

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO. 1544/2014

DATED THIS THE 24TH DAY OF JANUARY, 2017

HON'BLE SHRI JUSTICE HARUN-UL-RASHID...MEMBER (J)
HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (A)

Dr. N.R. Ravi
Aged about 61 years
S/o Late Shri N.V. Ramarao
Stores Officer (Retired)
RSAS, Geological Survey of India
Vasudha Bhavan, K.S. Layout
Bangalore – 560 078.
Residing at No. 49, 7th Cross,
SBM Colony
Mathikere
Bangalore – 560 054. ... Applicant

(By Advocate Shri Izzhar Ahmed)

Vs.

1. The Union of India,
Ministry of Mines,
Geological Survey of India,
Shastry Bhavan
New Delhi – 110 001.
Represented by its Secretary

2. Director General
Geological Survey of India
27, J.L. Nehru Road,
Kolkatta – 700 016.

3. Deputy Director General (P)
Geological Survey of India
No. 27, J.L. Nehru Road,
Kolkata – 700 016.

4. Deputy Director General
RSAS, Geological Survey of India,
Vasudha Bhavan, K.S. Layout,
Bangalore – 560 078.

...Respondents

(By Shri S. Prakash Shetty, Senior Panel Counsel)

ORDER (ORAL)

HON'BLE PRASANNA KUMAR PRADHAN, MEMBER (A):

The present OA has been filed seeking the following reliefs:

- i. Set-aside the Impugned Order No.F.No.3/1(2783)/Law-59/2012 dated 10.09.2013 Annexure-A1 issued by the 3rd Respondent;
- ii. Direct the Respondents to promote the applicant as Stores Manager (Group-B) in the scale of pay of Rs.7,500/- - 12,500/- with GP of Rs.4,800/- with effect from 01.09.2009, as he was already selected and the panel was alive/valid as on the date of vacancy that arose for the applicant to be got promoted and upgrade as (Group – A) in the scale of pay of Rs.8,000 – 13,500 and GP 5,400 as recommended by the successive pay commissions and High Powered Committee as also the anomaly committee from 01.09.2009 which was also the direction of this Hon. Tribunal in its order dated 01.02.2013 in O.A. No. 308/2012;
- iii. Direct the 3rd respondent to release all consequential benefits consequent on applicant's promotion as Stores Manager Group – B/A with effect from 01.09.2009, including retirement benefits.

2. According to the applicant he retired as Stores Officer from the office of the Deputy Director General, GSI, Bangalore and is aggrieved by the order passed by 3rd respondent dated 10.09.2013 at Annexure-A1 wherein the applicant's request for promotion to the grade of Stores Manager has been unjustly denied. According to him, the other order passed by this Tribunal in OA No. 308/2012 dated 01.02.2013 was not complied with. He filed a Contempt Petition and challenged the matter also before the Hon'ble High

Court in WP No. 5304/2014 and withdrawn the same with liberty to challenge the order dated 10.09.2013 before this Tribunal again. He submits that the respondents ought to have promoted the applicant as Stores Manager (Group-B) in the scale of pay of Rs.7500 – 12500/- with grade pay of Rs.4800/- with effect from 01.09.2009 as he has already been found fit by the DPC and the panel was alive as on the date of vacancy that arose for the petitioner. Further the applicant should have been placed in the payscale of Rs.8000 – 13500/- with grade pay of Rs.5400/- as a Group A officer. He submits that when the DPC was held on 23.09.2008 one clear vacancy was existing which went in favour of Shri Gopal Mondal. The next vacancy arose on 15.07.2009 which went to Shri Shankaraiah. The next vacancy arose on 31.08.2009. As he was the next available candidate in the select panel but he was not considered for the same hence he prayed for granting the relief as sought for.

3. The respondents have filed a reply statement in which they submit that the post of Stores Manager is a Group B post in the payscale of Rs.7500- 12000/-. Based on the DPC recommendations Shri Gopal Mondal, who was senior to the applicant, was promoted as Stores Manager in the year 2008 as there was single vacancy at that point of time. The applicant's case was considered by DPC on 11.09.2013 for promotion along with several others in the year 2013-14 for 6 posts of Stores Manager. The applicant figured at SI. No. 2 in the DPC panel but there was disciplinary proceedings pending against the applicant with regard to financial irregularities and favoritism while working as Stores Officer and hence the DPC kept the name of the applicant in sealed cover. The applicant retired on superannuation on 30.11.2013. On

the issue of payscale, the respondents submit that the committee referred to by the applicant as Anomaly Committee is only an internal committee. Based on report of the HPC, the Government had decided to allow the payscale of Rs. 7500 – 12000/- to the post of Stores Manager. Hence they submit that there is no merit in the contention made by the applicant. The applicant has filed a rejoinder and the respondents have filed an additional reply but they practically reiterated the contention already made in the OA and the reply statement.

4. Heard the learned counsel for the parties. The learned counsel for the applicant while reiterating the submission made in the reply statement referred to the order issued by the respondents pursuant to the order of this Tribunal in OA No. 308/2012 and said that the post of Stores Manager should have been granted the scale of Rs.8000 – 13500/-, i.e., PB 3 with grade pay of Rs.5400/- as recommended by the Anomaly Committee and as observed by the Tribunal. The rejection of the said prayer by the respondents is not correct. He also referred to the meeting of the Departmental Promotion Committee held on 23.09.2008 wherein the applicant was considered as fit. Therefore he submitted that the applicant is entitled to the relief as sought for.

5. The learned counsel for the respondents submits that the applicant has not been promoted to the post of Stores Manager and hence the payscale to be allowed for the post of Stores Manager is clearly irrelevant in his case. Further he submitted that the order dated 10.09.2013 explains the entire position and clearly specified as to why the post of Stores Manager is entitled to a pre-revised scale of Rs.7500-12000/- only. As regard to promotion of the applicant is concerned, he stated that in the DPC held on 2008, there was

only one vacancy and Shri Gopal Mondal, who was senior to the applicant, was considered though the applicant was considered fit by DPC at that point of time. When the subsequent promotion was taken up by the DPC on 11.09.2013 for the year 2013-14 for 6 vacancies, the applicant's case could not be considered because of the pending departmental proceedings against him and it was kept in sealed cover. In the said penalty proceedings which was concluded following the superannuation of the applicant, a penalty of 25% cut in the monthly pension for 3 years was imposed on the applicant under Rule 9 of the CCS Pension Rules. The applicant had challenged the said penalty before this Tribunal in OA No. 1053/2015 and by an order dated 31.08.2015 the OA was dismissed. Hence there is no case for any promotion to the applicant.

6. We have carefully considered the facts of the case and the submissions made by either side. Two issues have been highlighted in the present OA. One is the promotion of the applicant to the post of Stores Manager and second is the respondents decision regarding payscale to be allowed to the Stores Manager. As regards the promotion is concerned, we note that in the DPC meeting held on 22.09.2008 the applicant was assessed as fit. However there was only one vacancy and Shri Gopal Mandal, who was the seniormost and also declared fit, was recommended for promotion. As submitted by the respondents, the next promotion to 6 posts of Stores Manager was taken up only in 2013-14 and the applicant's case was kept in sealed cover since a departmental proceeding was pending against him. The applicant superannuated in 2013 and in the said departmental proceeding the President imposed a penalty of 25% cut in the monthly pension for 3 years.

Hence there is no scope for the applicant to be considered for promotion based on the DPC meeting held on September, 2013. As regards the payscale is concerned, this is not relevant in the case of the applicant since he was not promoted to the post of Stores Manager. In any case, having gone through in detail of the speaking order passed by the respondents dated 10.09.2013, we do not find anything illogical or unjustified in the rationale given by the respondents in the speaking order.

7. Therefore on detailed consideration of the facts and circumstances of the case, we hold that the present OA is completely devoid of merit and is liable to be dismissed.

8. The OA is accordingly dismissed. No order as to costs.

(P.K. PRADHAN)
MEMBER (A)

(JUSTICE HARUN-UL-RASHID)
MEMBER (J)

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