

Central Administrative Tribunal
Principal Bench

OA No.2983 of 2013

New Delhi, this the 23rd day of May, 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)

Shri B.C. Tiwari
S/o Shri K.D. Tiwari
Aged about 54 years
r/o E-44, Pusa Campus,
New Delhi
Working as Technical Officer
T-5, ITMU
IARI, New Delhi.

.... Applicant.

(By Advocate : Shri Nilansh Gaur)

Vs.

- 1) Indian Council of Agricultural Research
Through Director General, ICAR
Krishi Bhawan, Dr. Rajendra Prasad Road,
New Delhi-110014.
- 2) The Director, IARI
Pusa,
New Delhi-110012.
- 3) The Secretary, ICAR
Krishi Bhawan,
New Delhi-110001
- 4) Incharge
Institute Technology Management Unit,
IARI, Pusa,
New Delhi-110012.
- 5) Senior Administrative Officer (P=-v)
IARI, Pusa,
New Delhi-110012.

.... Respondents.

(By Advocate : Shri Gagan Mathur)

O R D E R (ORAL)**Justice L. Narasimha Reddy, Chairman:**

The applicant joined the service of Indian Agricultural Research Institute, first respondent, as Technician (Printing) in Grade T-1 in Category I. Over the period, he acquired promotion upto T-5 grade of Category II. The next promotion is to T-6 in Category III.

2. The applicant states that he has acquired the eligibility to be promoted to T-6 on 1.1.2010. He made several representations in the context of evaluation of educational qualifications and certain other grievances.

3. Through Memorandum dated 17.6.2013 issued by the respondents, he was informed that the change of functional group requested by him cannot be acceded to in view of the dismissal of OA 4292/2010 filed by him. As regards the promotion to T-6 grade in Category III, he was informed that he was ineligible to be considered as on 1.1.2010, and became eligible only after completion of 10 years of service in T-5. It was also mentioned that the advance increment granted to him under mistaken impression would be withdrawn. Another order was passed on 18.5.2013 indicating that the applicant has to wait till completion of 10 years of service in T-5 grade. These two orders are challenged by the applicant in this OA.

4. The applicant contends that educational qualifications held by him make him eligible to be promoted to T-6 on completion of 5 years of service. He made extensive reference to the rules that came into force on 3.2.2000 and 24.2.2006. Reference is also made to recent development on account of proceedings dated 19.8.2016 and 21.12.2016.

5. The respondents filed detailed counter affidavit opposing the OA. It is stated that the applicant does not fall into the functional groups which are covered by the various provisions and rules and attempt made by him to move to the concerned functional group did not materialize. It is also stated that since qualifications held by him are not recognized under the rules, he has to wait for completion of 10 years of service in T-5.

6. We heard Shri Nilansh Gaur, learned counsel for the applicant and Shri Gagan Mathur, learned counsel for the respondents.

7. The induction of the applicant in the service of respondents was as Technician-I in 'Printer Establishment'. The respondents' organization has post of Technicians at various levels. As of now, the applicant has reached upto the level of T-5 and efforts made to change the functional group did not materialize, with dismissal of the said OA. That was repeated in one of the impugned orders.

8. Applicant claims that he is entitled to promotion to T-6. One of the conditions under the amended Rules is that a candidate must hold the Post Graduation Degree in a concerned discipline or a Bachelor's Degree in relevant field with five years experience to become eligible for promotion to T-6. Degree held by the applicant is one in Economics. The respondents did not approve it as the one, relevant for the post, held by him. Naturally that led to passing of the impugned order which indicates that he has to wait for 10 years in T-5 which is in the form of residency/residuary qualification. Therefore, the impugned orders do not warrant interference.

9. During pendency of this OA, the respondents have issued proceedings dated 19.8.2016 recognizing certain degrees as being relevant to the grade in question. Whether the applicant became entitled to any benefit under that needs to be considered if he makes a representation in this regard. We do not find it appropriate to adjudicate the same in this OA by applying the provisions contained in the proceedings issued at a subsequent stage.

10. We, therefore, dispose of this OA, leaving it open to the applicant to make a representation regarding the benefits under the letter dated 19.6.2016 read with letter dated 21.12.2016. If such representation is made, appropriate order shall be passed thereon within a period of

four weeks from its receipt. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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