

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/020/136/2014

Dated: 21/11/2019

Between



P.V. Subba Rao,
S/o. Late P. Janakiramaiah,
Aged about 62 years,
Occ: Retd. Scientific E-Grade-V,
R/o.H.No.4-19-32/4,
Vijayapuri First Line (Cut Road),
J.K.C. College Road, Guntur,
Guntur District,
Andhra Pradesh.

... Applicant

AND

1. Union of India represented by
Director General,
Council of Scientific & Industrial Research
(CSIR), Anusandhan Bhavan No.2,
Rafi Ahmed Kidwai Marg,
New Delhi.
2. Director, Central Salt & Marine
Chemicals Research Institute,
(CSMCRI), Bhavanagar, Gujarat.
3. The Disciplinary Coordinator,
Marine Bio-Technology and Ecology Discipline,
CSMCRI, Bhavnagar, Gujarat.

... Respondents

Counsel for the Applicant : Mr. G. Ravi Mohan
Counsel for the Respondents : Mr. M. Srikanth, SC for CSIR

CORAM :

Hon'ble Mr. S.N. Terdal, Member (Judl.)
Hon'ble Mrs. Naini Jayaseelan, Member (Admn.)

ORAL ORDER

{ Per Honøble Mr. S.N. Terdal, Member (Judl.)}

Heard Sri G. Ravi Mohan, learned counsel for the applicant and Sri M. Srikanth, learned counsel for the respondents. Perused the pleadings and the documents produced by both the parties.

2. The relief prayed for by the applicant in the O.A. is as follows:

õ.....to issue an order or direction, declaring the action of the respondents in not promoting the applicant to the post of Scientific E-II Grade after 5 years and to the post of Grade-V is illegal, arbitrary and unjust and consequently direct the respondents to treat the services of the applicant as promoted to the post of Scientific E-II Grade w.e.f. February, 1998 and Scientific E-Grade V w.e.f. February, 2003 and consequently direct the respondents to extend the applicant's services by 3 years and pay all consequential benefits.ö

4. The relevant facts of the case are that the applicant was appointed in 1975 as Junior Scientific Assistant and his grievance is that his promotion to the post of Scientist E-II Grade was due in 1998 but he was promoted in 1999 and his further promotions were also delayed. But however, with regard to the averments made by the applicant, the respondents in their counter specifically stated that he had not completed the residency period and had not secured minimum percentage of threshold marks, etc., as such there is delay in his promotions. The relevant paragraphs of the counter are extracted below:

õ7. As regards the averments in Paragraphs 4.2 & 4.3 of the O.A., it is humbly submitted as follows:

As per the Provisions contained in Para 2.3.1.4 Merit & Normal Assessment Scheme (MANAS) of CSIR, which was operative during the consideration of assessment promotion of the applicant, the minimum percentage of threshold marks for assessment promotion of the applicant from the post of Scientist E.I to that of Scientist E.II for a residency period of five years was 70 marks.

The methodology of assessments for this particular assessment was as follows:

1. APAR scores	-	30 marks
2. PEER Review Scores	-	30 marks
3. Interview	-	40 marks

8. It is also necessary to submit here that during the period of consideration for assessment promotion of the applicant i.e. from 01.02.1993 to 01.02.1998, the applicant had obtained the following marks:

1. APAR scores	-	29.49 (30%)
2. PEER Review Scores	-	20 (30%)
3. Interview	-	18 (40%)
Total	-	58.49

9. It could, therefore, be seen that the applicant did not score the minim percentage of threshold marks required for his assessment promotion to the next higher Grade and, therefore, he was not promoted during the assessment year 1997-98.

4. In view of the facts of the case and in view of the specific averments made by the respondents, we do not find any merit in the O.A. Hence, the O.A. is dismissed. No order as to costs.

(NAINI JAYASEELAN)
MEMBER (ADMN.)

pv

(S.N. TERDAL)
MEMBER (JUDL.)