

**Central Administrative Tribunal
Principal Bench, New Delhi.**

**CP-154/2016 in
OA-1421/2014
MA-3170/2015**

New Delhi, this the 09th day of December, 2016.

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. Shekhar Agarwal, Member (A)**

1. Smt. Sobhana Bhaskaran,
Scientist-E Age about 56 years
W/o Shri C.A. Bhaskaran
R/o 1278, Sector-12,
R.K.Puram, New Delhi-110022.

Posted at:
Department of Science and Technology,
Technology Bhavan,
New Meharauli Road,
New Delhi-110016

2. Dr. Usha Dixit
Scientist-D Age 44years
Pushpvihar, M B Road,
Sector-1, New Delhi-17.

Posted at:
Department of Science and Technology,
Technology Bhavan,
New Meharauli Road,
New Delhi-110016

3. Shri Vineet Saini
Scientist-D Age 42 years
S/o S.C. Saini
R/o WZ-396,
Basai dara pur
New Delhi-110015.

Posted at:
Department of Science and Technology,
Technology Bhavan,
New Meharauli Road,
New Delhi-110016

4. Dr. Arindam Bhattacharyya
Scientist-D Age 44 years
S/o Dr.A.K.Bhattacharyya
R/o Pocket 40, House No.-5,
Chittaranjan Park,
New Delhi-110019

Posted at:
Department of Science and Technology,
Technology Bhavan,

New Meharauli Road,
New Delhi-110016

5. Dr. Bipin Joshi
Scientist-D Age 45 years
S/o Shri D.N. Joshi
R/o 128, Sec-08,
R.K. Puram-110022

Posted at:
Department of Science and Technology,
Technology Bhavan,
New Meharauli Road,
New Delhi-110016

6. Dr. A.K. Singh
Scientist-D Age 53 years
S/o Late Rajpati Singh
R/o A-85, B-block, Gali No.4,
Dashrathpuri, Dabri Palam Road
New Delhi-110045

Posted at:
Department of Science and Technology,
Technology Bhavan,
New Meharauli Road,
New Delhi-110016.

7. Shri R.K. Joshi
Scientist-D Age 48 years
S/o Shri S.P. Joshi
R/o 315, Vigyan Sadan
R.K. Puram-10,
(Nivedita Kunj)
New Delhi-110016

Posted at:
Department of Science and Technology,
Technology Bhavan,
New Meharauli Road,
New Delhi-110016

8. Dr. Konga Gopikrishna
Scientist-D Age 41 years
S/o Late Shri Konga Sita Rama Swamy,
R/o Flat No. A-402, Indraprastha Villa,
Sector-61, Noida 201 301
Uttar Pradesh

Posted at:
Department of Science and Technology,
Technology Bhavan,
New Meharauli Road,
New Delhi-110016

9. Dr. Rajeev Sharma

Scientist-D Age 52 years
S/o Late Shri Om Prakash Sharma
R/o 61/6, Sector-1,
Pushpa Vihar,
New Delhi-110017.

Posted at:
Department of Science and Technology,
Technology Bhavan,
New Meharauli Road,
New Delhi-110016

10. Shri Gaurav Aggarwal
Scientist-D Age 42 years
S/o Shri O.P. Aggarwal
R/o CC-21F, Hari Nagar,
New Delhi-110064

Posted at:
Department of Science and Technology,
Technology Bhavan,
New Meharauli Road,
New Delhi-110016.

...

Applicants

(By Advocate: Shri R.K.Kapoor with Ms. Kheyali Sarkar)

Versus

1. Prof. Ashutosh Sharma,
Secretary, Department of Science and Technology
Ministry of Science and Technology,
Technology Bhawan,
New Meharauli Road,
New Delhi-110016.

2. Sh. Sanjay Kothari,
Secretary, (Personnel),
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training),
Govt. of India, New Delhi-110001.

...

Respondents

(By Advocate : Dr. Shamshuddin Khan with Sh. Hari Krishan Bhatt, deptt. Of Sci. & Tech.)

ORDER(ORAL)

Hon'ble Mr. Justice Permod Kohli

Vide judgment dated 25.03.2015 passed in OA No. 1421/2014, following directions were issued:

"9. In the above facts and circumstances of the case, we allow this OA as well as MA. Consequently, we direct the Respondents to grant the benefit of promotion to Scientist 'D' to 'E' to Scientist 'C' to 'D' as per the FCS Scheme to the Applicants from the due dates, with all consequential benefits

including pay fixation, payments of arrears and thereafter to consider them by the Assessment Board for in-situ promotion under the Modified Flexible Complementing Scheme for the current year. As far as directions with regard to pay fixation, payment of arrears and related benefits are concerned, they shall be complied with, within a period of 2 months from the date of receipt of a copy of this order. There shall be no order as to costs. "

2. Status report has been filed on 08.12.2016 by the respondents in which following averments have been made:

" A The promotions of the concerned Scientists has been antedated and accordingly, they have been assessed by the Assessment Board & DPRC (Departmental Peer Review Committee) for in-situ promotion under FCS as on 01.01.2014 to 01.07.2016. The recommendations of the Assessment Board and DPRC have been put up for consideration of Hon'ble Minister for S&T & ES (the Appointing Authority).

B Regarding all other consequential benefits, it is stated that this Department has completed the processes of pay fixation, payments of arrears. Detailed list of action taken by the Department in this regard is attached herewith as Annexure R-2. Hence, the Respondent has fully complied the orders of this Hon'ble Tribunal."

3. Insofar as consideration for further promotion to the post from Scientist E to Scientist F and Scientist D to Scientist E is concerned, consideration has been accorded and the matter has been forwarded to Hon'ble Minister for finalisation. It is further stated by Dr. Shamshuddin Khan, learned counsel for the respondents, that final approval may take two to three weeks.

4. From above averments and the submissions made at the bar, we are of the opinion that the judgment of this Tribunal stands complied with. Learned counsel for the applicant, Sh. R.K. Kapoor submits that in the event the applicants are denied promotion, it will prejudice their career, as the consideration in three categories, i.e, meritorious, normal and delay has been accorded in one go. In any case, direction of the Tribunal was for consideration which has been accorded by the respondents. If the applicants are aggrieved of the manner of consideration or have any other grievance on outcome of the final decision of the consideration, they are at liberty to seek remedial measures

available under law. The outcome of the final consideration shall be communicated to the applicants within four weeks.

5. So far these contempt proceedings are concerned, proceedings are dropped.

(Shekhar Agarwal)
Member (A)

(Justice Permod Kohli)
Chairman

/ns/