

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

O.A.No.4552/2015

Monday, this the 3rd day of April 2017

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

1. Ad hoc Association of Trainee Scientists, CSIR
c/o late Karalicharan Datta
Datta Pada, Post Office and Village Joypur
District Bankura
West Bengal 722138
2. Paritosh Singh, age 25 years
President
Ad hoc Association of Trainee Scientists, CSIR
Working with CSIR NPL
Delhi
S/o Bhagwati Bux Singh
R/o village & Post Sareni
District Rai Bareilly
UP Pin 229212
3. Rashmi Achla, age 26 years
Working with CSIR CSIO
Chandigarh, Punjab
d/o P Minz
Permanent Resident of
Village Kesramal Barkaloll
Rajganpur, Odisha
4. Jayant Kumar, age 29 years
Working with CSIR-CSOI
Chandigarh, Punjab
s/o Shri Rama Shankar
Permanent Resident of
Sector K-803
Ashiana Colony, Lucknow, UP
5. Bhoopender Kumar, age 27 years
Working with CSIR-CSOI
Chandigarh, Punjab
s/o Shri Bhagirath
permanent resident of
H-225 Alrauliya Rath, Hamirpur, UP
6. Santosh Kumar Gandhi, age 26 years
Working with CSIR-CSOI
Chandigarh, Punjab

s/o G Vijay Kumar
 resident of FT-4C, Rhylhm Towers
 Paruchurivari Veedi
 Palamalalamk Police Station
 Nagamausa District Nalanda
 Bihar

7. Manish Kumar Vishwakarma, age 24 years
 Working with CSIR-CSOI
 Chandigarh, Punjab
 s/o Shri R S Vishwakarma
 Permanent resident of
 C/85, World Bank Scheme Barra
 Kanpur, UP
8. Saransh Khandelwal, age 26 years
 Working with CSIR-CSOI
 Chandigarh, Punjab
 s/o Shri Ajay Kumar Khandelwal
 Permanent resident of
 46/47 Shyamganj, Bareilly, UP
9. Md. Tanweer age 27 years
 s/o Md. Khalil
 Working with CSIR-CIMFR, Dhanbad
 Permanent resident of
 Village Ramjanpur, Post Bhaga
 Distt. Dhanbad, Jharkhand 828301
10. Prasad Bhukya, age 24 years
 Working with CSIR-CIMFR
 Dhanbad, Jharkhand
 s/o Shri Dhulbo
 Permanent resident of
 Keerya Thanda Colony
 Bachodu Thanda Village
 Bachodu Post, thirumalaya Palem Mandal
 Khammam District
 Telangana 507 161
11. Satya Prakash Sahoo, age 25 years
 Working with CSIR-CIMFR
 Dhanbad, Jharkhand
 s/o Shri Satya Prakash Sahu
 c/o Digamber Sahu
 At Mirapatna
 Dist/PO Kendrapara
 754211, Orissa
12. Arka Jyoti Das, age 26 years
 Working with CSIR-CIMFR
 Dhanbad,

s/o Shri Asit Baran Das
 46/P, Hemanta Mukherjee Road
 Jayrampur Jala, Behala
 Distt. Kolkata
 West Bengal, India 700060

13. Nilabjendu Ghosh, age 27 years
 Working with CSIR-CIMFR
 Dhanbad,
 s/o Shri Biswadeb Ghosh
 105, BBD Sarani, City Centre
 Durgapur 713 216, West Bengal
14. Jayawardhan Kumar, age 28 years
 Working with CSIR-CIMFR
 Dhanbad,
 s/o Bandhu Ram
 Village Alampur, Post Phesar
 Dist. Aurangabad
 State Bihar, Pin 824121
15. Swaha Mahapatra, Age 26 years
 Working with CSIR-CIMFR
 Dhanbad,
 c/o Binod Kumar Padhi
 11/4, Anand Vihar, A Zone
 Durgapur 713204, West Bengal
16. Santosh Kumar Behera, age 25 years
 Working with CSIR-CIMFR
 Dhanbad,
 s/o Shri Subhash Chandra Behera
 AT/PO Baulagam
 VIA/DIST Ganjam
 Odhisha, Pin 761026
17. Debashish Mishra, age 24 years
 Working with CSIR-CIMFR
 Dhanbad,
 s/o Kailash Chandra Mishra
 Plot No.750/D
 At Bhimpur UNIT-6
 Bhubaneswar Pin 751020
 Odisha
18. Prabin Kumar Ashish, age 27 years
 Working with CSIR-CRRI
 New Delhi
 s/o Shri Nalhun Chaudhary
 Permanent address of
 Village Chhattar Pur
 PO Narayanpur

District Bhojpur (Ara)
Bihar

19. Minal, age 26 years
Working with CSIR-CRRI
New Delhi
D/o Shri Basand Kumar
r/o 106, Savitri Nilyam
Road No.37, Gardanibagh
PO Anisabad, Palna
Bihar
20. Sravani Arimili, age 26 years
Working with CSIR-CRRI
New Delhi
d/o Sri Nagesewara Rao Arimili
Permanent resident address of
House No.165, Kollmanpet Duddi
Post Kosigiman
Karnool District
Andhra Pradesh
21. Dharmender Kumar Singh, age 26 years
Working with CSIR-NPL
Delhi
s/o Shri Shyam Nath Singh
Permanent resident address of
Ql No.B/217, BCCL Officers Colony
Nehru Nagar, Harina Bagmara
Nowagrah, Dhanbad
Jharkhand
22. Nallamolhu Balakrishna, age 24 years
Working with CSIR-SERC
Chennai
s/o Nallamolhu Rajendra Prasad
r/o Door No.13-94
Chayavarlpalem Tenali
Guntoor
Andhra Pradesh
23. Mohd. Miraj Kha, age 27 years
Working with CSIR-SERC
Chennai
s/o Moh. Ali Khan
permanent resident of
Village Rendwalia Post Pehar
District Balrampur, UP
24. Harshal Aggarwal, age 25 years
Working with CSIR-SERC
Chennai

s/o Sanjay Aggarwal
 r/o House No.365, Alamgiri Ganj
 Near Bargad Wala Mandir
 Bareilly UP

25. Reddi Kamesh, age 25 years
 Working with CSIR-IICT
 Hyderabad
 s/o Reddi Demudu Babu
 Permanent resident of
 Door No.5-59, Rangoli Veedi
 Kolapadu
 Vishakhapatnam
 Andhra Pradesh
26. Sidhratha Moulik, age 26 years
 Working with CSIR-IICT
 Hyderabad
 s/o Sunil Kumar Mouilk
 resident of
 Village Ghoradhara PO Jargram
 District Pachim Medinipur
 West Bengal
27. Pavani Vadhyaa, age 26 years
 Working with CSIR-IICT
 Hyderabad
 d/o Hoonya
 resident of House No.17-1-382/P/9
 Pawanpuri Colony
 Karmangal Vaishali Nagar
 Post Office Sagar Road
 Hyderabad, Telangana
28. Vineet Aniya, age 26 years
 Working with CSIR-IICT
 Hyderabad
 s/o Mahesh Kumar Aniya
 r/o 337/537 EWS
 Indira Nagar Agar road
 Ujjain, MP
29. Alka Kumari, age 26 years
 Working with CSIR-IICT
 Hyderabad
 d/o Shri R B Choudhary
 r/o Al Kanchanpur Post Rajason
 District Vaishali, Bihar
30. Malay Goel, age 26 years
 Working with CSIR NEERI
 Nagpur, Maharashtra

s/o Mr. Manoj Goel
 r/o 91 Keshav Vihar
 GMS Road, Dehradun, UK

31. Rajendra Prasad Poluru, age 26 years
 Working with CSIR NEERI
 Nagpur, Maharashtra
 s/o Poluru Venkatesh
 resident of 2-8, Kolur Village
 B N Kanderiga Mandal
 Chittor District
 Andhra Pradesh
32. M N V Anil, age 26 years
 Working with CSIR NEERI
 Nagpur, Maharashtra
 s/o Rama Manohar
 r/o 12-2 828-A-46
 Shri Nilayam Apls.
 Amba Gardens
 Hyderabad, Telangana
33. Meenakshi Sarkar, age 25 years
 Working with CSIR CMERI
 Durgapur
 d/o Biswanath Sarkar
 permanent resident of
 D-II/31, Vidya Sagar Avenue
 B Zone, Durga Pur
 West Bengal
34. Basudev Datta, age 24 years
 Working with CSIR CMERI
 Dhanbad
 s/o Samiran Datta
 c/o Late Karalicharan Datta
 Datta Pada, Post Office and Village Joypur
 District Bankura
 West Bengal 722 138
35. Sanjoy Gorain, age 25 years
 Working with CSIR CMERI
 Dhanbad
 s/o Sadananda Gorain
 Vill Nadihi, Post Ukhradihi
 P S Ganga Jal Ghati, Dist Bankura
 West Bengal 722133
36. Rekha Tomar, age 25 years
 Working in CSIR CIMFR, Dhanbad
 d/o T R Tomar
 New Adarsh Vihar, Saharanpur road

Near GIC Herbertpur, Dehradun
Uttarakhand 248142

37. Vikas Pendem, age 22 years
Working in CSIR CEERI, Pilani
s/o Narsimulu Pendem
Flat No.103, Namitha Harmony
Indiranagar Phase 2
Moula-Ali HB Colony
Hyderabad
Telangana 500040
38. Zeba Khanam, age 24 years
Working in CSIR CEERI, Pilani
d/o Mazhar Ali Khan
4/872-A New Friends Colony
Aligarh, Uttar Pradesh 202002
39. Ravi Kumar, age 26 years
Working in CSIR CBRI, Roorkee
s/o Abhay Kant Paswan
Village Barmasia, PO Katihar
District Katihar, Bihar-854105
40. Mahesh Sharma, age 24 years
Working in CSIR CBRI, Roorkee
s/o Dr. I D Sharma, Sumedha Niwas
Adda Villa, Lower Kaithu, Shimla
Himachal Pradesh 171003
41. Rahul Bhasin, age 26 years
Working in CSIR CRRI, New Delhi
s/o Adarsh Bhasin
Agriculture Implement Seller
Ghantaghari, Orai
Uttar Pradesh 285001
42. Rahul Raoniar, age 25 years
Working in CSIR-CRRI New Delhi
S/o Shibsankar Raoniar
PO Vill. Nayabazar (Uttar Bazrapukur)
PS Tapan, district Dakshin Dinapur
West Bengal 733142
43. R Rejitha Nath, age 24 years
Working in CSIR CRRI, New Delhi
d/o S J Ravindra Nath
AERA 243, Thirumala PO, Trivandrum
Kerala 695006
44. Hem Raj Sahu, age 24 years
Working in CSIR-CSIO, Chandigarh
s/o Jagdish Prasad Shau

H.No.128/129
 Shivnagar Colony, Berasia road Karond
 Bhopal, Madhya Pradesh 462038

45. Vikas Chandra, Age 26 years
 Working in CSIR-CSIO Chandigarh
 s/o Dinesh Prasad
 Moh Jalkaddar Bag
 Patna City
 Patna 800008
46. Vijayasankar A, age 26 years
 Working in CSIR CSIO, Chandigarh
 s/o Vijaya A
 26A, Samuga Renga Puram Street
 Palayapettai, Tirunelveli
 Tamilnadu 627008
47. Mahesh Kumar Meena, age 24 years
 Working in CSIR CSIO, Chandigarh
 s/o Mangilal Meena
 Vilalge Sunipur, Post Umarch
 Tehsil Bari, District Dholpur
 Rajasthan 328021
48. Shiv Singh Patel, age 25 years
 Working in CSIR CBRI, Roorkee
 s/o Shri Radhey Shyam Singh
 House No.540, Joginder Nagar
 Opposite Savitri School, Ward No.16
 Yamunagar, Haryana 135001

..Applicants

(Mr. Pranav Sachdeva and Ms. Mahi Aggarwal, Advocates)

Versus

1. Ministry of Science & Technology
 Govt. of India
 Through its Secretary
 Technology Bhavan, New Mehrauli Road
 New Delhi – 16
2. Council of Scientific & Industrial Research
 Through its Director General
 Anusandhan Bhavan, 2, Rafi Marg
 New Delhi -1
3. Secretary
 Department of Science and Technology
 Department of Science and Technology Bhawan
 New Mehrauli Road, New Delhi -16

4. Director General
CSIR & Secretary, DSIR, CSIR Head Quarters
Anusandhan Bhawan, 2 Rafi Marg
New Delhi – 1
5. Chairman
CSIR-Recruitment and Assessment Board
CSIR Complex, Library Avenue, Pusa
New Delhi – 12
6. Director
CSIR Structural Engineering Research Centre
Taramani, Chennai – 600113
7. Director (Additional Charge)
CSIR Central Road Research Institute
Mathura Road, New Delhi – 25
8. Director
CSIR Central Scientific Instruments Organization
Sector 30C, Chandigarh 160 030
9. Director, CSIR Central Institute of Mining & Fuel Research
Dhanbad, Jharkhand 826015
10. Administrative Officer
CSIR Central Institute of Mining & Fuel Research
Dhanbad, Jharkhand 826015
11. Director
CSIR National Environmental Engineering
Research Institute
Nehru Marg, Nagpur 440020
12. Director (Additional Charge)
CSIR Central Mechanical Engineering Research
Institute, Mahatama Gandhi Avenue
Durgapur, West Bengal 713209
13. Director (Additional Charge)
CSIR National Physical Laboratory
Dr. K S Krishnan Marg
South Patel Nagar, Pusa
New Delhi – 12
14. Director
CSIR Indian Institute of Chemical Technology
Uppal Road, Hyderabad 500007

15. Director
CSIR Central Building Research Institute
Roorkee, Uttrakhand 247667

16. Director (Additional charge)
CSIR Central Electronics Engineering Research
Institute Pilani, Rajasthan 333031

..Respondents
(Mr. Parveen Swarup and Dr. Ch. Shamshudin Khan, Advocates)

O R D E R (ORAL)

Justice Permod Kohli:

The reliefs claimed in the present O.A. are similar to the reliefs in O.A. No.060/00051/2016 decided by the Chandigarh Bench of the Tribunal vide judgment dated 07.10.2016 – **Janamejay Shukla & another v. Union of India & others**). This position is not disputed by the learned counsel for applicants. The Chandigarh Bench dismissed the said O.A. with the following observations:-

“11. Advertisement (Annexure A-3/R-1) clearly stipulates that it is for admission for Training Program of two years. The applicants submitted their applications (Annexures R-10 & R-11) specifically for admission to M. Tech Program of 2 years and also gave their preference of the program applied for. Award/offer letters (Annexures A-6 & A-7) were also accordingly issued to the applicants for their admission to the Training Program of 2 years. These letters stipulate payment of consolidated stipend amount and not salary or wages. These letters also stipulate payment of training fees for each semester by the applicants. It is specifically stipulated that it is only residential M. Tech Program and traineeship stands terminated once the Trainee Scientist discontinues the program. It is also stipulated that it does not confer any right/claim implicit or explicit for consideration of the applicants for regularization/absorption against any post with the respondents. However, opportunity exists through normal recruitment process to get appointed as regular Scientist. On completion of M. Tech. with distinction, the candidates became eligible for consideration for recruitment under the amended Rules for the post of Scientist (erstwhile Scientist Group IV (1). Candidate holding this qualification was not eligible for the said post under the unamended Rules. Candidate with this qualification becomes eligible for the post of Scientist under the amended Rules. Case of Saurav Kumar (Supra) is directly based on the Rules as amended in 2011.

This judgment also negatives the claim of the applicants. It has been clearly held therein that mere fulfilling of eligibility condition by passing this program with distinction does not result in automatic appointment to the post of Scientist. According to this judgment, the trainee on successful completion of the program with distinction has to compete with others for recruitment. The program only confers eligibility qualification on the trainee. By furnishing of the joining reports (Annexures R-4 & R-5), the applicants accepted all the terms and conditions of the award/ offer letters (Annexures A-6 & A-7) mentioned above. Consequently, they cannot claim to be regular employees of respondents by mere admission to training program as Trainee Scientist. This training program is conducted for all the laboratories of CSIR, whereas according to Rule 6.5 of the Rules, for regular recruitment to any post, advertisement is issued separately by each laboratory. The applicants for the first time submitted representation dated 29.10.2105 (Annexure A-11) objecting to the conditions in award/ offer letters (Annexures A-6 & A-7) i.e. more than 14 months after joining the training program. Applicants cannot claim appointment at par with letter (Annexure A-18) dated 19.11.2007 issued to Umesh Kumar Tiwari because the said appointment was made under unamended Rules when the post of Scientist Group IV (1) existed. But the said post is no longer in existence after amendment of the Rules in the year 2011. The applicants have been specifically selected for Training Program only and not for recruitment to any post. Before amendment of 2011, there was regular post of Scientist Group IV (1), but after amendment of 2011, there is no recruitment to said post and rather Trainee Scientists are admitted for Training Program only. They are no longer termed as Scientist Group IV (1) under the amended Rules after amendment of 2011. Recruitment Board under the Rules is constituted for regular recruitment. Process for selection to Training Program of Trainee Scientist may also be done through Recruitment Board, but the admission to training program is not recruitment to any post. Amended Rule 6.1.2 is not bad on any ground whatsoever.

12. For the reasons aforesaid, we find that the applicants are not entitled to any relief. The O.A. is completely misconceived and meritless and is accordingly dismissed. It goes without saying that interim order as extended from time to time stands vacated automatically with final dismissal of the O.A. No costs.”

2. Learned counsel appearing for the applicants, however, submits that the Chandigarh Bench has not appreciated the rule position. He further submitted that the issue before the Chandigarh Bench pertained to the applicants, who are from different batch. His further contention is that the

Chandigarh Bench has relied upon the judgment dated 03.03.2016 passed by the Hon'ble High Court of Delhi in W.P. (C) No.90.2016, which has no application.

3. Contentions raised by the learned counsel for the applicants in respect to the judgment passed by the Chandigarh Bench could only be considered by a higher forum. We are informed that a Review Petition was also preferred against the judgment dated 07.10.2016 passed by the Chandigarh Bench, which has been dismissed and a Writ Petition against the said judgment is pending before the Hon'ble Punjab & Haryana High Court, wherein the judgment of the Tribunal has not been stayed. Once it is admitted that the controversy in the present O.A. is squarely covered by the judgment of the Chandigarh Bench of the Tribunal, the said judgment having been passed by a coordinate Bench has to be considered as a binding precedent, unless for any valid reason, a different opinion is to be formulated. We had earlier heard this O.A. for number of days. After going through the said judgment of the Chandigarh Bench, we find that there is no reason to disagree with it. Thus, following the precedent in the judgment dated 07.10.2016 passed in O.A. 060/00051/2016 by the Chandigarh Bench, this O.A. is dismissed.

4. At this stage, learned counsel for applicants submits that the applicants may be allowed opportunity to seek revival of the present O.A. in the event the Hon'ble Punjab & Haryana High Court sets aside the *ibid* judgment of the Chandigarh Bench of the Tribunal. Suffice it to say in such

an eventuality the applicants are entitled to make an appropriate motion before this Tribunal.

No order as to costs.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

April 3, 2017

/sunil/