

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A No. 180/00738/2017

Thursday, this the 24th day of May, 2018.

CORAM:

HON'BLE Mr. U. SARATHCHANDRAN, JUDICIAL MEMBER
HON'BLE Mr. E.K. BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

Vineeth K. Nair, 32 years,
S/o. P.S. Krishnan Nair,
(Medico-Social Worker, Sree Chitra Tirunal Institute
for Medical Sciences & Technology,
Thiruvananthapuram – 695 011).
Residing at Vineeth Bhavan, Edanad (P.O),
Pala, Kottayam – 686 574. - Applicant

[By Advocate Mr. K.P. Rajeevan]

Versus

1. Union of India represented by its Secretary,
Department of Science and Technology,
New Delhi – 110 016.
2. *(State of Kerala deleted vide order dated 09.10.2017)*
3. Sree Chitra Tirunal Institute for Medical Science &
Technology represented by its Director,
Thiruvananthapuram – 695 011.
4. Administrative Officer,
Sree Chitra Tirunal Institute for Medical Science &
Technology, Thiruvananthapuram – 695 011. - Respondents

[By Advocate : Mr. C.P. Ravikumar, ACGSC (R-1)
Mr. T.R. Ravi (R-3 &4)]

The application having been heard on 16.05.2018, the Tribunal
on 24.05.2018 delivered the following:

ORDER**Per: Bharat Bhushan, Administrative Member**

O.A. No. 738/2017 is filed by Shri Vineeth K. Nair, working as Medico Social Worker under the Sree Chitra Tirunal Institute for Medical Sciences & Technology (SCTIMT) for a direction to the 3rd respondent to allow him to continue as Medico-Social Worker and to regularize his services.

2. The brief facts of the case are as under:

Applicant applied for the post of Medico Social Worker (Temporary) in response to a notification dated 20.2.2016 and being qualified in the selection, was appointed as such under the third respondent Institute on the basis of the placement order dated 11.4.2016 (Annexure A6). His placement was for 6 months or till completion of the project, whichever was earlier. His services were extended upto 10.4.2017, 10.6.2017 and 10.9.2017 as per notes at Annexure A7, A8 and A9 respectively. The applicant quotes Government of India Office Memorandum dated 19.12.2016 (Annexure A10) directing all Ministries to take steps to convert the temporary posts available with them into permanent ones upto the level of Deputy Secretary in these Ministries/ Departments. Applicant states in various departments, steps have been taken to implement the direction in Annexure A10 but not in the respondent institute. The 3rd respondent had created three permanent posts of Medico Social Workers as per order dated 29.11.2016 (Annexure A14) which includes the post in Neuro Intervention Centre, where the applicant is working. However the applicant's post has not been

converted into a permanent post despite the Government O.M. Now the applicant apprehends that there is a move to fill up the post on regular basis without considering his claims. Hence he filed a representation (Annexure A-16) with a request to regularize his services as a permanent Medico Social Worker. He has not been favoured with a reply. Since the applicant is under threat of termination, he has filed the present O.A.

3. This Tribunal issued an interim order on 31.8.2017 directing the respondents that if the project in which the applicant is engaged is still continuing, he shall not be terminated till the next posting date. This interim order has been extended from time to time.

4. As grounds, the applicant claims that he has previous experience as Medico Social Worker. He has produced Annexures A1 to A3& A3(A) to show that he has got vast experience in the field. The applicant has been selected through a regular selection process and appointed as Medico Social Worker. Hence he is entitled to continue as such.

5. Per contra, the respondents have refuted the contentions made in the Original Application through their reply statement. They have submitted that the Sree Chitra Institute for Medical Sciences and Technology is an autonomous institution coming under the Department of Science and Technology of the Government of India and has its own rules and regulations which govern the administration of the Institute and its projects. The Institute is engaged in the conduct of various projects of different duration for which temporary personnel are initially engaged.

These personnel are selected after a preliminary written test and interview. If the projects are viable and also scientifically justified, they are then institutionalised and permanent appointments are made to man them in accordance with the provisions of Service and Personnel Conduct Rules applicable to the Institute. The applicant had joined on a temporary basis as Medico-Social Worker in the Neuro intervention Centre, which was part of a temporary project. He was initially engaged for a period of six months but this was extended from time to time at the request of the Project-in-Charge and with the approval of the Director of the Institute. As an autonomous institute, the contention taken by the applicant that Government of India Office Memorandum dated 19.12.2016 (Annexure A-10) is to be followed in the institute is not true to facts. In so far as this particular project is concerned, a decision had to be made to institutionalise the same and due process has been initiated for selecting regular personnel. Now, this process has been completed and offer letters from the existing rank list of candidates are ready to be despatched. Once institutionalization of a project takes place, they are no longer projects in the earlier sense and they become part of the institute's mandate and posts are to be filled up as per rules of the institute. Thus, the contention that the applicant, because he was merely working temporarily in a project, has a claim for regular appointment in the institute is not acceptable. Further, it is submitted that the applicant himself had applied for the post of Junior Social Worker that had been advertised but could not pass the same as he obtained only 12th rank in

the selection process. The Junior Social Worker is the same post, which is supposed to take over from the post designated as Medico-Social Worker, when it was under the project mode.

6. The present attempt of the applicant is only to thwart the meritorious candidate, who has got selected through a regular selection process. Similarly situated persons as the applicant, who had been working for various projects had been relieved after the projects have been completed and it would not be correct to say that this applicant alone is facing a threat of termination. The employment that had been offered to the applicant is co-terminus with the period of appointment. He is continuing on the basis of the interim orders of this Tribunal and this is preventing regular candidates who have been selected through a due process from taking over their responsibilities and in fact is delaying the project which has now been institutionalised. In any case, the applicant had taken part in the selection process, where he was unsuccessful. It would not be correct on his part to first enter the race and once he is unsuccessful, turn around and question the process.

7. The applicant has filed a rejoinder, wherein he has reiterated most of his contentions in the O.A.

8. Shri K.P. Rajeevan, learned counsel appearing for the applicant and Shri T.R. Ravi, learned counsel appearing for respondent Nos. 3 and 4 have been heard and all records perused. The institute in question is a flagship scientific establishment which is an autonomous organisation

with its own set of rules and regulations. As pointed out in the reply statement, it is known that the projects are initially examined from the point of view of viability and only afterwards become regular part of the institute's mandate. The project in question, the Neuro Intervention Centre, is one such project and the applicant admits that his posting had been on the basis of a walk-in-interview and it was on temporary terms. The governing body of the institute has now decided to institutionalise the project and this entails selection and employment of regular candidates. The Institute has taken steps for the same in which the applicant also has willingly participated. He has not been successful in the selection. Possibly, this is the reason why he has chosen to agitate his claim at this point.

9. On an examination of all facts before us and the arguments raised before this Tribunal, we do not see any reason to interfere in the steps taken by the respondent institute in the case. The applicant has no valid ground to press his claim for regularisation. The O.A is dismissed and the interim stay is vacated. No order as to costs.

(Dated, 24th May, 2018.)

(E.K. BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

(U. SARATHCHANDRAN)
JUDICIAL MEMBER

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Applicant's Annexures

- Annexure A1 - A true copy of certificate dated 17.04.2009 of Master of Social Work with mark list issued to the applicant by the Bharathiar University.
- Annexure A2 - A true copy of certificate dated 02.07.2010 issued to the applicant by the Amrita Institute of Medical Sciences & Research Centre, Kochi-41.
- Annexure A3 - A true copy of certificate dated 30.01.2012 issued by the 4th respondent.
- Annexure A3A - A true of certificate dated 21.03.2016 issued by the 4th respondent.
- Annexure A4 - A true copy of notification dated 20.02.2016 issued by the 3rd respondent.
- Annexure A4A - A true copy of Rank List dated 24.03.2016 for the post of Medico-Social Worker (Temporary) under the 3rd respondent.
- Annexure A5 - A true copy of letter dated 28.03.2016 issued to the applicant by the 3rd respondent.
- Annexure A6 - A true copy of Placement Order dated 11.04.2016 issued to the applicant.
- Annexure A7 - A true copy of Note of the Accounts Officer dated 13.10.2016.
- Annexure A8 - A true copy of Note of the Accounts Officer .
- Annexure A9 - A true copy of Note of the Accounts Officer dated 16.06.2017.
- Annexure A10 - A true copy of Office Memorandum No. A-11012/11/2011-FG dated 19.12.2016.
- Annexure A11 - A true copy of the Office Memorandum No. F. No. 14/3/2016-IFU (B&A) DT dated 27.12.2016.
- Annexure A12 - A true copy of letter No. F No. A-35015/47/2016-Ad.VI dated 10.01.2017.
- Annexure A13 - A true copy of letter No. F No. HRD/ CMD/ Misc/ 215/6/2016-17/8739 dated 27.01.2017.

Annexure A14 - A true copy of Order No. P & A.I/X/86/SCTIMST/2016 dated 29.11.2016.

Annexure A15 - A true copy of 1st to 3rd pages of Notice No. Advt. No. P & A.II/21/JSSC/SCTIMST/2015 dated 26.08.2015.

Annexure A16 - A true copy of the representation dated 21.08.2017 filed by the applicant before the 3rd respondent.

Annexure A17 - A true copy of facing page, Page Nos. 13th, 14th and 25th of the minutes of the 97th governing body meeting held on 13.11.2016.

Annexures of Respondents

Nil
