

**Central Administrative Tribunal
Principal Bench**

OA No.1408/2015

New Delhi, this the 8th day of May, 2019

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

Dr. S. Satapathy,
S/o K.C. Kishore Chandra Satapathy,
Scientist-F/Director,
19/123, Satyam Khand, Vasundhara,
Ghaziabad, UP-2011012
Posted as
Climate Change Division,
Ministry of Environment, Forests & Climate Change
Indira Paryavaran Bhawan,
Aliganj, Jor Bagh Road, New Delhi-110003.
...Applicant
(By Advocate : Shri R. K. Kapoor)

Versus

1. Union of India through,
Secretary, DOPT,
North Block, New Delhi.
2. The Secretary,
M/o Environment, Forest & Climate Change,
Indira Paryavaran Bhawan,
Aliganj, Jor Bagh Road,
New Delhi.
...Respoondents

(By Advocate : Shri Deepak Bhardwaj for Shri Ranjan Tyagi)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :-

The applicant joined as Research Assistant in the year 1984 in the Ministry of Environment, Forest &

Climate Change, Government of India. By the year 2002, he had grown up to the level of Scientist 'D'. From 2003 onwards, he was in foreign service on the post of National Programme Manager in the Sector Phase out Plan Unit (SPPU), under UNDP. It was only on 17.03.2008, that he returned to the Ministry. He made a request that he be extended the benefit of *insitu* promotion. The Screening Committee considered his case and extended him the benefit vide order dated 03.10.2008. He was also promoted to the post of Scientist 'E' w.e.f. 26.12.2008. This OA is filed with a prayer to direct the respondents to ante date the *insitu* promotion under FCS in Scientist Grade 'D' to 'E' w.e.f. 01.01.2004.

2. The applicant contends that though he was in foreign service at the relevant point of time, he was entitled to be extended the benefit.

3. Respondents filed counter affidavit opposing the OA. It is stated that the case of the applicant was considered by the Screening Committee, soon after he returned from foreign service and accordingly, he was extended the benefit of promotion to the post of Scientist 'E' w.e.f. 26.12.2008.

4. We heard Shri R.K. Kapoor, learned counsel for the applicant and Shri Deepak Bhardwaj for Shri Ranjan Tyagi, learned counsel for the respondents.

5. It is not in dispute that the applicant was in foreign service up to the year 2008. The presence of a Scientist in the Department becomes essential for consideration of his case for promotion. His progression cannot be both in the borrowing department and the parent department, at a given point of time. Promptly enough, the respondents considered the case of the applicant soon after he came back to the parent department. The applicant is not able to cite any provision of law, which enables him to be considered for promotion even when he was in foreign service.

6. We do not find any merit in the OA and the same is, accordingly, dismissed.

There shall be no order as to costs.

(Aradhana Johri) (Justice L. Narasimha Reddy)
Member (A) Chairman

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