

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA. 350/1333/2018

Date of Order: 04.09.2018

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Sri Manoranjan Adhikary, son of Santosh Adhikary, aged about 47 years, residing at 426, Prince Anwar Shah Road, "SIRPA" B-2 Kolkata- 700045 at present working to the Post of Group "C" Non-Technical in ESU Section, CSIR-IICB, Kolkata- 700032.

.....Applicant.

-versus-

1. The Union of India through the Secretary, Ministry of Science & Technology, Govt. of India, Rafi Marg, New Delhi- 110001.

2. The Council of Scientific and Industrial Research through the Director General Anusandhan Bhawan, 2, Rafi Marg, New Delhi, Pin- 110001.

3. The General Secretary (Administration), Council of Scientific and Industrial Research Anusandhan Bhawan, 2, Rafi Marg, New Delhi- 110001.

4. The Deputy Secretary, Council of Scientific & Industrial Research, Anusandhan Bhawan, 2, Rafi Marg, New Delhi- 110001.

5. The Director, CISR-Indian Institute of Chemical Biology, 4, Raja S.C. Mullick Road, Jadavpur, Kolkata- 700032.

6. The Administrative Officer, Indian Institute Of Chemical Biology, 4, Raja S. C. Mullick Road, Jadavpur, Kolkata- 700032.

7. Smt. Ratna Bhattacharya, Assistant Grade-III, Central Glass & Ceramic Research Institute under Council of Scientific, 196, Raja S. C. Mullick Road, Kolkata- 700032.

.....Respondents.



For the Applicant : Mr. P.C. Das, Counsel

For the Respondents : Mr. A. K. Banerjee, Counsel
Mr. P. Sanyal, Counsel

ORDER (Oral)

Per Ms. Bidisha Banerjee, Judicial Member:

Heard ld. counsel for both the parties.

2. The applicant is aggrieved as no DPC has held by the Department in accordance with the amendment to CSIR Administrative Services (Recruitment & Promotion) (ASRAP) Rules, 1982 which provides as under :


Mode of Recruitment	Existing Rule	Amended Rule
By Departmental Promotional Committee	10% of the posts in the cadre of Assistant (Gen/F&A/S&P) Grade III in National Laboratories/Instts and 5% of the posts in Hqrs. shall be filled up amongst the group of non-technical employees borne on the regular establishment, who are 10 th /X pass and have rendered 5 years approved service, on the basis of seniority-cum-fitness and on the recommendation of the DPC.	10% of the posts in the cadre of Assistant (Gen/F&A/S&P) Grade III in National Labs/Instts/CSIR Hqrs. shall be filled up from amongst Non-Tech Group C (i.e. erstwhile Non-Tech Group D re-designated as Multi Tasking Staff) borne on regular establishment who are 10 th /X pass and have rendered 5 years of approved service in CSIR, on the basis of seniority-cum-fitness and on the recommendation of the Departmental Promotion Committee.

3. The applicant claimed that he has qualified 10th standard and have rendered 5 years of approved service in CSIR but only due to not holding DPC, he is deprived of his rightful promotion.

4. Ld. Counsel for respondents upon instructions submits that no vacancies have arisen in the recent past for filling up 10% quota and therefore no DPC has been held.


5. Such being the position, since no fruitful purpose would be served by asking for a reply in this matter, unless the representation preferred by the applicant is decided by the respondent authorities, we dispose of the OA with the consent of the parties with a direction upon the respondents to hold DPC as and when vacancies would arise under 10% quota, for suitable consideration of the applicant and in terms of the rules governing the field as on the date of occurrence of vacancies.

6. Accordingly, this OA stands disposed of. No order as to costs.


(Dr. Nandita Chatterjee)
Member (A)

pd




(Bidisha Banerjee)
Member (J)