
(2020) 03 CAT CK 0009

In the Central Administrative Tribunal

Case No : Original Application No. 3629 Of 2015, Miscellaneous Application No. 3295 Of 2015

Vivek Mohan Gupta And Others

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 02-03-2020

Acts Referred:

Citation : (2020) 03 CAT CK 0009

Hon'ble Judges : L. Narasimha Reddy, J;A. K. Bishnoi, Member (A)

Bench : Division Bench

Advocate : R.K. Kapoor, Rajesh Katyal

Final Decision : Disposed Of

Judgement

L. Narasimha Reddy, J

1. The applicants are working as Scientists of different grades, in the Department of Electronics and IT, the 2nd respondent herein. The Government introduced the Flexible Complimenting Scheme (FCS) for promotion of Scientists from one category to another. The grievance of the applicants is that though they were eligible to be promoted to the next higher category on a particular date, the respondents delayed it and in view of that, they are entitled to be paid the difference of pay or arrears from the date on which they became due for promotion. In Annexure A-1, they have furnished the particulars of the alleged delay in promotions. Reliance is also placed on certain judgments of the Hon'ble Supreme Court and Delhi High Court.

2. Respondents filed a detailed counter affidavit. It is stated that the promotion under FCS is not automatic, and is subject to evaluation of scientific knowledge of the concerned Scientists, and it is only after the prescribed procedure is followed, that a scientist can be extended the benefit of FCS. It is also stated that the judgment of this Tribunal in S.K. Murti's case is with reference to a substantially different set of facts, and that the applicants are covered by an OM,

which deals with the promotions, that took place before 2002.

3. There is no representation for the applicants and since it is one of the oldest cases, we have perused the record and heard Shri Rajesh Katyal, learned counsel for the respondents.

4. The question as to whether a Scientist is entitled to be extended the benefit of notional promotion, from the date on which he became eligible to be considered, is pending consideration before the Hon'ble Supreme Court in Civil Appeal No.6359/2016. Taking note of the same, recently we have also disposed of O.A. No.1873/2013 (Dr. Ashok Kumar & Ors. vs. UOI & Ors.), leaving it open to the applicants therein, to work out their remedies, depending upon the outcome of the Civil Appeal No.6359/2016.

5. We, therefore, dispose of this O.A., leaving it open to the applicants to work out their remedies, depending upon the outcome of Civil Appeal No.6359/2016. There shall be no order as to costs.