

**15 -ാം കേരള നിയമസഭ**

**3 -ാം സമ്മേളനം**

**നക്ഷത്ര ചിഹ്നം ഇല്ലാത്ത ചോദ്യം നം. 660**

**05-10-2021 - ൽ മറുപടിയ്ക്ക്**

**അനെർട്ടിലെ ശാസ്ത്രജ്ഞരുടെ പ്രമോഷൻ**

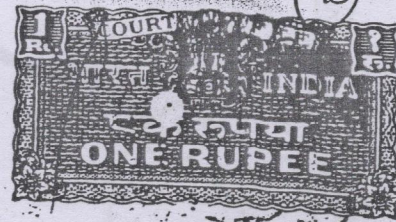
ചോദ്യം		ഉത്തരം	
<b>ശ്രീ സി ആർ മഹേഷ്</b>		<b>Shri. K. Krishnankutty (വൈദ്യുതി വകുപ്പ് മന്ത്രി)</b>	
(എ)	അനെർട്ടിലെ ശാസ്ത്രജ്ഞർക്ക് പ്രമോഷൻ നൽകിയത് ഹൈക്കോടതിയുടെ ഏത് ഉത്തരവ് പ്രകാരമാണ്; ഈ ഉത്തരവിൽ സ്ക്രീനിങ്ങും അസസ്സ്മെന്റും ഒഴിവാക്കി പ്രമോഷൻ നിർദ്ദേശിച്ചിട്ടുണ്ടോ; ഹൈക്കോടതി ഉത്തരവിന്റെ പകർപ്പ് ലഭ്യമാക്കാമോ;	(എ)	ബഹു. ഹൈക്കോടതി WP (C) NO.27417/2006 & 28824/2006 എന്നീ കേസുകളിൽ 20.01.2009-ൽ പുറപ്പെടുവിച്ച വിധിന്യായത്തിൽ, (അനുബന്ധം - I ആയി ചേർക്കുന്നു) അനെർട്ടിലെ ശാസ്ത്രജ്ഞരുടെ പ്രൊമോഷനുമായി ബന്ധപ്പെട്ട ശിപാർശ ഒരു മാസത്തിനകം സർക്കാരിൽ ലഭ്യമാക്കാനും ആയതിന്മേൽ ഇരുവിഭാഗത്തിനെയും നേരിൽ കേട്ടതിനു ശേഷം ഉചിത തീരുമാനം കൈക്കൊള്ളുവാനും യഥാക്രമം അനെർട്ട് ഡയറക്ടറോടും സർക്കാരിനോടും നിർദ്ദേശിക്കുകയുണ്ടായി. ആയതിന്റെ അടിസ്ഥാനത്തിൽ, 12.08.2009 ലെ G.O. (Rt) 218/2009/PWR പ്രകാരം (അനുബന്ധം II ആയി ചേർക്കുന്നു) സ്ക്രീനിംഗ് ആൻഡ് അസ്സെസ്സ്മെന്റ് കമ്മിറ്റി രൂപീകരിക്കുകയും പ്രസ്തുത സ്ക്രീനിംഗ് ആൻഡ് അസ്സെസ്സ്മെന്റ് കമ്മിറ്റി മുമ്പാകെ യോഗ്യത നേടുന്നതിൽ പരാജയപ്പെട്ട നാലു ശാസ്ത്രജ്ഞർക്ക് പ്രമോഷൻ നൽകേണ്ടതില്ലായെന്ന് 16.01.2010 ലെ G O (Rt) No.13/2010/PWR പ്രകാരം (അനുബന്ധം III ആയി ചേർക്കുന്നു) ഉത്തരവാകുകയുണ്ടായി. തുടർന്ന്, ബഹു. ഹൈക്കോടതി മുമ്പാകെ 12.08.2009 ലെ G.O. (Rt) 218/2009/PWR, 16.01.2010 ലെ G.O. (Rt) No.13/2010/PWR എന്നിവ റദ്ദാക്കണ(quash)മെന്നാവശ്യപ്പെട്ടും CSIR പാറ്റേൺ പ്രകാരം പ്രമോഷൻ അനുവദിക്കണമെന്നും ആവശ്യപ്പെട്ട് അനെർട്ടിലെ ശാസ്ത്രജ്ഞരായ ശ്രീ. പി. വൽസരാജ്, ശ്രീമതി കമലാദേവി. വി. എന്നിവർ ഫയൽ ചെയ്ത WP(c) No. 31359/2010 ബഹു കോടതിയുടെ പരിഗണനയിലിരിക്കെ, ശ്രീ. പി. വൽസരാജ് സർക്കാർ മുമ്പാകെ 09.02.2012ൽ സമർപ്പിച്ച റിവ്യൂ പെറ്റീഷന്റെ അടിസ്ഥാനത്തിലാണ്, ടി കേസിന്റെ അന്തിമ വിധിന്യായത്തിനു വിധേയമായി അനെർട്ട് ഡയറക്ടർ ശിപാർശ

			ചെയ്തതിൻ പ്രകാരം അനെർട്ടിലെ ശാസ്ത്രജ്ഞർക്ക് പ്രമോഷൻ നൽകിയിട്ടുള്ളത്.
(ബി)	<p>പ്രസ്തുത ഉത്തരവ് പ്രകാരം സ്ക്രീനിംഗ് ആൻഡ് അസസ്സ്മെന്റ് കമ്മിറ്റി രൂപീകരിച്ചിട്ടുണ്ടോ; ഈ കമ്മിറ്റി മുൻപാകെ എത്ര പേർ യോഗ്യത നേടി;</p>	(ബി)	<p>ബഹു. ഹൈക്കോടതി WP (C) NO.27417/2006 &amp; 28824/2006 എന്നീ കേസുകളിൽ 20.01.2009-ൽ പുറപ്പെടുവിച്ച വിധിന്യായത്തിൽ, (അനുബന്ധം - I ആയി ചേർക്കുന്നു) അനെർട്ടിലെ ശാസ്ത്രജ്ഞരുടെ പ്രൊമോഷനുമായി ബന്ധപ്പെട്ട ശിപാർശ ഒരു മാസത്തിനകം സർക്കാരിൽ ലഭ്യമാക്കാനും ആയതിന്മേൽ ഇരുവിഭാഗത്തിനെയും നേരിൽ കേട്ടതിനു ശേഷം ഉചിത തീരുമാനം കൈക്കൊള്ളുവാനും യഥാക്രമം അനെർട്ട് ഡയറക്ടറോടും സർക്കാരിനോടും നിർദ്ദേശിക്കുകയുണ്ടായി. ആയതിന്റെ അടിസ്ഥാനത്തിൽ, 12.08.2009 ലെ G.O. (Rt) 218/2009/PWR പ്രകാരം (അനുബന്ധം II ആയി ചേർക്കുന്നു) സ്ക്രീനിംഗ് ആൻഡ് അസസ്സ്മെന്റ് കമ്മിറ്റി രൂപീകരിക്കുകയും പ്രസ്തുത സ്ക്രീനിംഗ് ആൻഡ് അസസ്സ്മെന്റ് കമ്മിറ്റി മുൻപാകെ യോഗ്യത നേടുന്നതിൽ പരാജയപ്പെട്ട നാലു ശാസ്ത്രജ്ഞർക്ക് പ്രമോഷൻ നൽകേണ്ടതില്ലായെന്ന് 16.01.2010 ലെ G O (Rt) No.13/2010/PWR പ്രകാരം (അനുബന്ധം III ആയി ചേർക്കുന്നു) ഉത്തരവാകുകയുണ്ടായി. തുടർന്ന്, ബഹു. ഹൈക്കോടതി മുൻപാകെ 12.08.2009 ലെ G.O. (Rt) 218/2009/PWR, 16.01.2010 ലെ G.O. (Rt) No.13/2010/PWR എന്നിവ റദ്ദാക്കണ(quash)മെന്നാവശ്യപ്പെട്ടും CSIR പാറ്റേൺ പ്രകാരം പ്രമോഷൻ അനുവദിക്കണമെന്നും ആവശ്യപ്പെട്ട് അനെർട്ടിലെ ശാസ്ത്രജ്ഞരായ ശ്രീ. പി. വൽസരാജ്, ശ്രീമതി കമലാദേവി. വി. എന്നിവർ ഫയൽ ചെയ്ത WP(c) No. 31359/2010 ബഹു കോടതിയുടെ പരിഗണനയിലിരിക്കെ, ശ്രീ. പി. വൽസരാജ് സർക്കാർ മുൻപാകെ 09.02.2012ൽ സമർപ്പിച്ച റിവ്യൂ പെറ്റീഷന്റെ അടിസ്ഥാനത്തിലാണ്, ടി കേസിന്റെ അന്തിമ വിധിന്യായത്തിനു വിധേയമായി അനെർട്ട് ഡയറക്ടർ ശിപാർശ ചെയ്തതിൻ പ്രകാരം അനെർട്ടിലെ ശാസ്ത്രജ്ഞർക്ക് പ്രമോഷൻ നൽകിയിട്ടുള്ളത്.</p>
(സി)	<p>പ്രസ്തുത കമ്മിറ്റി മുൻപാകെ പരാജയപ്പെട്ട എത്ര ശാസ്ത്രജ്ഞർക്ക് ഇതുവരെ പ്രൊമോഷൻ നൽകിയിട്ടുണ്ട്; ഉണ്ടെങ്കിൽ ഇവരുടെ പേര്, തസ്തിക, ശമ്പളം തുടങ്ങിയ വിവരങ്ങൾ ലഭ്യമാക്കുമോ;</p>	(സി)	<p>12.08.2009 ലെ G.O.(Rt)218/2009/Powerപ്രകാരം രൂപീകരിച്ച സ്ക്രീനിംഗ് ആൻഡ് അസസ്സ്മെന്റ് കമ്മിറ്റി മുൻപാകെ പരാജയപ്പെട്ട നാലു ശാസ്ത്രജ്ഞർക്ക് പ്രമോഷൻ നൽകിയിട്ടുണ്ട്. ശ്രീ. വൽസരാജ്. പി, സയന്റിസ്റ്റ് (എഫ്) 2,21,654/- രൂപ (പ്രതിമാസ ശമ്പളം) ശ്രീമതി കമലാദേവി .വി, സയന്റിസ്റ്റ് (എഫ്) 2,21,654/-രൂപ (പ്രതിമാസ ശമ്പളം ) ശ്രീ. പ്രേംകുമാർ. കെ. സയന്റിസ്റ്റ് (എഫ്) 2,18,670/- രൂപ</p>

			(പ്രതിമാസ ശമ്പളം) ശ്രീ. പ്രമോദ്. എൻ. ഇ., സയന്റിസ്റ്റ് (ഇ 2) 1,54,480/- രൂപ (പ്രതിമാസ ശമ്പളം)
(ഡി)	ഇതേ ഹൈക്കോടതി ഉത്തരവിന്മേൽ വീണ്ടും സ്ക്രീനിംഗും അസസ്മെന്റും ഒഴിവാക്കി പ്രമോഷൻ നൽകിയിട്ടുണ്ടോ; ഇത് നിയമനുമതിയോ; വിശദീകരിക്കുമോ;	(ഡി)	പ്രമോഷൻ അനുവദിക്കണമെന്നാവശ്യപ്പെട്ട് ശ്രീ. പ്രേംകുമാർ. കെ., ശ്രീ. പ്രമോദ്. എൻ. ഇ. എന്നിവർ യഥാക്രമം WP(c) No. 4225/2019, WP(c) No.4172/2019 ഫയൽ ചെയ്യുകയും ബഹു. ഹൈക്കോടതി, 27.08.2019ലെ വിധിനൂതനത്തിൽ അനൗദ്യോഗിക ശാസ്ത്രജ്ഞരുടെ പ്രൊമോഷനുമായി ബന്ധപ്പെട്ട് ഏകീകൃതനയം നടപ്പിലാക്കാൻ സർക്കാരിന് നിർദ്ദേശം നൽകുകയും ചെയ്തതിന്റെ അടിസ്ഥാനത്തിൽ, ശ്രീ. പ്രേംകുമാർ. കെ., ശ്രീ. പ്രമോദ്. എൻ. ഇ. എന്നിവർക്ക് പ്രമോഷൻ നൽകുകയുണ്ടായി.
(ഇ)	ഹൈക്കോടതി ഉത്തരവ് സി.എസ്.ഐ.ആർ. ചട്ടങ്ങളും അനൗദ്യോഗിക ഉദ്യോഗസ്ഥർ തെറ്റായി സർക്കാരിന് റിപ്പോർട്ട് ചെയ്തിട്ടുണ്ടോ; ഉണ്ടെങ്കിൽ വിജിലൻസ് അന്വേഷണത്തിന് നടപടി സ്വീകരിക്കുമോ?	(ഇ)	പരിശോധിച്ചു വരുന്നു.

സെക്ഷൻ ഓഫീസർ





IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

TUESDAY, THE 20TH JANUARY 2009 / 30TH POUSHA 1930

WP(C).No. 27417 of 2006(L)

PETITIONERS:

1. P.VALSARAJ,  
SCIENTIST-B, ANERT, PATTOM P.O.,  
KESAVADASAPURAM, THIRUVANANTHAPURAM-4.

2. V.KAMALA DEVI,  
SCIENTIST-B,  
ANERT, PATTOM P.O., KESAVADASAPURAM,  
THIRUVANANTHAPURAM-4.

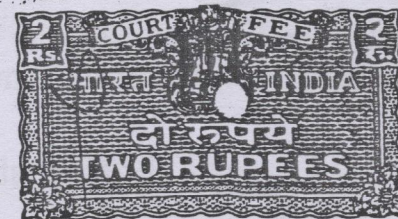
BY ADV. SRI.G.SASIDHARAN CHEMAZHANTHIYIL  
SRI.S.VISHNU  
SRI.MANOJ RAMASWAMY  
SMT.VIVEEJA RAVEENDRAN

RESPONDENT(S):

1. THE CHIEF SECRETARY TO GOVERNMENT,  
GOVERNMENT OF KERALA,  
SECRETARIAT, THIRUVANANTHAPURAM.
2. THE PRINCIPAL SECRETARY,  
POWER (PS) DEPARTMENT, GOVERNMENT OF KERALA,  
SECRETARIAT, THIRUVANANTHAPURAM.
3. THE DIRECTOR,  
AGENCY FOR NON-CONVENTIONAL ENERGY AND  
RURAL TECHNOLOGY, KESAVADASAPURAM,  
THIRUVANANTHAPURAM-4.
4. AGENCY FOR NON-CONVENTIONAL ENERGY  
AND RURAL TECHNOLOGY, REPRESENTED BY ITS  
EXECUTIVE COMMITTEE, ANERT, KESAVADASAPURAM;  
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI SHYSON P. MANGUZHA FOR R1 & R4  
SRI.V.G.ARUN, SC FOR R3&4  
SRI.T.R.HARIKUMAR FOR R3&4

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ALONG WITH WRIT NO. 28824 OF 2006 ON 10/01/2009 THE COURT





(15)



HARUN-UL-RASHID, J.

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W.P. (C) .NOS.27417 & 28824 OF 2006  
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DATED THIS THE 20TH DAY OF JANUARY, 2009

JUDGMENT

The petitioners in W.P.(C).No.27417/2006 seek for a direction to respondents to implement Ext.P2 as approved and sanctioned by Exts.P3 and P5, ~~to release the arrears~~ of salary for the period from 1/1/1996 to 31/3/1998 as sanctioned by Ext.P5 with interest at the prevailing interest rates, to implement pay and allowances and other service benefits as provided for in the CSIR pattern and as sanctioned by Exts.P1 and P3, to consider sanctioning the petitioners' service benefits other than pay and allowances either as per CSIR norms or the State norms as applicable to the non-scientific staff in ANERT, to consider the petitioners' promotion under the CSIR pattern on minimum residency period with effect from the eligibility dates and to sanction the arrears consequent on such promotion and to release their salary arrears from 1/1/96 to 31/3/98 with eligible interest



W.P.(C).Nos.27417 & 282824/2006

with effect from 26/9/98.



2.In W.P.(C).No.28824/2006 the petitioner seeks for a declaration that he is entitled to all the service benefits enjoyed by the Scientists in CSIR and also for a direction to the respondents to allow DA (including merger of 50 DA with basic pay) and other allowances like CCA, HRA, Transport Allowance and other service benefits as LTC, incentive for higher qualification as per CSIR pattern and to disburse the consequential monetary benefits with arrears thereon, to disburse the arrears of salary due to him for the period from 1/1/96 to 31/3/1998 with interest at the rate of 12% per annum from the date of Ext.P2 till payment, to given him promotion with effect from the due dates on the basis of the minimum years of service prescribed in Ext.P13 rules and to disburse the consequential monetary benefits with arrears thereon and such other reliefs.

3.Petitioners are Scientists, who were recruited based on the All India competition in the 4<sup>th</sup> respondent establishment.



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Ext.P1 is the order dated 6/12/1987 passed by the Government.

By Ext.P1 order the Government with a view to attracting the best scientific talents in the country, proposed to provide the scientific staff, the pay and service conditions comparable to those existing in organizations such as the CSIR/ICAR/UGC and similar organizations of the Government of India. The Government therefore directed all Research and Development Centres under Science, Technology and Environment Department to provide the Scientists working in CSIR/ICAR/UGC of the Central Government scale of pay, allowances and comparable service conditions and all the rules governing such things should be identical with any one of the organizations such as CSIR/ICAR/UGC of the Central Government. Pursuant to Ext.P1 Government Order the matter was placed before the 35<sup>th</sup> Executive Committee of the 4<sup>th</sup> respondent held on 3/7/98. The Executive Committee, 4<sup>th</sup> respondent decided to implement the pay revision after obtaining approval of Government on



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condition that Transport Allowances will be considered later. It was further decided that the monetary benefit on revised scale will be ;given with effect from 1-4-98 and the arrears from 1/1/96 to 31/3/98 will be paid later, according to availability of funds.

4. This Court by interim order dated 27/3/2007 considered the relief as sought for in respect of disbursement of pay and allowances. This Court noticed that due to the administrative delay as also the delay in getting permission from the 1st respondent-Government, the amount could not be paid during 2005-06 and the delay continued during the year 2006-07 also. This Court issued directed respondents 2 and 3 in W.P.(C). No.27417/06 and respondents 2 and 3 in W.P.(C).No.28824/06 to disburse the arrears of pay and allowances at the revised CSIR rate to the petitioners for the period 1/1/96 to 31/3/1998 within one month. The proposal of the 4<sup>th</sup> respondent was approved by the Government by Ext.P3 orders. It is submitted by the learned counsel for the petitioner that pursuant to the interim order



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passed by this Court the arrears of pay and allowances are disbursed to the petitioners.

5. Learned counsel for the petitioners pray for a direction to the respondents to consider the petitioners' promotion under the CSIR pattern on minimum residency period with effect from the eligibility dates and to sanction the arrears consequent on such promotion. In Ext.P1 order it is made clear that the scientific staff working in the 4<sup>th</sup> respondent shall be provided with CSIR/ICAR/UGC of Central Government scales of pay, allowances and comparable service conditions and all the rules governing such things should be identical with any one of the organizations such as CSIS/ICAR/UGC of the Central Government. In terms of Ext.P1 the 4<sup>th</sup> respondent passed Ext.P2 proposal and on the basis of the same the government passed Ext.P3 sanction order. The persons consisting of Scientists working in the ANERT is only 3. Originally there were 8 Scientists in the ANERT. Ext.P1 was issued with a view to



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they have completed sufficient period to receive three promotions as per the CSIR norms. According to them, not a single action or procedure has been taken so far by ANERT for their promotions, after 13 years of their recruitment. It is a fact that the petitioners are entitled to get promotion on a time bound basis. There is no dispute regarding this aspect. The only works standing in the way is the negative attitude of the 4<sup>th</sup> respondent in not responding to the repeated requests made by the Scientists including the petitioners.

7. In the facts and circumstances of the case, I am of the view that the grievance of the petitioners has to be redressed within a short time. The allowances due to the Scientists in the 4<sup>th</sup> respondent Agency are denied without any reason. At the same time some allowances are enjoyed by the CISR Scientists.

8. Learned counsel appearing for the 4<sup>th</sup> respondent submitted that there is difference in basic qualifications for the recruitment of Scientists in the 4<sup>th</sup> respondent-Agency and other





institutions under Kerala State Council for Science Technology and Environment (KSCSTE). As such the Scientists in ANERT cannot claim parity with other Scientists working with the CSIR pattern in other institutions under KSCSTE. It is also submitted that the Government in the guidelines issued introducing CSIR pattern has also stated this and explained Exts.P1, P3 and P5. According to the 4<sup>th</sup> respondent, Exts.P1, [3] and P5 were self-explanatory and therefore the contention raised by the petitioners that they should get all the benefits of CSIR pattern is baseless and untenable. Learned counsel for the petitioners pointed out that the qualifications prescribed for the post of Scientists in ANERT and CSIR are same or equivalent. Ext P14 is the relevant extract of the order prescribing qualifications. Even otherwise Exts.P1, P2 and P3 conclude the questions and it cannot be disputed that the petitioners are also ~~entitled~~ entitled to the same scale of pay and allowances and other service benefits in parity with CSIR. From the minutes of the 14<sup>th</sup>



W.P.(C).Nos.27417 & 282824/2006



Executive Committee meeting of the ANERT held on 23-7-2008

it is noticed that the committee discussed the issue and directed to prepare a detailed proposal for staff along with the promotion rule applicable to ANERT. Pursuant to Ext.P17 resolution, the petitioners submit, the Scientists working in the 4<sup>th</sup> respondent submitted another representation requesting to pass appropriate orders stating that the promotion of Scientists may not be delayed any further, since they were recruited 14 years ago and any further delay would affect the morale of the Scientists working in the ANERT.

9. In the circumstances pointed out above and in view of the decision of the Executive Committee of ANERT in its 14<sup>th</sup> meeting reconsidering the situation and directing the 3<sup>rd</sup> respondent-Director to put up a proposal for staff along with the promotion rule applicable to ANERT, I think the prayer for a direction to the respondents to consider the petitioner's promotion under the CSIR pattern with effect from the eligibility data can be



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granted. The 3<sup>rd</sup> respondent-Director is directed to submit proposal to the Government within a period of one month from today and the Government shall pass orders on the question of promotion and other allowances due to the petitioners under the CSIR pattern within a period of two months thereafter, after affording an opportunity to both sides. Petitioners are directed to represent their stand before the Director and the Government.

Writ Petitions are disposed of as above.

*Sd/-*  
HARUN-UL-RASHID,  
Judge.

kcv.



GOVERNMENT OF KERALA

ABSTRACT

Power Department - ANERT - Promotion of Scientists - Constitution of Screening Committee and Assessment Committee - Sanctioned - Orders issued

POWER (PS) DEPARTMENT

G.O.(Rt)No.218/2009/PD

Dated, Thiruvananthapuram, 12.08.2009 ✓

Read: Judgment in WP(C) No:27417/06 & 28824/06 dated 20.01.2009 from the Hon'ble High Court, Kerala.

ORDER

Shri.P.Valsaraj and Smt.V.Kamala Devi Scientists B in ANERT and Shri.N.E.Pramod now working in M/s.Vestas Wind Technology (India) (P) Limited filed WP(C)No 27417/06 and 28824/06 in Hon'ble High Court for getting them promotion as per CSIR norms, and salary and allowances as in CSIR pattern. The Hon'ble High Court in the judgment read as above, directed the respondents to consider the petitioner's claim for promotion under the CSIR pattern with effect from the eligibility date after affording an opportunity for hearing both parties (The Director, ANERT and the Petitioners).

In the hearing, the Director, ANERT has reported that in ANERT for promotion of Scientists KSCSTE Rules are being followed and as per KSCSTE Rules, a Screening Committee and an Assessment Committee are to be constituted for considering the promotion of Scientists.

Government have considered the matter in detail and are pleased to issue sanction to constitute a Screening Committee and Assessment Committee consisting of the following to consider the promotion of the petitioners with immediate effect.



Screening Committee:

The Director, ANERT  
Dr. Ajith Prasad V.

Dr. Jayasankar

Chairman  
Principal Scientific Officer and Head  
SPMD, Sasthrabhavan, Pattom,  
Thiruvananthapuram  
Principal (Retired), Govt. Engineering  
College, Sreeparameswaram,  
Kumarapuram, Medical College. P.O.,  
Thiruvananthapuram

Assessment Committee:

1. Prof. P.J. Paul, Chief Executive, ABETS, Combustion, Gasification, and Propulsion Laboratory (CGPL), Department of Aero Space Engineering, Indian Institute of Science (IISc), Bangalore - 560012
2. Mr. N. Krishnan, Director General, Software Technology Parks of India (STPI), Electronics Niketan, 6, C.G.O. Complex, Lodhi Road, New Delhi - 110 003
3. Dr. B.C. Pai, Acting Director, National Institute for Interdisciplinary Science & Technology (NIIST), Council of Scientific and Industrial Research, Industrial Estate P.O., Thiruvananthapuram - 695 019
4. Dr. M. Harisankar, Visiting Professor, Information Technology Department, Indian Institute of Management Kozhikkode (IIMK), IIMK Campus P.O., Kozhikkode, Kerala, PIN - 673 570
5. The Director, ANERT, Thiruvananthapuram

By Order of Governor,  
**L. RADHAKRISHNAN**  
Principal Secretary

To

The Director, ANERT, Thiruvananthapuram (for immediate action)  
The Advocate General, Ernakulam.

✓ Shri P. Valsaraj, Scientist B, ANERT

Smt. Kamala Devi, Scientist B, ANERT.

Shri. N.E. Pramod, M/s Vestas Wind Technology (India) (P) Ltd., 298 Old  
Mahabalipuram Road, Sholinganallor, Chennai.

All Committee Members.

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Forwarded/ By Order

*Radhakrishnan*

SECTION OFFICER



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GOVERNMENT OF KERALA

ABSTRACT

Power Department - Shri.P.Valsaraj, Smt.V.Kamala Devi & Shri.N.E.Pramod (Scientists in ANERT) - Claim for promotion - disposed of in terms of Court direction - Orders issued

POWER (PS) DEPARTMENT

G.O.(Rt)No.13/2010/PD

Dated, Thiruvananthapuram, 16.01.2010

- Read: 1. Judgment in WP(C) No.27417/06 & 28824/06 dated 20.01.2009 of the Hon'ble High Court, Kerala.  
2. G.O.(Rt)No.218/2009/PD dated 12.08.2009

ORDER

As per the reference read as first paper above, the Hon'ble High Court has directed Government to consider the claim of Shri.P.Valsaraj, Smt.V.Kamala Devi and Shri.N.E.Pramod (Scientists in ANERT) for promotion under the CSIR pattern with effect from the eligibility date without further delay after affording them an opportunity for hearing Director, ANERT and Petitioners. The operative part of the judgment is as follows:-

*"In the circumstances pointed out above and in view of the decision of the Executive Committee of ANERT in its 14th meeting I think that a direction be issued to the respondents to consider the petitioners' claim for promotion under the CSIR pattern with effect from the eligibility date without further delay. The 3rd respondent-Director is directed to submit proposal to the Government within a period of one month from today and the Government shall pass orders on the question of promotion and other allowances due to the petitioners under the CSIR pattern within a period of two months thereafter, after affording an opportunity of being heard to both sides. Petitioners are directed to represent their stand before the Director and the Government."*

2. Subsequently the Hon'ble High Court has allowed time up to 17.01.2010 for complying with the judgment.

3. As authorised by the Principal Secretary (Power) the Additional Secretary, Power Department heard the petitioners on 20.04.2009. Shri.P.Valsaraj, Smt.V.Kamala Devi and the Director, ANERT were present. Shri.N.E.Pramod did not attend hearing. However his request was also considered.



4. The rules now followed in ANERT for promotion is KSCSTE Rules. As per the said rules a Screening Committee and an Assessment Committee are to be constituted for considering promotion of Scientists and promotions are done in accordance with the report of the Committee. Hence Government as per order read as second paper above have constituted a Screening Committee and Assessment Committee for considering the promotion of the petitioners.

5. The Screening Committee consisting of Dr.B.Chandra Choodan Nair, Director, ANERT, Prof.G.Jayasanker, Principal (Rtd.), Barton Hill Engineering College, Thiruvananthapuram and Dr.V.Ajith Prabhu, Principal Scientific Officer, STED met on 07.11.2009 & 17.11.2009. Prior to the Screening Committee meeting due notice was given to the scientists to make available their self assessment reports in order to evaluate their performance and to make recommendations to the Assessment Committee. But none of the petitioners submitted their self assessment report on both the meetings. The relevant portion of the minutes of the Screening Committee meeting is furnished below:

*"The Screening Committee constituted, pursuant to the sanction issued by the Government, met on 07.11.2009, examined all the relevant documents/data, and evaluated the position in the context of the direction contained in the judgment of the Hon. High Court. Prior to the Screening Committee meeting on 07.11.2009 due notice had been given to the Scientists concerned to make available their self assessment reports so that the Screening Committee can evaluate their performance and make its recommendations to the Assessment Committee. No such report was filed by the Scientists. The Director, ANERT in his capacity as the head of the organisation submitted a detailed note explaining formation of the organisation and the background of the case. On detailed examination of all the available records pertaining to the three scientists and Shri.Premkumar (another scientist now working on deputation), the Screening Committee assessed the eligibility of the scientists for making its recommendation to the Assessment Committee, in the manner provided by CSIR norms. In the absence of self assessment reports by the scientists concerned, the Committee decided to give them time till 16th of November 2009 for furnishing self assessment reports."*

*In spite of extending the time for furnishing self-assessment reports, the Scientists did not submit any report. The Screening Committee again met on 17.11.2009 and evaluated the position in detail. Smt.V.Kamala Devi and Shri.P.Valsaraj had submitted a statement to the effect that there is a case pending before the Hon'ble High Court filed by them on this issue and therefore they are not submitting the assessment details. The Screening Committee took note of the submission made by*

*this is against  
the stand taken  
before High Court  
(Page 8 of  
judgment)*

*Shri P. Valsaraj*



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Smt.V.Kamala Devi and Shri.P.V.Valsaraj that there is a case pending before the Hon'ble High Court and observed that Court notices are not received at that time and the Committee will proceed in accordance with the available records. In view of the stand taken by the Scientists and in the absence of any self-assessment reports submitted by them, the Screening Committee assessed all the other available records in order to determine the eligibility of the said Scientists to the Assessment Committee.

Since Contempt of Court case already filed before the High Court this was an impossible task for me.

P.Valsaraj

Please that this Restructuring no. came 9 months after my judgment. This AO itself is issued by the court.

P.Valsaraj

ex CSIR Rule itself, is normal as are exorable structure of the court need to be relaxed procedure. P.Valsaraj

The Committee has also observed that as per G.O.(P)9/2009/PD dated 18.09.2009 Government issued orders restructuring ANERT. In that order the following conditions are also specified:

A process of assessment and promotion of all the existing ANERT functionaries and the IREP functionaries shall be undertaken on a one time basis considering their overall performance, training, projects undertaken, academic work pursued etc. The assessment process, shall be done by a multidisciplinary committee of external experts with domain expertise in different areas.

A committee for rectification of anomalies in the matter of pay, allowances and other service conditions in ANERT as discussed earlier within the overall framework of the report of the restructuring committee shall also be constituted. Their various grievances regarding issues of past service, complaints of discrimination in the matter of service benefits extended earlier and stagnation etc. shall be resolved and the existing posts shall be rationalized to a minimal set in accordance with the pay commission recommendations by providing appropriate fitment benefits. The committee shall take a considered view of improving the overall work environment in ANERT in finalizing its recommendations.

To comply with the direction of the Hon'ble High Court to consider their plea for promotion and arrear pay as per CSIR pattern, the Committee noted that the CSIR pattern of promotion rules (Ext. R1) provide for a Screening Committee and Assessment Committee, with well-defined procedures which are quoted here:

"In the case of Scientist-B and above up to Scientist-F, the Director of the Centre shall constitute an Internal Screening Committee 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".



Here since there are no assessment reports or self-appraisal forms available for these candidates even after instructions issued to them, the Committee assessed the eligibility of the Scientists based on all other relevant records as follows:

Sl. No	Smt.V.Kamala Devi	<p>Appointed as Scientist-B on 24-09-1993. Probation declared with effect from 1-10-94. Given memo for frequently absenting from office without obtaining permission vide memo.No.10073/A2/02 dated 5-12-02 and let off with a warning as per A.O.No.2127/02 (10073/A2/02) dated 17-01-03</p> <p>Not willing to take up control of the central store.</p> <p>Acquired Masters Degree in 2003.</p>
2	Sri.P.Valsaraj	<p>Appointed as Scientist-B on 16.03.1995. Probation declared with effect from 22-3-96. Attended various trainings.</p> <p>Memo was given to him for lack of enthusiasm and least interest of work assignment, based on the report of Dr.Sethumadhavan.</p> <p>Acquired Masters Degree in 2003</p> <p>Posted in RERTC but reluctant to work there.</p> <p>Suspended from service during 2009 for unauthorised absence and insubordination</p>
3	Sri.N.E.Pramod	<p>Appointed on contract basis on 16.03.1995.</p> <p>Service regularised vide A.O.No.108/98/Admn dated 23.01.98</p> <p>Probation declared with effect from 05.04.97</p> <p>Acquired Masters Degree</p> <p>Memo of charges given to Sri.N.E.Pramod</p>



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		vide A2-5224/02 dated 09.10.2002. He was placed under suspension vide A.O.No.394/Admn (A2/5224/02/ANERT dated 19-07-2003. Trainings attended. Now on Leave without allowances for five years.
4	Sri.T.K.Premkumar	Appointed as Scientist-B on 16-03-1995 Probation declared with effect from 22-03-96 Trainings attended Now on deputation in C-DIT

placed under  
A.O.No.394/A

*The Screening Committee is not recommending any of the Scientists to the Assessment Committee"*

6. The Screening Committee has not recommended any of the Scientists to the Assessment Committee for promotion. In the circumstances it is not possible to consider the promotion of the petitioners under CSIR pattern. Hence the petitioners' claims for promotion and arrear pay as per CSIR pattern is declined and the matter stands disposed of as above.

By Order of Governor,  
**L.RADHAKRISHNAN**  
Principal Secretary

To

The Director, ANERT, Thiruvananthapuram  
Shri.P.Valsaraj, Scientist-B, ANERT  
Smt.V.Kamala Devi, Scientist-B, ANERT  
Shri.N.E.Pramod, M/s Vestas Wind Technology India (P)-298 Old  
Mahabalipuram Road, Sholinganalloor, Chennai 044-24505101  
The Advocate General, Ernakulam (With C/L)  
Stock file/ Office copy

Copy to:

P.A. to Principal Secretary  
CA to Additional Secretary  
Deputy Secretary  
Under Secretary

Forwarded/ By Order

*Radhakrishnan*

SECTION OFFICER