B.S. Gaira
(B.S. Gaira)

Deputy Secretary

Copy to:

1. Sr.F&AD/F&AD of all the Labs./Instts.
2. All Divisional/Sectional Heads of CSIR Hqrs./CSIR Complex.
3. Dr.M.Bapuji, General Secretary, CSIR-SWA, C/O RRL, Bhubaneswar.
4. Shri N.Suresh Prasad, General Secretary, Federation of CSIR EWUA, C/O CFTRI, Mysore.