

# Central Administrative Tribunal Principal Bench, New Delhi

O.A.No.4552/2015

Monday, this the 3<sup>rd</sup> 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, Rhyllm 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 Dhublo  
 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 yers  
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  
Vishakhapathnam  
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 Vadthya, 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, Kolor 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  
Ghantaghar, 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  
Roorkie, Uttarakhand 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 29.10.2005 (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/