

**Central Administrative Tribunal
Madras Bench**

MA/310/00709/2019 (in)(&) OA/310/01508/2019

Dated the 29th day of November Two Thousand Nineteen

P R E S E N T

**Hon'ble Mr. P.Madhavan, Member(J)
&
Hon'ble Mr.T.Jacob, Member(A)**

1. Mr.K.Sudarsan
2. Mr.Suresh .. Applicants

By Advocate **M/s.C.Masilamani**

Vs.

1. Union of India, rep. by its Secretary, Government of India, M/o Earth Sciences, Prithvi Bhavan, Lodhi Road, New Delhi 110 003.
2. The Director, National Institute of Ocean Technology(NIOT), (M/o Earth Sciences, Government of India,), NIOT Campus, Velacherry-Tamparam Main Road, Pallikaranai, Chennai 600 100.
3. The Senior Administrative Officer, National Institute of Ocean Technology(NIOT), (M/o Earth Sciences, Government of India,), NIOT Campus, Velacherry-Tamparam Main Road, Pallikaranai, Chennai 600 100. .. Respondents

By Adovacte **Mr.SU.Srinivasan**

ORDER

[Pronounced by Hon'ble Mr.P.Madhavan, Member(J)]

MA for joining the applicants together and filing a single application is allowed.

2. The above OA is filed seeking the following relief:-

“....to direct the respondents to dispose the representation made by the applicants dated 24.4.19 within a stipulated time.

To pass such further or other orders as this Tribunal may deem fit and proper in the circumstances of the case.”

3. The applicants are working in National Institute of Ocean Technology (NIOT) as Technical Assistant. According to them, a Senior Technical Assistant with 8 years regular service is eligible for the post of Scientist-B through promotional method of recruitment in the department of Department of Ocean Development (subsequently renamed as MoES).

4. The applicants further state that similar promotions are given to ICMAM, MoES and CMLRE.

5. According to the applicant, in NIOT the respondents are not giving promotion to the post of Scientist and it is causing great loss to Technical Assistants working in the NIOT. Though they made representation for implementing similar promotions, the respondents are not acceding to it.

6. So, the prayer is to direct the respondents to consider and dispose of their representation dt. 24.4.19 (Annexure A3).

7. We had gone through the Recruitment Rules (RR) annexed to the OA as Annexure A1. The qualification prescribed for the post of Scientist-B are (1) Master's Degree in Natural Agricultural Science or Bachelor's Degree in Engineering or Technology or Medicine from a recognised University or equivalent. (2) 2 years experience in Teaching, Research and Development, Survey Administration, Planning, Supervisor or training in the field of Oceanography, Marine Technology.

8. So, from the above, it can be seen that the applicants are not qualified for the post of Scientist-B post as per the present RR. It is for the department to consider, whether the RR has to be amended to include Diploma holders also for consideration for the post of Scientist-B.

9. So, the applicant has not made out a *prima facie* case to admit the case. We are of the view that since the RR does not provide for such a promotion, Tribunal cannot direct the respondents to consider such a representation which has no support of law.

10. Hence, we find that the applicants has failed to make out a *prima facie* case and OA is liable to be dismissed at the threshhold itself.

11. OA is dismissed accordingly.

(T.Jacob)
Member(A)

29.11.2019

(P.Madhavan)
Member(J)

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