Received on 30-11-2011

30/11/11

To,

The Public Information Officer,
INDIAN INSTITUTE OF SOIL SCIENCE
Nabibagh, Barasiya Road, BHOPAL

Subject: information under the RTI act 2005

Sir,

Kindly provide the following information under the RTI act 2005:-

1. A Copy of the judgment of Hon'ble CAT Jabalpur, dated 15th June 2004, regarding OA 265/2001, filled by Smt. Seema Sahu.

2. A Copy of the annexure R-II (A) which was mentioned in para 6 of judgment dated 15th June 2004.

3. Whether the implement was made according to the Order or any appeal was made by the Institute/ICAR against this order dt. 15th June 2004.

All above required information is required for personal use as it is and directly related to the applicant's service.

Postal order Rs 10/- No 88 E-457737 is enclosed with this application.

Yours faithfully

(DEEPAK KAUL)
Member CJSC
T-II-3
CSWCRTI,
218 Kaulagarh Rd, DEHRDUN
Dated: 26-11-2011 (REGESTERD /SPEED POST)

To, The SAO, IISS, Bhopal

It is requested to provide the information and copies as desired by the applicant above on or before 10-12-2011 to the undersigned. This may kindly be treated as the most urgent.

30/11 O/C (K. Sammi Reddy)

S.A.O. for n.a. please

भारतीय मृदा विज्ञान संस्थान (भा.कृ.अनु.प.)
नबीबाग, बैरसिया रोड, भोपाल – 462038
Indian Institute of Soil Science
Nabibagh, Berasia Road, Bhopal – 462 038 (M.P.)
Tel. No.(0755)2730970/2734221 (Ext. No. 252 & 256) Fax. No. (0755) 2733310

F.No.12-79/2011-Estt./ Date:09/12/2011

To,

The Public Information Officer,
Indian Institute of Soil Science,
Bhopal

Sub: Information under the RTI act 2005 -- reg.
Ref: Application dated 26.11.2011 of Shri Deepak Kaul, 218, Kaulagarh Rd Deheradun.

Sir,

With reference to above cited subject, the information asked by Shri Deepak Kaul, T-II-3, CSWCRTI, 218, Kaulagarh Rd, Deheradun through his application dated 26.11.2011, received in this office on 30.11.2011 are furnished below for further needful at your end:

Sl. No.	Particular	Reply
1	A copy of the judgment of Hon'ble CAT Jabalpur, dated 15th June 2004 regarding OA 265/2001, filled by Smt. Seema Sahu	Copy of judgment of Hon'ble CAT Jabalpur, dated 15th June 2004 OA 265/2001, filled by Smt. Seema Sahu is enclosed
2	A copy of the annexure R-II(A) which was mentioned in para 6 of judgment dated 15.06.2004	copy of the annexure R-II(A) (ICAR letter No. 7(18)/85-Per.III dtd. 02.06.89) which was mentioned in para 6 of judgment dated 15.06.2004 is enclosed
3	Whether the implement was made according to the order or any appeal was made by the Institute/ICAR against this order dtd. 15.06.2004.	The order was implemented and no appeal was made by the Institute/ICAR against the order/judgement dtd. 15.06.2004.

Yours faithfully,

(N.R. Verma)
Senior Administrative Officer

(43)

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

.....

Original Application No. 265/2001

Jabalpur, this the 15th day of June, 2004

Hon'ble Shri M. P. Singh, Vice-Chairman
Hon'ble Shri Madan Mohan, Member (J)

Smt. Seema Sahu w/o Sh. K.L. Sahu,
aged about 36 years,
R/o Senior MIG, Sharda Nagar,
Lambakheda, Barasiya Road,
Bhopal (MP). ...Applicant

(By Advocate: Smt. S. Menon)

-versus-

1. Union of India through
Secretary,
Indian Council of Agriculture Research,
Krishi Bhawan,
New Delhi.

2. The Director General,
Indian Council for Agriculture Research,
Krishi Bhawan,
New Delhi.

3. The Director,
Indian Institute of Soil Science,
Nabibagh, Barasiya Road,
Bhopal. ...Respondents

(By Advocate: Shri P. Shankaran)

O R D E R

By Madan Mohan, Member (J)

By filing this original Application, the applicant has sought the following reliefs:

"8.(i) Call for the original service records of the applicant as also the Minutes of the Assessment Committee.

8(ii) This Hon'ble Court be pleased to direct the respondents to consider the applicant for promotion to the Grade of T-5 (Technical Officer) in the pay scale of Rs. 6500-200-10500/- w.e.f. 1.1.1998 in accordance with the provisions of the Service Rules."

2. The brief facts of the case are that the applicant had been working as Senior Technical Assistant (T-4) in the scale of Rs. 1640-2900/- in the Project Co-ordinating Unit

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(Micro Nutrient) Indian Institute of Soil Science (IISS), Bhopal w.e.f. 1.1.1993 to 31.12.1994. Subsequently the applicant was transferred from Project Coordinating Unit (Mico Nutrient)to Soil Micro-Bilogy Section, IISS, Bhopal on 1.1.1995. Respondent no. 3 communicated vide order dated 28/29.6.2000 that on the recommendations of theAssessment Committee, he has been pleased to grant advance increment to the applicant in the same scale and promotion to the next grade on the basis of 5 yearly assessment/subsequent yearly assessment in accordance with the provisions of Rule 6.1 of the ICAR Technical Service Rules. The name of the applicant is reflected at serial no. 1 having been given the benefit of one advance increment @ 175/- w.e.f. 14.4.1997 and promoted to the grade of T-5 (Technical Officer) w.e.f. 14.4.1998. On receipt of the said office order, the applicant submitted her objections to the effect that instead of promoting her w.e.f. 31.4.1998 she should have been considered much earlier. On receipt of the representation of the applicant, respondent no. 3 issued the corrigendum dated 7.7.2000 whereby she was granted one advance increment at the rate of Rs. 175/- w.e.f. 1.1.1998 and the benefit of promotion to the grade of T-5(Technical Officer) w.e.f. 1.1.1999. Immediately thereafter vide her correspondence of 4.8.2000, the applicant reminded the respondent no. 3 to reconsider her request and review it accordingly. The respondent no. 3 vide his Memorandum of 4/5-8-2000 communicated the applicant that her representation dated 3.7.2000 was considered sympathetically and her requests could not be acceded to.

2. According to the applicant, a bare perusal of the said Memorandum depicts that the respondent no. 3 had not applied his mind to the materials on record nor considered her request in proper perspective. No reasons whatsoever have come to be assigned by the said respondent

in the said Memorandum. The applicant submitted a representation dated 1.12.2000 to respondent no. 2 alongwith a covering letter, addressed to the Administrative officer for forwarding it to the said officer/authority, requesting therein that she has become entitled for promotion to the post of T-5(Technical officer) w.e.f. 1.1.1998 on completion of five years and hence should ought to have been promoted to the said post w.e.f. 1.1.1998. It is further contended that there shall be a system of merit promotion from one grade to the next higher grade irrespective of occurrence of vacancies in the higher grade or grant of advance increments in the same grade, on the basis of assessment of performance. The persons concerned will be eligible for consideration for such promotion or for the grant of advance increments after the expiry of five years service in the grade. The applicants service record has been excellent and she has not been communicated any adverse remarks. As per her knowledge that rests with the applicant, for the year 1995, 1996 and 1997 she has been graded as 'GOOD' and thereafter there seems to be no reason or justification for not granting her the service benefits from the date to which she was due in accordance with the notification dated 1.2.1995 (Annexure A-8). Non-consideration for promotional benefits at the appropriate time tentamounts to deprivation of valueable rights of the applicant, hence the grievance of the applicant is that there has been an infringement of Article 14 and 16 of the Constitution. Hence, this O.A. has been filed seeking the aforesaid reliefs.

3. Heard the learned counsel for both the parties.

4. It is argued on behalf of the applicant that the applicant had joined the services of the respondents as Senior Techni al Assistant (T-4) on 1.1.1993 and as such she had completed five years of service on 31.12.1997. It is further argued that there was nothing adverse against her work, conduct and integrity and no adverse remarks were ever communicated

to her during the service tenure. It is further argued that since the applicant has completed five years of service on 31.12.1997, she is entitled for her promotion w.e.f. 1.1.1998 and she is also entitled for an advance increment from 1.1.1997. our attention has been drawn towards letter dated 28/29-6-2000 (Annexure A-1) in which the applicant is granted one advance increment of Rs. 175/- w.e.f. 14.4.1997 and she is shown to be promoted to the grade of T-5(Technical officer) w.e.f. 14.4.1998 but on representation of the applicant to the said order, the respondents issued corrigendum dated 7.7.2000 (Annexure A-3) vide which the applicant was granted one increment of Rs. 175/- w.e.f. 1.1.1998 in place of 14.4.1997 and is shown to be promoted as T-5(Technical Officer) w.e.f. 1.1.1999 in place of 14.4.1998. Learned counsel for the applicant argued that while issuing the said corrigendum also the respondents did not grant the actual benefit to the applicant to which she was entitled to i.e. grant of advance increment of Rs. 175/- w.e.f.1.1.97 and the promotion to the grade of T-5(Technical Officer) w.e.f. 1.1.1998.

5. In reply, learned counsel for the respondents argued that in fact the applicant has not disclosed in her O.A. the assessment procedure for grant of merit promotion or advance increment(s) to Technical Personnel which is prescribed in "The Technical Service Rules". In the case of the applicant the Assessment Committee has also followed the criteria prescribed under the Rules. It is argued that after issue of the office order dated 28/29.6.2000, it came to the notice of the respondents that in certain cases, the date of granting increment/promotion has been shown wrong inadvertently due to double entries in the service book of persons concerned. This was brought to the notice of the competent authority and with his due approval the corrigendum was issued in respect of all such persons including the applicant. This was done as a routine matter as per adminis-

trative procedure and not to harm/harass any one. It is further argued that the representation of the applicant has been duly considered and no injustice has been done to her. However, it is not in dispute that no adverse remarks have been communicated to her but it does not mean that she has been an excellent worker. Hence, the respondents have rightly given the benefit of advance increment and promotion to Grade-T-5(Technical officer) to the applicant according to her entitlement.

6. After hearing the learned counsel for both the parties and carefully perusing the record on court file apart from the record pertaining to the applicant, produced by the learned counsel for the respondents, we find that ACRs of the applicant for the year 1996-97 is 'Very Good'; for the year 95-96 is 'Good'; for the year 94-95 is 'Very Good', for the year 93-94 is 'Very Good' and for the year 1992-93 is 'Good' and no adverse remarks were existing in her service record. The said fact is also admitted by the respondents intheir reply. We have also gone through the note for Assessment Committee for consideration of Assessment cases of Technical Personnel (Category I-II) scheduled to be held on 22.6.2000 (Annexure R-III) in which it is mentioned that under the provision of ICAR Technical Service Rules tehhnical persons are eligible for merit promotion to the next grade/grant of advance increments upto three in the same grade as per the career advance scheme. Since the applicant comes under Category-II, the criteria for five yearly assessment of technical personnel to be adopted is as under:-

1. Professional performance in relation to the duties and tasks assigned.
2. Spirit of co-operation and team work and support to the scientific work.
3. Personal behaviour/abilities/attributes,
4. Organizational abilities/attributes.

It is further mentioned in the said Note that for assessment of the technical personnel in category I & II the following records is to be taken into consideration :

1. The material furnished inthe five yearly assessment proforma.

2. CCRs for the past 5 years.

We have further seen in the said Note that as per Council's letter dated 2.6.1989, which is marked as Annexure R-II(A), the technical personnel who is to be recommended for assessment/ performance upto the grade of T-5 (Technical officer) should possess three 'GOOD' reports.

7. It is not in dispute that the applicant joined the services of the respondents as T-4 (Technical officer) on 1.1.1993 and hence completed her five years of service on 31.12.1997 and no adverse remarks have ever been communicated to her as she has been graded for the past five years either as 'VERY GOOD' or 'GOOD'. The respondents have failed to show anything adverse against the applicant while adjudging the five yearly assessment adopting the criteria laid down under the relevant rules. Theyhave also failedtto demonstrate as to on what ground the applicant has been granted the advance increment of Rs. 175/- w.e.f. 1.1.1998 and promotion to the grade of T-5 (Technical Officer) w.e.f. 1.1.1999 whereas she had completed the required five years of service on 31.12.1997. on our query to the respondents' counsel that as to what criteria was adopted by the respondents for not granting the benefit to the applicant from the date she was entitled to, he could not show anything to rebut the same nor produced any document to demonstrate the same.

8. After considering the facts and circumstances of the case we are of the considered view that the applicant is entitled to the relief claimed in the O.A. Therefore, the O.A. is allowed with direction to the respondents to re-consider the case of the applicant for promotion to the grade of T-5(Technical Officer) in the pay scale of Rs. 6500-200-10,500/- w.e.f. 1.1.1998 in accordance with the provisions of Service Rules and also in the light of the observations made above and take a decision by passing a reasoned, detailed and speaking order within a period

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of three months from the date of receipt of a copy of this order under prompt communication to the applicant. No costs.

Sd/-
(Madan Mohan)
Member (J)

Sd/-
(M.P.Singh)
Vice Chairman

/na/

1686 25.6.02

P. Shankaraju
Advocate

Sl.No.1. (24) (60)

2659

13/6/89

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAVAN, NEW DELHI

Dated the 2nd May, 1989.

No. 7(18)/83-Per.III

To

The Directors/Project Directors of
all Research Institutes of the Council.

Subject:- Yearly assessment of Technical personnel--Adoption of some criteria for the gradation of A.C.Rs of Technical Personnel for the past five years under assessment for purpose of eligibility for promotion to the next higher grades.

Sir,

The matter regarding adopting of some criteria regarding gradation of the C.C.Rs of Technical personnel who are recommended for merit promotion on the basis of their five yearly assessment by the assessment Committee, has been examined in the Council. It has been decided that the technical personnel who are recommended for assessment/promotion upto grade I-5 should possess consistently three 'good' reports and 'very good' for I-6 and above.

This may please be brought to the notice of all concerned and receipt of this letter may please be acknowledged.

Yours faithfully,

(KISHORI LAL)
DEPUTY SECRETARY (L)

Copy for order/information to:-

1. All Officers including ASRB.
2. All Sections./US(A)
3. [illegible]

Sat. 13/6

14/6

12/6

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