

**CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH**

**ORIGINAL APPLICATION NO.170/00045/2017**

**DATED THIS THE 17<sup>TH</sup> DAY OF DECEMBER, 2018**

**HON'BLE DR.K.B.SURESH, MEMBER (J)**

**HON'BLE SHRI C V SANKAR, MEMBER (A)**

B. Vishwanath  
S/o T.H. Basavaraju,  
Aged about 43 years,  
Working as Scientist 'B',  
Office of Senior Director, ETDC,  
Bangalore – 560 058  
Residing at No.221/Y, 13th Main,  
3rd Block, Rajajinagar,  
Bangalore-560 010.

.....Applicant

(By Advocate Shri B. Veerabhadra)

Vs.

1. The Union of India,  
Represented by its Secretary,  
Department of Electronics and Information Technology,  
STQC Directorate,  
New Delhi-110 003.

2. The Director General,  
STQC Directorate,  
Department of Electronics and IT - DeitY,  
Ministry of Communications & IT,  
Electronics Niketan, No.6, CGO Complex,  
New Delhi-110 003.

3. Senior Director,  
Office of Senior Director, ETDC,  
Bangalore – 560 058.

.....Respondents

(By Shri K. Gajendra Vasu, Counsel for the Respondents)

ORDER (ORAL)DR. K.B. SURESH, MEMBER (J):

Heard. Apparently applicant had filed earlier O.A. No. 1182/2015 which was disposed off on 21.01.2016. The matrix of the matter is available herein which we quote:

*"The Original Application is filed is filed seeking the following reliefs:*

- (i) *Call for the relevant records from the respondents and also has to the action taken on the receipt of representations dated 12.08.2015 (Annexure-'A5'), 17.08.2015 (Annexure-'A6') 17.08.2015 (Annexure-'A7') and on perusal.*
- (ii) *Direct the respondents to consider the name of the applicant for review promotion of Group – A S & T Officials eligible as on 01.10.2013 in pursuance of letter No. 16(2)/2013-PA(TA) dated 04.08.2015 (Annexure-A4) wherein the selection committee has been scheduled on 26.08.2015 while declaring the action of the respondents in not short listing the applicant though he fulfills all the eligible criteria for further promotion and consideration as Arbitrary, Discriminatory and Void for the reasons stated in the Main Application*

2. *This Tribunal vide interim order dated 21.08.2015 directed the 2<sup>nd</sup> respondent to allow the applicant to take part in the interview and further directed to keep the results in a sealed cover and produce it before the Tribunal alongwith the copies of minutes of the interview. The matter was taken up for consideration today. We find that the selection committee interviewed the applicant on 26.08.2015 based on his experience etc. The sealed cover produced by the respondents contains the result of screening/interview, minutes of the selection committee and screening committee. The review promotion committee held on 26.08.2015 in respect of S&T officials below Group 'A' level for review promotion as on 01.10.2013 recommended the applicant as fit for promotion.*

3. *On the basis of the assessment carried out as above, the MCIT has approved the appointment of 21 candidates for promotion from the grade of Scientist 'B' to Scientist 'C' and 8 candidates for promotion from the grade of SO 'SB' to Scientist 'B'. Now we have opened the cover and found that the selection committee recommended the name of the applicant also who is found fit for promotion. In the circumstances, Original Application is disposed of directing Respondent No. 2 to pass a consequential and appropriate order for promotion of the applicant from the grade of SO 'SB' to Scientist 'B'. There will be direction to Respondent No. 2 to approve the appointment of the applicant to promotion from the grade of SO 'SB' to Scientist 'B' within a period of 2 months from the date of receipt of copy of order. The applicant shall furnish a copy of this order to Respondent No. 2 within 15 days from today. The original of screening committee minutes is returned. OA is allowed. No order as to costs."*

2. The respondents had filed an order Ref. No. 121414/Pay Fixation dated 18.03.2016 as Annexure-A4 which we quote:

***"Sub: Review Promotion of below Group 'A' S&T officials eligible as on 01/10/2013-Promotion of Shri.B.Vishwanath, SO 'SB' as Scientist 'B' in compliance of the orders of Hon'ble CAT, Bangalore-reg.***

*In compliance of STQC Directorate letter No.16(17/03/2016, the Competent Authority has approved the appointment of Shri.B.Vishwanath, SO 'SB' as Scientist 'B' w.e.f. 15/03/2016.*

*Shri.B.Vishwanath, SO 'SB' hereby directed to take the charge of the higher post on 15/03/2016. In case, he was on any kind of leave other than CL on 15/03/2016, he may take over the charge of the higher post on the next working day. Necessary order will be issued on receipt of the charge assumption report.*

*(Rajanna)  
Deputy Director"*

3. But unfortunately the date given was on a prospective date. Applicant and others like him were promoted with effect from 30.09.2015 as per the para-wise comments issued in the reply of the respondents in paragraph 4. Since others like him were granted promotion with effect from 30.09.2015, applicant is also eligible to be granted promotion and granted further consequences in terms of it.

4. The OA is, therefore, allowed. Benefits to be made available within two months next. No order as to costs.

(C V SANKAR)  
MEMBER (A)

(DR.K.B.SURESH)  
MEMBER (J)

/ksk/

**Annexures referred to by the applicant in OA No.170/00045/2017**

Annexure-A1: Copy of the letter dated 03.08.2015

Annexure-A2: Copy of the promotion order dated 30.09.2015

Annexure-A3: Copy of the order dated 21.01.2016 in O.A. No. 1182/2015  
Annexure-A4: Copy of the promotion order dated 15.03.2016  
Annexure-A5: Copy of the representation dated 28.07.2016  
Annexure-A6: Copy of the reply to RTI application  
Annexure-A7: Copy of the letter dated 30.09.2015  
Annexure-A8: Copy of the Personnel Policy of Ministry of Electronics and Information Technology and its organizations  
Annexure-A9: Copy of the letter dated 10.10.2016

**Annexures with reply statement**

Nil

**Annexures with rejoinder**

Nil

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