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**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

OA No.060/01000/2014

Pronounced on : 27.01.2017

Reserved on : 23.01.2017

CORAM: **HON'BLE MR. JUSTICE M.S. SULLAR, MEMBER (J)**
HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)

Sumesh Juneja, aged 55 years S/O Sh. Boota Mal Juneja, Scientist /Engineer SF/ Head, ESS, Semi-Conductor Laboratory, Department of Space, Government of India, Sector 72, S.A.S. Nagar, Punjab.

.....**APPLICANT**

BY ADVOCATE: Sh. R.K. Sharma.

VERSUS

1. Union of India through Secretary to Government of India, Department of Space, Antariksh Bhavan, New B.E.L. Road, Bangalore-660231.
2. Union of India through Chairman, Semi-Conductor Laboratory Management Council, Antariksh Bhavan, New B.E.L. Road, Bangalore-660231.
3. Semi-Conductor Laboratory, Department of Space, Government of India, Sector 72, S.A.S. Nagar, Punjab, through its Director.
4. Shri Rajendra Sakseena, Head, P&GA (A&S) Semi-Conductor Laboratory, Department of Space, Government of India, Sector 72, S.A.S. Nagar, Punjab.

.....**RESPONDENTS**

BY ADVOCATE: Sh. S.P. Jain, Additional Solicitor General, alongwith Ms. Nidhi Garg, counsel for respondents no.1 to 3.
Respondent no.4 present in person.

ORDER

HON'BLE MRS. RAJWANT SANDHU, MEMBER (A):-

1. The present Original Application was originally taken up for hearing on admission on 10.11.2014, but on account of

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subsequent developments, MA No.060/00041/2015 for amendment of the OA was filed and vide order dated 15.01.2015 amended OA was taken on record. Relief has been sought therein as under:-

- "8 (i) Quash impugned order dated 18.09.2014 and order dated 29.10.2014, passed by Respondent No.3, copies attached as Annexure A-1 and A-2 and action of the official respondents whereby decision has been taken to conduct review DPC for promotion to the post of Deputy General Manager Corporate (HRD) as on 01.07.2003 being null, void, illegal, arbitrary, discriminatory, unsustainable in the eyes of law particularly when Respondent No.3 ceased to be a Company w.e.f. 08.11.2005, whereas Respondent No.3, which was earlier a registered Company under the Companies Act, 1956 ceased to exist and thereafter has been registered as a Society under Societies Registration Act, 1856 and much water has flown in between and the settled position is sought to be unsettled after a lapse of more than 11 years so as to give unintended and unmerited benefit only to respondent No.4 and the so called Review DPC is only a eye wash as the post relates to Corporate-HRD and the other incumbents including the applicant, who have been called for viva-voce/interview, are not eligible and through process of Review DPC Respondent No.4 is sought to be granted benefit of promotion as DGM w.e.f. 01.07.2003; whereas the applicant had also appeared for the selection to the post of DGM alongwith Respondent No.4 in the year 2002 and 2003 and both of them were rejected but subsequently applicant has been selected w.e.f. 01.07.2007 and working as such since then and the Respondent No.4 is still Manager i.e. holding a rank lower than the applicant, but by process of Review DPC, he is sought to be brought over and above the applicant in the staffing hierarchy of Respondent No.3.

ALTERNATIVELY

For issuance of directions to the respondents to convene review DPC for all the disciplines for which DPC was convened as on 01.07.2003 as DPC in their cases was also the same as has been pretended in the case of the department of HRD i.e. concerning to respondent No.4 only, so as to give proper consideration to all the incumbents in their respective disciplines and to remove discrimination, unfairness, arbitrariness in the action of the official respondents.

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- (ii) Quash Office Order No. P&GA/ Rev.DPC(07/2003) /DGM-HRD/2014 dated 19.12.2014 passed by Respondent No. 3, copy Annexure A-2/1, whereby Respondent No.4 has been promoted to the post of Deputy General Manager (HRD) in the pay scale of Rs.16000-400-20800 (IDA Scale) in SCL Company w.e.f. 1.7.2003 on proforma basis on the recommendations of Review DPC held on 15.11.2014 and order No. SCL/ P&GA/E/CL01129/2014 dated 22.12.2014, copy Annexure A-2/2, whereby representations made by the applicant have been rejected."

2. It is stated in the OA that the applicant possesses qualification of BE (Electrical) and MBA. He joined the Semiconductor Complex Ltd. as Engineer on 29.04.1985 and got promotions from time to time as Senior Engineer w.e.f. 01.01.1989, Deputy Manager w.e.f. 01.01.1993 and Manager w.e.f. 01.07.1997. He had been officiating as Head of Electrical Engineering Section since 1996-97.

3. The respondent No.4 in addition to academic qualification, possesses qualification of MBA and joined erstwhile Semiconductor Complex Ltd. on 13.12.1984 as Personnel Officer. He was promoted as Senior Personnel Officer on 01.01.1988 and Deputy Manager, HRD on 01.01.1992 and Manager HRD w.e.f. 01.01.1997. Both the applicant and respondent No.4 had been officiating as Head of their respective section/Division. After the post of Manager, there was a post of Deputy General Manager in all the departments of the erstwhile Semiconductor Complex Ltd. for which the incumbents were required to be considered in their respective departments by duly nominated Departmental Promotion Committee, which were conducted in the year 2002 and 2003. Both

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of the applicant and respondent no.4 were considered and rejected by the DPC at that point of time. Neither of them agitated their claim in the court of law. Case of the applicant and others was considered at that time as per provisions of promotion policy as issued ~~by the~~ vide CMD's Office Order No. 354 vide No. SCL/1004/19/99 dated 24.05.1999 (Annexure A-3).

4. Semiconductor Complex Limited company, which was registered under Companies Act, was converted into a registered society w.e.f. 08.11.2005 and the management of the society came under the administrative control of Department of Space, Government of India, with a clear understanding that the conditions of service will be on the same pattern as Department of Space. Employees were to be placed in the Central Pay Pattern and parity was also to be provided in view of designations available in Department of Space. After conversion of the management of Respondent No.3 into a Society, designation of the applicant had been changed to that of Scientist/Engineer 'SE' and he was governed by merit based promotion under Flexible Complementing Scheme, the promotion norms of Department of Space which was available to the Scientific and Technical (S&T) staff in all its other departments having similar posts. In that view of the matter, applicant was assessed under the merit based promotion under Flexible Complementing Scheme and re-designated as Scientist/Engineer SF, which is equivalent to Deputy General Manager w.e.f. 01.07.2007.

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5. The respondent no.4 having been Head of the Personnel Division, had access to the record and with a view to gaining undue benefit and to unsettle the settled things, appears to have made representations for claiming review of DPC of 2002 and 2003. His claim was rejected 3-4 times even by the Department of Space. Ultimately respondent no.4 succeeded in getting order from Respondent No.1 for holding review DPC for the post of DGM-Corporate (HRD) w.e.f. 1st July, 2002. That happened in the second half of 2013. The applicant was not informed of the same, but having come to know from some reliable sources, made representation on 27.01.2014 (Annexure A-4) and as a result the proposal could not mature as it was not legally tenable in view of a variety of reasons i.e. Company ceased to exist w.e.f. 2005 and much water had flown in between and the period of more than 10 years had already elapsed and the settled position could not be unsettled etc. etc. and having adverse effect on those who had already been placed in better position in between. The applicant being aggrieved also sought information with regard to various points, which were supplied to the applicant vide letter No. CPIO:DOS:RTI :2014: 3824 dated 21.04.2014 (Annexure A-5). A perusal of the Minutes of the Departmental Promotion Committee issued vide letter no.Corp. HRD/8613/2002 dated 21.09.2002 qua applicant as obtained by the applicant under RTI Act shows that applicant was not promoted on account of less marks.

6. The respondent no.4 after failing in his attempt to get review DPC w.e.f. 1-7-2002 again took up the matter with

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respondent no.1 and succeeded in getting decision from Respondent No.1 and 2 for convening meeting of the Review DPC for the post of DGM-Corporate (HRD) as on 1.7.2003. A copy of order issued on 18.09.2014 (Annexure A-1) in this regard is attached. Since the proposed Review DPC was not legally sustainable, so the applicant made representation on 25.09.2014 (Annexure A-6) to respondents no.1 and 2. The respondents no.1 & 2 without considering various grounds stated in the representation, proceeded with convening of the review DPC and fixed 13.11.2014 as the date of interview of the candidates who were to be interviewed for promotion to the post of DGM as on 01.07.2003. The applicant was also asked to appear for the interview. A copy of circular dated 29.10.2014 is attached (Annexure A-2). Thereafter, also the applicant filed detailed representation to the Controller, Semi-Conductor Laboratory with copy to the Director to consider his representation and not to hold the DPC. A copy of representation dated 30.10.2014 is attached (Annexure A-7).

7. Aggrieved by the action of the respondents, the applicant challenged impugned order dated 18.09.2014 (Annexure A-1) and order dated 29.10.2014 (Annexure A-2) passed by respondent no.3 and action of the official respondents whereby decision had been taken to conduct review DPC for promotion to the post of Deputy General Manager Corporate (HRD) as on 01.07.2003 or in the alternative for issuance of directions to the respondents to convene review DPC for all the disciplines for which DPC was convened as on 01.07.2003. The Tribunal issued notice in

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the matter on 10.11.2014 for 21.11.2014, but the respondents did not file reply. Meanwhile Review DPC was ^{held} on 15.11.2014 and respondent no.4 was promoted to the post of Deputy General Manager (HRD) in the pay scale of Rs.16000-400-20800 (IDA Scale) in SCL Company w.e.f. 01.07.2003 vide Office Order Ref. No.P&GA/Rev. DPC (07/2003)/DGM-HRD/2014 dated 19.12.2014 (Annexure A-2/1) and also passed another order vide No. SCL/P&GA/E/ CL01129 /2014 dated 22.12.2014 (Annexure A-2/2) rejecting representations of the applicant considering those unlawfully as attempt to disrupt the administrative process unnecessarily. Hence this OA.

8. In the grounds for relief it has, inter alia, been stated as follows:-

- (i) Because the post of Deputy General Manager was existing only in the Semiconductor Complex Ltd., which ceased to exist w.e.f. 08.11.2005 when it was converted into Society and factually put under re-structuring w.e.f. 01.09.2006 and as such thereafter there is no justification legal or otherwise to convene Review DPC of the establishment which is no longer in existence and there being no such provision for consideration after a period of more than 11 years and as such, the entire action of the respondents is not legally sustainable and liable to be set aside.
- (ii) Because undisputedly respondent no.4, applicant and others were also considered for the post of DGM by the erstwhile Semiconductor Complex Limited in their respective Branches / Disciplines or area of specialization by the same DPC and all of them were rejected based on the marks secured in the interview and nobody approached the court of law. So the matter stood finalized particularly when the constitution of DPC was well within the knowledge of respondent no.4 and the management of the Company as HRD department was dealing with the constitution of DPC etc. and as such, after such a long period it cannot hold review DPC so as to unsettle the settled position and

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hence the entire action is wholly illegal and not sustainable in the eyes of law.

- (iii) Because there is no justification for calling applicant and others who do not belong to HRD even for consideration of their claim for the post of DGM Corporate- HRD particularly when they did not possess experience of this line and they were never considered for the post of DGM Corporate-HRD in the earlier DPCs even in the year 2002 and 2003. Review DPC can only be of original DPC and not by changing the consideration altogether. As such, now consideration for the post of DGM Corporate-HRD is nothing else but to give benefit to one person i.e. respondent no.4, which is not legally permissible.
- (iv) Because respondents have ignored the important aspect that after the Semiconductor Complex ceased to be a Company and it was converted into Society, they are governed by the guidelines of Scientific and Technical Staff for promotion on merit based promotion under Flexible Complementing Scheme. Applicant and so many others have already been granted status of Scientist / Engineer SF which is equivalent to DGM and even beyond that i.e. Scientist / Engineer SG equivalent to General Manager and thus by considering respondent no.4, who is currently Manager only to the post of DGM w.e.f. 01.07.2003, he will steal a march over those who have already been promoted as Deputy General Manager and it will unsettle the settled position in the overall hierarchy of the Society.

9. In the written statement filed on behalf of respondents no.1 to 3, preliminary objection has been taken that the present O.A is not maintainable on the account of law relating to Estoppel by representation as consequent to the decision of the Govt. Vide Department of Space letter No. B.27011/6/2012-V dated September 2, 2013 (R-1) to hold Review DPC for Respondent No. 4 as on 01.07.2002, the applicant submitted his representation dated 27.01.2014 (R-2) wherein he requested that his case may also be considered by the Review DPC along with Respondent no. 4 as he had also suffered because of irregularities in the DPCs of 2002,

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2003 and subsequently no DPC review in 2004, 2005 and 2006. The Government after considering the representation of the applicant passed a favourable order on 19.06.2014 (Annexure R-3) deciding to offer equal opportunity to all the candidates (including the applicant) in the review DPC exercise for 2003 where the available vacancy was only in Corporate-HRD Department. However, the applicant changed his stand altogether and made another application dated 25.09.2014 (Annexure R-4) to the Secretary, Department of Space, Government of India, stating that there was nothing wrong in the DPC of 2002, 2003 and in not holding the DPC in 2004, 2005 & 2006 and therefore the earlier orders of the Government passed at his instance may be nullified and Review DPC process should be put on hold. As per the law of estoppels, 'where one person (the representor) has made a representation of fact to another person (the representee) in words or by acts or conduct, or (being under a duty to the representee to speak or act) by silence or inaction, with the intention (actual or presumptive) and with the result of inducing the representee on the faith of such representation to alter his position to his detriment, the representor, in any litigation which may afterwards take place between him and the representee, is estopped, as against the representee, from making or attempting to establish by evidence, any averment substantially at variance with his former representation".

10. It is further stated that SCL Society Management Council in its 1st meeting held on 30.08.2006 adopted DOS/ISRO

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Recruitment and Promotion Policy for career opportunities of Scientific/Technical and Administrative personnel at SCL w.e.f. 01.09.2006 i.e. the date of operationalization of SCL Society wherein the seniority and line of promotion for Scientific/Technical (S & T) is totally different from the Administrative Personnel. The promotions of Scientific and Technical (S&T) Personnel are not based on vacancies but on up-gradation of posts under the Merit Promotion Scheme (MPS of DOS/ISRO on flexible complementary basis whereas the promotions of Administrative Personnel are based on vacancy. Since the applicant is under Scientific /Technical (S & T) Category and Respondent no. 4 is under Administrative Category i.e. different cadre and line of promotion, no inter-se comparison of seniority could be made between Scientific and Technical (S&T) and Administrative Personnel and there is nothing like overall staffing hierarchy in SCL Society.

11. It is also stated that respondent no. 4 was senior to the applicant in the erstwhile company (wherein there was common seniority between Technical & Administrative staff) right from the date of joining till the formation of SCL Society w.e.f. 01.09.2006 after which the applicant was in S & T cadre and Respondent no. 4 was in Administrative cadre without any inter se seniority.

Details	Sumesh Juneja "Applicant"	Rajendra Saksena "Respondent no.4"
Qualifications	B.E. Electrical MBA	B.Sc. MBA
SCL Company		
Date of joining	29.04.1985 as Engineer	13.12.1984 as Personnel Officer
1 st Promotion	01.01.1989 as Senior Engineer	01.01.1988 as Senior Personnel Officer
2 nd Promotion	01.01.1993 as Deputy	01.01.1992 as Deputy



	Manager	Manager
3 rd Promotion	01.07.1997 as Manager	01.01.1997 as Manager.
SCL Society w.e.f. 01.09.2006		
4 th Promotion	01.07.2007 as Scientist / Engineer 'SF' under Merit Promotion Flexible Complementary Scheme	No DPC held for non-technical administrative staff.

The applicant, on account of coming under Scientific and Technical (S&T) category in SCL Society and being governed by different promotion policy had already got the next scale on 01.07.2007. But, since the Cadre had become different after formation of SCL Society w.e.f. 01.09.2007 no comparison of seniority can logically be made between the two. In case there was any inter se seniority in SCL society, it was for respondent no. 4 to be aggrieved on the promotion of applicant in the higher grade w.e.f. 01.07.2007 who was junior to him right from the date of joining. Therefore, the comparison of seniority made by the applicant in SCL Society is incorrect. The applicant even after the notional promotion of Respondent no. 4 w.e.f. 01.07.2003 is still drawing more salary as on date as per the following details:-

Details	Sumesh Juneja "Applicant"	Rajendra Saksena "Respondent no. 4"
Pay in Pay Band	Rs. 49,420/-	Rs. 51,170/-
Special Pay	Rs. 2,770/-	Nil
Grade Pay	Rs. 8,700/-	Rs. 8,700/-
D.A	Rs. 65,152/-	Rs. 64,061/-
H.R.A	Rs. 12,178/-	Rs. 11,974/-
Transport Allowance	Rs. 3,312/-	Rs. 3,312/-
Total	Rs. 1,41,537/-	Rs. 1,41,217/-
Family Planning Incentive	Rs. 650/-	Nil
Grand Total	Rs. 1,42,182/-	Rs. 1,41,217/-

The incentive in the form of two additional increments granted to Scientists/Engineers 'SD' to 'SG' is applicable to the applicant also

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which is counted for DA, HRA & Pension etc. whereas the same is not admissible to Administrative Cadre.

12. It has further been stated that The applicant has also concealed the fact that after his promotion from 01.07.2007 as Scientist/Engineer 'SF', the applicant was duly considered for promotion to the next Grade i.e. from Grade 'SF' to Grade 'SG' (Three times) on the rationalized date of promotions viz. 01.07.2012, 01.07.2013 & 01.07.2014 and was screened out on all these three occasions. The relevant Government document in this regard are attached as Annexure R-6 to R-8. On the other hand for Respondent no. 4, no opportunity was provided for promotion to next higher grade in the SCL Society. The alternative plea made by the applicant in the alternative prayer in para 8(i) seeking issuance of directions to the respondents to convene review DPC for all the disciplines for which DPC was conducted as on 01.07.2003 so as to give proper consideration to all the incumbents in their respective disciplines to remove discrimination, unfairness and arbitrariness in the action of official respondents is wrong and hence denied since there was no vacant post at the level of DGM in any other discipline as on 01.07.2003 for which the review DPC was conducted on 15.11.2014. There was a vacant post of DGM Corporate HRD along which had remained vacant in the DPC of 2002. In order to afford equal opportunity, the Government had decided to call all the eligible officials vide their letter no. B. 270011/6/2012-V dated June 19, 2014 (R-3). It was also mentioned in para 3 (e) of the said Government order that the

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review DPC shall consider the candidates who may fulfil the job requirements of such vacancies/posts keeping in view their overall level of managerial competence, qualification and experience, provision of higher grade in the organizational structure of the respective department, wherever applicable. The contention of the applicant that he was considered by the DPC held in 2003 for the post in his division/department is ill-founded as there was no vacancy at the level of DGM in his division on the date of holding of DPC in 2003. In the absence of vacancy, the applicant along with others was considered either for grant of personal promotion or for the available vacant post. Contention of the applicant that the other incumbents including the applicant are not eligible for consideration to the post of DGM Corporate HRD is incorrect since the eligibility is to be seen by the Management as per organizational need and promotion policy and not by the employees. The practice of giving responsibility to professionals in different divisions/departments with Engineering background at the level of DGM and above is provided in the promotion policy of SCL Company. The following clauses of the then applicable promotion policy contained in CMD's Office order no. 354 dated 24.05.1999 (Annexure A-3 in amended O.A) would reveal the eligibility of the applicant for the post of DGM Corporate HRD:-

- (i) Clause 6 (C) of the promotion policy (at page 54 of the Amended O.A) which provides degree in Engineering /professional degrees as minimum qualification for promotion to the grade of DGM.
- (ii) Clause 4.4 (e) of the then applicable promotion policy at page 50 of the amended O.A, provides that those vacancies/grades of the DGM's /Deputy Chief

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Engineers which are identified for consideration may be filled up out of a common list of eligible Executives who may fill the job requirements of such vacancies/posts keeping in view their overall level of managerial competence, qualifications and experience. Further for each such position not more than 5 candidates would be called for interview by the DPC."

This makes it abundantly clear that the post of DGM was filled through a common list of eligible executives (upto 5 nos.) from different divisions/departments and one out of them was finally selected for the post of DGM by the DPC through procedure as specified in Annexure II to the Promotion Policy.

13. Respondent no.4 has also filed his written statement clarifying his own position broadly on the lines taken in the written statement filed on behalf of respondents no.1 to 3.

14. Rejoinder was filed on behalf of the applicant. Additional material has been placed on record on behalf of the applicant as well as the respondents through MAs filed from time to time. MA No.060/01238/2016 was filed on 06.10.2016 stating therein that during the pendency of the OA, the applicant presently working as Scientist / Engineer "SF" (PB Rs.37,400-67,000+ GP Rs.8,700/-) had been recommended for promotion to the next higher grade "SG" (PB Rs.37,400-67,000 + GP Rs.8,900/-) with effect from 01.01.2017 as per the approval of the competent authority conveyed vide Department of Space letter No.A.12011/2/2016-I dated June 14, 2016 (R-23). The applicant had been intimated about the result of the Review as on 01.07.2016 by Sr. Admn.

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Officer, SCL vide letter Ref: P&GA:REV.(07/2016)/Sci. /Engr. 'SF-SG' dated June 27, 2016 (R-24).

15. Arguments advanced by Sh. R.K. Sharma, learned counsel for the parties were heard, when learned counsel for the applicant narrated at length the background of the matter and stated the reasons for impugning order dated 18.09.2014 (Annexure A-1), and as to why, the applicant had not participated in the interviews scheduled by SCL on 13.11.2014 to consider the candidates who were eligible for the post of DGM-Corporate HRD as on 01.07.2003, including the applicant.

16. Sh. S.P. Jain, learned Senior Government Standing Counsel stated that the respondent no.4 had got promotion at every level on dates earlier than the applicant. However, the applicant had got the promotion as Scientist / Engineer, "SF" in 2007 and this post was equivalent to DGM as was evident from the impugned order dated 22.11.2014 (Annexure A-2/2). Moreover, the applicant choose not to participate in the interview for the selection of DGM-Corporate HRD, although he himself had initially represented to the respondents on 27.01.2014 seeking his review from the relevant date of July 2002/2003 alongwith Sh. Rajendra Saksena-respondent no.4 as otherwise it would lead to disparity, mentioning that he also suffered the way Sh. Rajendra Saksena suffered due to his non-promotion because of the irregularities alleged to have been committed in the DPCs held during 2002 & 2003. Later, the applicant changed his stand through the

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subsequent representation dated 25.09.2014 stating that there were no valid reasons and legal grounds to hold the review of the earlier DPC held in 2003. Moreover, the applicant had been approved for promotion to the higher Grade 'SG' PB Rs.37,400-67,000 + GP Rs.8,900 w.e.f. 01.01.2017. This was equivalent to the General Manager Grade and hence the applicant should have no remaining grievance.

17. Respondent no.4, appearing in person, stated that even after the notional promotion w.e.f. 2003 he had not gained over the applicant as his salary was still lower than the applicant. He also stated that as per "Review of Promotion Policy and Organization Structure of SCL" it was clear that for the posts of DGM and above the selections were broad based and persons with Engineering qualification could also compete for selection against the posts such as DGM, Material Management, Marketing, HRD etc. The applicant could very well have participated in the selection for DGM Corporate HRD, but choose not to do so of his own accord.

18. We have given our careful consideration to the matter. It appears to us that the applicant has been indulging in pointless litigation in the matter of holding of Review DPC regarding selection of DGM HRD in 2003. Initially when the Review DPC was ordered to be held, the applicant contended that he alongwith others should be allowed to participate as per his representation. But thereafter, when the Review DPC was actually scheduled, he represented against the same being held as is clear from order

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dated 22.12.2014 (Annexure A-2/2). The respondent no.4 has admittedly been getting his promotions at the various levels on dates earlier than the applicant, but both the applicants and respondent no.4 were rejected by the DPC in 2003 for consideration for promotion as Deputy GM. While after the restructuring of SCL into a Society, the applicant got his designation as Scientist / Engineer in the Grade Pay of Rs.8700/- (equivalent to DGM) in 2007, the respondent no.4 continued to languish as Manager and hence was pursuing the case for review of the DPC proceedings of 2003. The applicant also had the opportunity to participate in the interviews for selection as DGM Corporate HRD as per the Review DPC for this post, but he choose not to participate in the same. Respondent no.4 got the promotion as DGM-HRD w.e.f. 2003, but with notional effect and has not gained in pay fixation over the applicant. The applicant himself has infact been promoted as Scientist 'SF' Grade Pay of Rs.8900/- (equivalent to General Manager) w.e.f. 01.01.2017.

19. The applicant appears to have been seeking to damage the cause of respondent no.4 rather than getting any advantage for himself particularly, since it is clear that the Scientists and the Administrative Personnel have after the SCL being registered as a society, their own channel of promotion and the channel for the Scientists is more advantageous as compared to that for the administrative personnel.

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20. In view of the discussion above, we conclude that there is no merit in this OA and the same is rejected. Nominal cost of Rs.1000 is imposed upon the applicant for indulging in such litigation. The same shall be payable to the Chandigarh Bench of CAT. Ordered accordingly.

(JUSTICE M.S. SULLAR)
MEMBER (J)

(RAJWANT SANDHU)
MEMBER (A)

Dated: 27.01.2017

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