

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00852/2015

Friday, this the 14th day of June, 2019

CORAM:

Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member
Hon'ble Mr. Ashish Kalia, Judicial Member

Geetha S. Nair, Administrative Officer, Personal & General Administration, ATF Building, VSSC, Thumba, Thiruvananthapuram – 695 022, Residing at Appoos, PRA-80/1, Pathirapally Lane, Poojappura, Thiruvananthapuram - 695 012. **Applicant**

(By Advocate : Mr. Vishnu S. Chempazhanthiyil)

V e r s u s

1. Union of India, represented by its Secretary & Chairman, Department of Space, Antariksh Bhavan, New B.E.L. Road, Bangalore – 560 094.
2. The Director, Vikram Sarabhai Space Centre, ISRO PO, Thiruvananthapuram – 695 022.
3. The Senior Head, Personnel & General Administration, Indian Space Research Organization, Antariksh Bhavan, New BEL Road, Bangalore – 560 094. **Respondents**

(By Advocate : Mr. N. Anilkumar, SCGSC)

This application having been heard on 11.06.2019 the Tribunal on 14.06.2019 delivered the following:

O R D E R

Hon'ble Mr. Ashish Kalia, Judicial Member –

The relief claimed by the applicant are as under:

“1. Call for the records leading to the issue of Annexure A6 and set aside the same to the extent the applicant is not included in it.

2. Direct the respondents to consider including the applicant in Annexure A6 panel for promotion to the post of Senior Administrative

Officer.

3. Direct the respondents to consider revising the promotional norms for the post of Senior Administrative Officer by providing for:

[a] exemption to those candidates qualified in the earlier selection, but could not get promoted due to non-availability of vacancies during the validity of the panel, from appearing for interview in the subsequent selections as in the case of written test for promotion to the post of Administrative Officer where the candidates who have passed the written test are exempted from appearing for the written test again in the three subsequent reviews.

[b] affording weight-age for seniority whereby the inter-se position in the select list of the candidates who meets the prescribed benchmark for promotion may be assigned based on their inter-se seniority in the grade of Administrative Officer.

4. Any other further relief or order as this Hon'ble Tribunal may deem fit and proper to meet the ends of justice.

5. Award the cost of these proceedings to the applicant.”

2. The brief facts of the case are that the applicant joined service with the respondents on 1.3.1999. He is presently working as Administrative Officer with respondents since 7.10.2007. The applicant having completed 4 years of residency period in the feeder category was empanelled for promotion to the post of Senior Administrative Officer on three occasions for the years 2012, 2013 and 2014 but was not promoted due to want of vacancy. Further, she was not empanelled for the year 2015 selection held on 25.5.2015. The details are furnished below:

Rationalized date of review	Date of interview	No. of persons empanelled	Applicant's position in the panel	No. of persons promoted out of Col. (3)
1	2	3	4	5
07/01/12	05/07/12	12	12	8
07/01/13	06/17/13	6	6	5
07/01/14	06/16/14	12	5	2
07/01/15	05/25/15	9	Not empanelled	1

However, she was given ad hoc appointment to officiate as Senior Administrative Officer against short term vacancy. Aggrieved by the non-inclusion of her name in the select panel for the year 2015, applicant submitted a representation to the 1st respondent but is of no avail. Hence, the applicant approached this Tribunal for redressal of his grievance.

3. Notices were issued to respondents and they entered appearance through Shri N. Anilkumar, SCGSC who filed a reply statement contending that the applicant is working as an Administrative Officer (Group-A gazetted post) at Vikram Sarabhai Space Centre, Trivandrum. Upon completion of the prescribed residency period in the grade of Administrative Officer, the applicant became eligible for consideration for promotion to the post of Senior Administrative Officer in the review as on 1.7.2012. The applicant was interviewed by the duly constituted Departmental Promotion Committee (DPC) and was empanelled at Sl. No. 12 in the select panel conveyed vide VSSC letter dated May 17, 2012. The applicant could not be promoted due to want of vacancies and she was again considered in the review as on 1.7.2013 and was placed at Sl. No. 6 in the select panel vide HQ:ADMN:A.20(5).A334 dated 18.6.2013. Out of 6 candidates 5 candidates were promoted during the validity of the panel. As on 1.7.2014 the applicant was empanelled at Sl. No. 5 but again could not be promoted due to non-availability of vacancy. The applicant was once again considered as on 1.7.2015 for the post of Senior Administrative Officer but however was not found fit by the DPC and hence not empanelled. The applicant has been promoted to various grades and was empanelled three times for the

post of Senior Administrative Officer in Pay Band 15,600-39,100/- plus Grade Pay of Rs. 6,600/- but could not be promoted due to non-availability of vacancies during the validity of the panel. The selection to the post of Senior Administrative Officer is purely based on merit and the DPC assesses the candidate for the higher post and empanels the candidates on merit. Respondents pray for dismissing the OA.

4. Heard Shri Vishnu S. Chempazhanthiyil learned counsel appearing for the applicant and Mr. N. Anilkumar, SCGSC learned counsel appearing for the respondents. Perused the record.

5. The promotion though a legitimate expectation of the employee not only boost the moral of the employee but enhances the prestige and efficiency. In the present case the applicant who has been thrice empanelled for promotion to the post of Senior Administrative Officer could not be promoted due to want of vacancy as applicant was lower in the select panel. But when vacancies were there, then she could not be empanelled. The post of Senior Administrative Officer is a selection post and the residency period is four years. The criteria for selection consists of interview and assessment of annual performance appraisal report by the DPC. In the year 2015 when there were 9 vacancies applicant was not empanelled and even otherwise only one person was recommended for promotion to the post of Senior Administrative Officer. The role of the DPC is to assess the overall performance of the candidate and then recommend for promotion. The applicant has submitted that she had been offered adhoc promotion to the

said post on short term basis. But that cannot bestow any right to get regular promotion. The applicant has to compete with other candidates in order to get the promotional post of Senior Administrative Officer.

6. The Hon'ble apex court in a very recent judgment in **D. Sarojakumari v. R. Helen Thilakom & Ors.** - (2017) 9 SCW 478 held as under:

“.....After having taken part in the selection process and being found lower in merit to the appellant, she cannot at this stage be permitted to turn around and claim that the post could not be filled in by direct recruitment.....”

7. In view of the above facts and circumstances of the case we find no reason to interfere with the action of the respondents. Thus, the present Original Application fails and is only liable to be dismissed. We order accordingly. No order as to costs.

**(ASHISH KALIA)
JUDICIAL MEMBER**

**(E.K. BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER**

“SA”

Original Application No. 180/00852/2015**APPLICANT'S ANNEXURES**

Annexure A1 - True copy of the order No. VSSC/EST/F/1(26) dated 10.5.2013 issued by the Senior Administrative Officer, VSSC, Thiruvananthapuram.

Annexure A2 - True copy of the office order No. VSSC/EST/F/1(26) dated 9.1.2014 issued by the Administrative Officer, VSSC, Thiruvananthapuram.

Annexure A3 - True copy of order No. VSSC/EST/F/1(10) dated 17.5.2012 issued by the Administrative Officer, VSSC, Thiruvananthapuram.

Annexure A4 - True copy of order No. HQ.ADMN.A.20(5)-A334 dated 18.6.2013 issued by the Head, P&GA, ISRO Headquarters.

Annexure A5 - True copy of OM No. 2/9/1/2004-1 dated May 28, 2004 issued by the Department of Space.

Annexure A6 - True copy of the the order No. HQ. ADMN.A.20(5)-A362, dated 29.5.2015 issued by the 3rd respondent.

Annexure A7 - True copy of representation dated 4.6.2015 to the 3rd respondent.

Annexure A8 - True copy of representation dated 5.6.2015 of the ISRO Staff Association to the 3rd respondent.

Annexure A9 - True copy of the order dated 17.5.2012 in OA No. 577/2010 of this Hon'ble Tribunal.

RESPONDENTS' ANNEXURES

Annexure R1(a) - True copy of the Presidential notification dated 18.7.1972.

Annexure R1(b) - True copy of the notification dated 14.11.1974.

Annexure R1(c) - True copy of the norms for promotion of Administrative Personnel.

Annexure R1(d) - True copy of the office order No. ISRO:HQ:ADMN:A.20 (5)-3/2018(22) dated 6.6.2018.

Annexure R1(e) - True copy of the office order No. ISRO:HQ:ADMN:A:20(5)-3/2018(30) dated 27.6.2018.

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