

15 -ാം കേരള നിയമസഭ

2 -ാം സമ്മേളനം

നക്ഷത്ര ചിഹ്നം ഇല്ലാത്ത ചോദ്യം നം. 5329

12-08-2021 - ൽ മറുപടിയ്ക്ക്

അനെർട്ടിലെ സയന്റിസ്റ്റുകളുടെ പ്രൊമോഷൻ

ചോദ്യം		ഉത്തരം	
ശ്രീ സി ആർ മഹേഷ്		Shri. K. Krishnankutty (വൈദ്യുതി വകുപ്പ് മന്ത്രി)	
(എ)	അനെർട്ടിൽ എത്ര സയന്റിസ്റ്റുകൾ നിലവിലുണ്ടെന്നും ഇവരുടെ ശമ്പളം, പ്രൊമോഷൻ ആനുകൂല്യങ്ങൾ എന്നിവ ഏത് നിയമപ്രകാരമാണ് നൽകേണ്ടതെന്നും വ്യക്തമാക്കുമോ;	(എ)	അനെർട്ടിൽ 4 സയന്റിസ്റ്റുകൾ നിലവിലുണ്ട്. ഇവർക്ക് ശമ്പളം, പ്രമോഷൻ ആനുകൂല്യങ്ങൾ എന്നിവ CSIR Rules പ്രകാരമാണ് നൽകുന്നത്.
(ബി)	ഇവർ നടത്തിയ ഗവേഷണങ്ങൾ പ്രൊമോഷന് വേണ്ടി അസ്സെസ്സ്മെന്റ്, സ്ക്രീനിംഗ് കമ്മിറ്റികൾ അംഗീകരിച്ചതിന്റെ പകർപ്പ് ലഭ്യമാക്കാമോ; ഈ സയന്റിസ്റ്റുകൾ നാളിതുവരെ ഏതെങ്കിലും പേറ്റന്റിന് അപേക്ഷിച്ചിട്ടുണ്ടോ;	(ബി)	ഇവർ നടത്തിയ ഗവേഷണങ്ങൾ പ്രൊമോഷന് വേണ്ടി അസ്സെസ്സ്മെന്റ്, സ്ക്രീനിംഗ് കമ്മിറ്റികൾ ശുപാർശ ചെയ്തിട്ടില്ല. ഒരു സയന്റിസ്റ്റ് പേറ്റന്റിനുള്ള അപേക്ഷ സമർപ്പിച്ചിട്ടുണ്ട്.
(സി)	സയന്റിസ്റ്റുകളുടെ പ്രൊമോഷനുമായി ബന്ധപ്പെട്ട് എ.ജി. നടത്തിയ ഓഡിറ്റിംഗിൽ എന്തെല്ലാം ഗുരുതര പരാമർശങ്ങളാണ് കണ്ടെത്തിയത് എന്ന് വിശദീകരിക്കാമോ; പ്രസക്ത ഭാഗത്തിന്റെ പകർപ്പ് ലഭ്യമാക്കാമോ;	(സി)	CSIR മാനദണ്ഡമനുസരിച്ച് അനെർട്ട് രൂപീകരിച്ച സ്ക്രീനിംഗ് കമ്മിറ്റി അനെർട്ടിലെ ശാസ്ത്രജ്ഞർ മാർക്ക് പ്രമോഷൻ പരിഗണിക്കേണ്ടതില്ലെന്ന് ശുപാർശ ചെയ്തിരുന്നുവെങ്കിലും, ബഹു. ഹൈക്കോടതിയുടെ ഉത്തരവിന്റെ അടിസ്ഥാനത്തിൽ, ബഹു. ഹൈക്കോടതി സർക്കാരിനോട് ഉചിതമായ തീരുമാനം കൈക്കൊള്ളാൻ ആവശ്യപ്പെട്ടതിന്റെ അടിസ്ഥാനത്തിലാണ് ശാസ്ത്രജ്ഞർക്ക് പ്രൊമോഷൻ നൽകിയത്. അപ്രകാരം, നിലവിലുള്ള സി.എസ്.ഐ.ആർ വ്യവസ്ഥകളിൽ/ കേരള സ്റ്റേറ്റ് കൗൺസിൽ ഫോർ സയൻസ് ടെക്നോളജി ആന്റ് എൻവയോൺമെന്റ് നിയമങ്ങളിൽ നിന്നും വ്യതിചലിച്ച് പ്രൊമോഷൻ നൽകിയത് ക്രമപ്രകാരമല്ല എന്ന് എ.ജി യുടെ റിപ്പോർട്ടിൽ പരാമർശിച്ചിട്ടുണ്ട്. പ്രസക്ത ഭാഗത്തിന്റെ പകർപ്പ് അനുബന്ധമായി ചേർക്കുന്നു.
(ഡി)	ഫയലിൽ തിരിമറി നടത്തിയും, സി.എസ്.ഐ.ആർ. റൂളും, ഹൈക്കോടതി വിധിയും തെറ്റിദ്ധരിച്ചു പ്രൊമോഷന് വേണ്ടി കത്തയച്ചതായി എ.ജി കണ്ടെത്തിയിട്ടുണ്ടോ ;	(ഡി)	അനെർട്ടിലെ സയന്റിസ്റ്റ് തസ്തികയിൽ സേവനമനുഷ്ഠിക്കുന്ന ശ്രീ. പി. വൽസരാജ്, അഡ്മിനിസ്ട്രേറ്റീവ് ഓഫീസറുടെ ചുമതല വഹിച്ച കാലയളവിൽ സയന്റിസ്റ്റുമാരുടെ പ്രമോഷൻ

			വിഷയത്തിൽ തെറ്റായ വിവരം നൽകിയതായി എ.ജി യുടെ ഓഡിറ്റിൽ പരാമർശം ഉണ്ട്.
(ഇ)	ഇതിൽ അനെർട്ടിലെ ഉദ്യോഗസ്ഥരുടെ പേര് പരാമർശിച്ചിട്ടുണ്ടോ; ഉണ്ടെങ്കിൽ ആരെന്ന് തസ്തിക ഉൾപ്പെടെ വെളിപ്പെടുത്താമോ;	(ഇ)	അനെർട്ട് ഡയറക്ടർ സർക്കാരിന് അയച്ച കത്തിൽ സയന്റിസ്റ്റായ ശ്രീ. പി. വത്സരാജിന്റെ പേര് പരാമർശിച്ചിട്ടുണ്ട്.
(എഫ്)	മേൽകത്തിന്റെ അടിസ്ഥാനത്തിൽ സയന്റിസ്റ്റുകൾക്കു പ്രൊമോഷൻ നൽകിയിട്ടുണ്ടോയെന്നും അതിനു ശേഷം നാളിതുവരെ എത്ര തുക ശമ്പള - കുടിശ്ശിക ഇനങ്ങളിൽ ഇവർക്ക് നൽകിയിട്ടുണ്ടെന്നും വിശദമാക്കാമോ?	(എഫ്)	പ്രൊമോഷൻ നൽകിയിട്ടുണ്ട്. ശമ്പളക്കുടിശ്ശിക ഇനത്തിൽ 37,99,541/- രൂപ നൽകിയിട്ടുണ്ട്.

സെക്ഷൻ ഓഫീസർ

of its manpower in a transparent, fair and equitable manner and determination of their pay, allowances and service conditions in a just and fair manner. As on 31 March 2019, ANERT was having a sanctioned strength of 105 employees and employees in position was 65.

Audit, noticed that it did not have an approved HR policy or Service Rules for recruitment, promotion and for determination of pay, allowances and service conditions of its staff. As a result, it follows CSIR norms/KSCSTE Rules for its Scientists, State Government norms for other regular staff, etc. Further, these Rules were not followed scrupulously, uniformly and consistently which led to granting promotions, regularisation of temporary staff, fixation of pay, *etc.* in an adhoc and arbitrary manner resulting in unnecessary litigation as discussed below;

(a) Irregular Promotion of Scientists relaxing the screening and assessment procedure under CSIR norms.

ANERT follows KSCSTE Rules for promotion of its scientists and CSIR pattern for fixation of their pay and allowances. KSCSTE Rules provide (Rule 9) that promotion of all scientists from one grade to the next grade shall be made on the basis of (i) preliminary screening by an Internal Screening Committee which take into account the Annual Assessment Reports (AAR) for the years covered under the residency period and (ii) interview by the Assessment Committee. The minimum residency period to be completed in a grade for consideration for assessment was three years for scientist B, four years for scientist C and E1 and five years for scientist E2 and F.

A relaxation of one year in the minimum residency period can be granted to Scientist-C, Scientist-E1 and Scientist-E2 provided that he/she consistently score 90 *per cent* and above marks in the AAR in three successive years in the grade.

Accordingly, ANERT had to consider promotion of its scientists on due dates by undertaking evaluation and assessment of performance through Screening and Assessment Committees as provided in KSCSTE Rules.

Two of the Scientists of ANERT joined service as below:

Table 11

Sl No	Name Shri/Smt	Joined as	Date of joining	Date of declaration of probation
1	Kamala Devi V	Scientist-B	1/10/1993	1/10/1994
2	Valsaraj P	Scientist-B	22/03/1995	22/03/1996

As ANERT did not initiate any action for granting promotion to the above Scientists as per KSCSTE Rules, they approached the High Court and obtained (20 January 2009) an order directing ANERT to consider their promotion under the CSIR pattern with effect from the eligibility date and to submit proposal to Government. Accordingly, as ANERT reported the requirement of setting up of Screening and Assessment Committees under KSCSTE Rules followed for promotion of Scientists, Government set up (12 August 2009) the Screening Committee and Assessment Committee for considering the promotions of the above Scientists. The Scientists, however, did not submit the self assessment reports called for by the Screening Committee despite repeated requests. As such the Screening Committee assessed their performance and eligibility based on the available records and recommended none of the Scientists to the Assessment Committee for promotion. Hence, the Government

ordered (16 January 2010) declining the claims for promotion and disposed of the matter accordingly.

Subsequently, complying with Government directions as part of restructuring, ANERT undertook the process of assessment and promotion of all its existing staff based on their overall performance, training, projects undertaken, academic work pursued, *etc* and promoted (24 February 2011), among others, Smt Kamala Devi. V to the Grade of Scientist-E1 while rejecting Shri Valsaraj.P who scored only 35.9 marks (Grade- C) as his performance was inadequate. Later, in response to the petition submitted by Shri Valsaraj P to the Honourable Minister for Power, Government of Kerala, the Director, citing the verdict of High Court order dated 20 January 2009 reported (24 February 2012) that as more than 17 years had elapsed it was impractical to assess the performance as envisaged in the CSIR pattern and recommended to grant all periodical promotions to the Scientists retrospectively relaxing the provisions regarding Screening and Assessment process. Relying on the above report, GoK ordered (22 February 2013) to grant promotion to Shri P Valsaraj and Smt V Kamala Devi, Scientists-B in relaxation of the provisions concerning Screening and Assessment Process specified in KSCSTE Rules with prospective effect. Government further clarified (24 July 2014) to grant them full series of promotions from Scientist-B to Scientist-F as on dates of their eligibility as per CSIR norms by relaxing the Screening and Assessment process subject to the condition that promotion up to 22 February 2013 was notional with no arrears and benefits up to that date. Accordingly, ANERT granted promotion to the above Scientists as below:

Table 12

Name	V.Kamala Devi	P.Valsaraj	Cadre
Date of Joining	01.10.1993	22.03.1995	Scientist-B
Dates of Promotion	01.10.1996 (₹10000)	22.03.1998 (₹10000)	Scientist-C
	01.10.2000 (₹12000)	22.03.2002 (₹12000)	Scientist-E1
	01.10.2004 (₹14300)	22.03.2006 (₹37400+GP ₹8700)	Scientist-E2
	01.10.2009 (₹44770+GP ₹8900)	22.03.2011(₹46380+GP ₹8900)	Scientist-F

Audit observed that;

1. As per CSIR norms a Screening Committee has to be constituted to review the Annual Assessment Reports and other relevant records of all Scientists completing the prescribed residency period for short listing and recommending the candidates for assessment interview by the Assessment Committee. Accordingly, the Screening Committee, headed by the Director of ANERT, constituted (12 August 2009) by Government for assessing the performance and determining the eligibility of the Scientists for promotions examined (07 November 2009) all relevant documents/ and evaluated the position in the context of the direction contained in the judgment of Hon High Court. As ANERT did not conduct Annual Assessment of the performance of the Scientists, the Screening Committee directed the Scientists to furnish their self assessment reports for evaluating their performance. The Scientists, however, did not respond to the same and not furnished any such report. Hence the Screening Committee conducted a detailed examination of all the

available records pertaining to the Scientists and assessed their eligibility in the manner provided by CSIR norms. As the Screening Committee did not find any Scientist as eligible, it did not recommend any of the Scientists to the Assessment Committee. Considering the above, Government declined (16 January 2010) the claims of the above two Scientists for promotion and arrear pay as per CSIR pattern as it was not possible to consider their promotion under CSIR pattern and disposed of the matter.

2. Subsequently (24 February 2012) the Director of ANERT, citing the verdict of High Court order dated 20 January 2009, reported to Government recommending to grant promotions to the Scientists retrospectively relaxing all the procedures stipulated in the CSIR norms as it was not pragmatic to conduct assessment of performance for the last 17 years. Here it is pertinent to mention that in the High Court order there was no direction to give promotions relaxing provisions under CSIR pattern regarding screening and assessment instead to consider promotion under CSIR pattern. Further, as per CSIR norms promotion is based on the competitiveness, research contribution and performance of the Scientists as judged/assessed by the Screening and Assessment Committees with well defined procedures and there was no provision for promotion from Scientist-B to Scientist-F at a time. The Director, however, sent the report to Government hiding the above High Court direction/CSIR provisions as well as the fact that the Screening Committee headed by the then Director of ANERT after evaluating all available records/data in line with CSIR norms determined the Scientists as ineligible for promotion. Government relying on the report of the Director granted (22 February 2013) promotion to the Scientists directly from Grade B to F at once. Action of the Director hiding vital facts before the Government was highly irregular which led to grant of undue promotions to the Scientists with retrospective effect relaxing all norms/evaluation and assessments, though the Screening Committee assessed (November 2009) both of them as ineligible for promotion.
3. The Directors in charge of ANERT also failed to assess the performance of these Scientists annually from time to time through AARs and to evaluate their eligibility for promotion on due dates through Screening and Assessment Committees as per KSCSTE Rules/CSIR norms which resulted in granting of undue promotions with retrospective effect without assessing their eligibility despite poor performance.
4. The Director of ANERT reported (18 February 2015) that Shri Valsaraj P, one of the beneficiaries of the above promotion, was in charge of the Administrative Officer of ANERT at the time of sending the report dated 24 February 2012 recommending promotions relaxing the procedures under CSIR norms and though the report was sent on 24 February 2012, the note approving the report in the file was originated only on 29 February 2012. Suspecting certain manipulation in the records, the Director requested Government to depute an expert team to re-examine the files thoroughly. All these indicated serious irregularities in the issue and grant of promotions retrospectively relaxing all procedures stipulated in the CSIR norms.