

**Central Administrative Tribunal
Principal Bench**

**OA No.821/2017
MA No.866/2017**

New Delhi, this the 9thday of March, 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)**

1. Dr. Onkari Prasad
S/o (Late) Shri S.R. Lal
R/o 43, RITU Apartments
Pocket A-4, Paschim Vihar
New Delhi-110063.
2. S.C. Goyal, S/o (Late) Shri Hari Lal Goyal
R/o 42, RITU Apartments
Pocket A-4, Paschim Vihar
New Delhi-110063.
3. R.K. Jain, S/o (Late) Shri C.K. Jain
R/o 10/334, Sunder Vihar
New Delhi-110087.
4. Dr. Kanti Prasad
S/o (Late) Shri Radhey Lal
R/o D-104, SEEMA Apartments
Plot No.7, Sector XI, Dwarka
New Delhi-110075.Applicants

(By: Applicants in person)

Versus

1. The Secretary
Ministry of Earth Sciences
Prithvi Bhawan, Opposite India Habitat Centre
Lodi Road, New Delhi-110003.
2. The Director General of Meteorology
India Meteorological Department
Mausam Bhawan, Lodi Road
New Delhi-110003.
3. The Director
Indian National Centre for Ocean

Information Services (INCOIS)
Pragathi Nagar, Nizampet
Hyderabad-500 090.

..Respondents

(By Advocates: Shri R.K. Gupta and Shri B.P. Gupta)

ORDER (ORAL)

Justice Permod Kohli, Chairman :-

MA No.866/2017

Joining together application is allowed.

OA No.821/2017

The applicants belong to Meteorological Department, M/o Science and Technology. Their grievance is that they have been denied promotion under Flexible Complementing Scheme (FCS). Earlier some Scientists including the applicants herein filed OA No.572-HR-2011 before the Chandigarh Bench. Some other aggrieved persons also filed separate OAs. The said OAs were disposed of by the Chandigarh Bench vide judgment dated 23.01.2013 with the following directions:-

"23. Therefore, these O.A.s are allowed in the following terms:-

The case of applicants for promotion under FCS shall be considered and if found eligible and fit, then in situ promotion under the FCS should be granted to them with all consequential benefits. The entire exercise including payment of arrears should be completed within a period of three months from the date of receipt of a copy of this order. No costs."

2. Consequent upon the aforesaid directions, the Screening-cum-Peer Review Committee considered the cases of the applicants for their promotions and rejected the same vide the impugned orders dated 05.02.2016. In case of applicant No. 1, Dr. Onkari Prasad, the Committee has made following observations:-

- "i) In terms of FCS guidelines proven merit and records of research will be the only criteria. The service records and confidential reports of the officer have been analyzed threadbare by the committee. The committee found that the officer was entrusted the work of General Administration and Technical working of various units. The over all ACR grading revealed that the officer had never been rated Outstanding by the reporting and reviewing authority after promotion as Director.
- ii) During the 10 year period he had only published only 3 research papers in very low impact factor Journals and that did not make any impact on existing knowledge.

In case of applicant No.2, Shri S.C. Goyal, the following observations have been made:-

- "i) In terms of FCS guidelines minimum percentage of eligibility and proven merit and records of research will be the criteria. The committee noted that the officer had completed the residency period since last promotion in 1992-1993. The committee found the officer not suitable as he had not published any research paper during the period 1988-1993. The committee further considered the case for subsequent years but found that he had not contributed to advancement of scientific knowledge."

In case of applicant No.3, Shri R.K. Jain, the Screening Committee made the following observations:-

"i) In terms of FCS guidelines minimum percentage of eligibility and proven merit and records of research will be the criteria. Accordingly the service records and confidential report of the officer have been analyzed threadbare by the committee. The committee found that the officer was handling the administrative work. The overall ACR grading revealed that the officer had never been rated as Outstanding and had also been rated as Good in the years 1994-95 & 1997-98, 2001-2002 & 2002-2003.

ii) In the absence of proven merit and records of research, the committee which also acted as Peer Review Committee assessed the officer for the year 1998-99 & subsequently in 99-2000 and 2000-2001 and found that the officer failed to achieve minimum percentage of eligibility and devoid of scientific activities (which includes Fundamental/Basic research, Applied Research Experimental Development and S&T activities directly linked to R&D). The committee, therefore, recommend as Screened out. The case of Shri R.K. Jain for promotion under FCS has been considered by the competent authority and he has not been found eligible and fit for in-situ promotion under FCS."

In case of applicant No.4, Dr. Kanti Prasad, the following observations have been made:-

"The committee noted that the officer was promoted as DDGM (Scientist E) on 03.12.2001 and retired before completing the minimum residency of 5 years,

therefore, not eligible for consideration of next promotion. The case of Dr. Kanti Prasad for promotion under FCS has been considered by the competent authority and he has not been found eligible and fit for in-situ promotion under FCS."

3. The claim of applicant No.2 has been rejected on the ground that he has not published any research paper during the period from 1988-1993 and there is no addition to the research work since his last promotion in 1992-1993. This fact is disputed by the applicant and our attention is invited to a list of publications at page 169-170 of the paper book. We have perused the said list. We find that the last publication made by the applicant was in the year 1989 and thereafter no research publication is shown to have been made by him.

4. In regard to the applicant No.4, Dr. Kanti Prasad, his claim has been rejected on the ground that he was promoted as DDGM (Scientist E) on 03.12.2001 and retired before completing the minimum residency of 5 years. Hence, was not eligible for consideration for in situ promotion under FCS.

5. We find that these grounds are valid for rejection of claims of the applicants. As regards applicant Nos. 1 and 3, the Screening-Cum-Peer Review Committee has opined that

the research work of applicant No.1 comprises only 3 research papers during 10 years and these research papers were published in a very low impact factor Journals and not make any impact on research advancement. In respect to applicant No.3, Shri R.K. Jain, the Committee has noted that the said applicant was handling the administrative work and over all ACR grading has never been Outstanding. He has earned only good grading in the years 1994-1995, 1997-1998, 2001-2002 and 2002-2003. Thus, he has not been recommended for *in situ* promotion.

6. It is settled position of law that the Tribunal while exercising power of judicial review does not sit as a court of appeal over the decisions of the DPC, Screening Committee or Peer Committee. This is the job of the experts in the field. This is particularly so in the scientific field. The Screening-cum-Review Committee has found the research work of the applicant Nos. 1 and 3 not up to the mark rather they have opined that there is no valuable addition to the research work. In respect to applicant No.3, the committee has found that there was no research work to his credit. He was only performing administrative duties and thus, *in situ* promotion for proven merit and records of research which is the laid down criteria for *in situ* promotions in case of Scientists has not been satisfied.

7. We do not find any valid reason to interfere in the impugned orders. This Application deserves dismissal. We order accordingly. No costs.

(K.N. Shrivastava)
Member(A)

(Justice Permod Kohli)
Chairman

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