

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION No.389/2019

Date of Decision: 12th June, 2019

CORAM: R. VIJAYKUMAR, MEMBER (A)
RAVINDER KAUR, MEMBER (J)

Dr. B.S. Murthy,
Age : 56 years, Presently working
as Scientist (E), Having his address
at C/o. Indian Institute of
Tropical Meteorology Pashan Road,
Pune - 411 008. ... **Applicant**
(By Advocate Shri K.P. Anil Kumar)

VERSUS

1. Union of India
Through Chairman,
the Ministry of Earth Science,
Prithvi Bhavan, Lodhi Road,
New Delhi - 110 003.
2. Dr. M. Rajeevan,
Secretary & ESSO Chairman
Ministry of Earth Sciences,
Government of India,
Prithvi Bhavan,
Opp. India Habitat Centre,
Lodhi Road, New Delhi - 110 003.
3. Dr. V.K. Gaur,
Chairman, Governing Council,
C/o. Indian Institute of Tropical
Meterology, Dr. Homi Bhabha Road,
Pashan, Pune - 411 008. ... **Respondents**

ORDER (ORAL)

PER: R. VIJAYKUMAR, MEMBER (A)

Heard learned counsel for the
applicant.

2. The applicant has contended that he had received 'Very Good' and 'Good' appraisals from his Reporting and Reviewing Officers in APAR 2015-2016 seen by him on 24.12.2016 and for which, he filed a representation dated 04.01.2017 which was forwarded to the concerned authorities on 19.01.2017 by his Department. He states that based on the past APARs, a Screening Committee meeting is normally held prior to the meeting of the Board of Assessment which considers promotion of persons like the applicant who are Scientist Grade 'E' to the next level of Scientist Grade 'F'. Following the Screening Committee Meeting, letters are issued to the eligible candidates for appearing in the interview to be held by the Board of Assessment and which, he has learnt, is scheduled on 14.06.2019. He has not received any written intimation regarding his representation and whether it has been upgraded. He has not been called for the interview and infers he was 'screened-out'.

3. The applicant has asked for being provided an opportunity to appear in the

Assessment Board subject to the outcome of this OA based on his informal information that his APAR has been upgraded.

4. Learned counsel for the applicant also presses the need to issue notice and grant interim relief.

5. The learned counsel for the applicant was heard at length.

6. The essential challenge of the applicant is on the APAR for 2015-16 by which it would appear that he has not been 'screened-in' by the Screening Committee and hence, not called for interview. The first step that the applicant has to complete is the screening process and the Board of Assessment is the subsequent step. Unless the applicant is screened, he cannot proceed to the next stage of assessment and be called for an interview before the Board of Assessment. In case the applicant succeeds in the first stage by getting a formal communication on his APAR 2015-2016, then the question of whether he is to be screened-in will need to be decided by the respondents and the outcome of such a decision will

follow in logical sequence and the applicant would then acquire a right to be called for interview.

7. At the present stage, no such right subsists. What is to be established first is whether he has been properly considered by the Screening Committee based on the available facts and whether the Screening Committee has taken into consideration the decision taken by the respondents on his representation.

8. In the circumstances stated in the pleadings and by virtue of the submissions of learned counsel for the applicant across the bar that he has already been successful in regard to his representation against the APAR, the respondents are directed to review the decision of the Screening Committee, if the facts warrant, prior to the decision of the Board of Assessment and take appropriate steps including for consequential benefits that may accrue to the applicant as a result of the decision of the Screening Committee.

9. In the aforesaid circumstances, the Original Application is disposed of without any order as to costs.

(Ravinder Kaur)
Member (J)

(R. Vijaykumar)
Member (A)

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JD
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