

**15 -ാം കേരള നിയമസഭ**

**2 -ാം സമ്മേളനം**

**നക്ഷത്ര ചിഹ്നം ഇല്ലാത്ത ചോദ്യം നം. 3616**

**05-08-2021 - ൽ മറുപടിയ്ക്ക്**

**അനെർട്ടിലെ വിജിലൻസ് അന്വേഷണം**

ചോദ്യം		ഉത്തരം	
<b>ശ്രീ എം വിൻസെൻറ്</b>		<b>Shri. K. Krishnankutty (വൈദ്യുതി വകുപ്പ് മന്ത്രി)</b>	
(എ)	അനെർട്ടിൽ ഗവേഷണപ്രവർത്തനങ്ങൾക്കായി കഴിഞ്ഞ പത്ത് വർഷത്തിനുള്ളിൽ എത്ര തുക അനുവദിച്ചിട്ടുണ്ട്; എത്ര തുക ചെലവാക്കി; ഇന്നു തിരിച്ച് ലഭ്യമാക്കാമോ;	(എ)	അനെർട്ടിൽ ഗവേഷണ പ്രവർത്തനങ്ങൾക്കായി കഴിഞ്ഞ പത്ത് വർഷത്തിനുള്ളിൽ 10,77,44,000/- രൂപ (പത്ത് കോടി എഴുപത്തി ഏഴ് ലക്ഷത്തി നാല്പത്തി നാലായിരം രൂപ മാത്രം) ചെലവാക്കി. വിശദവിവരം അനുബന്ധം I ആയി ചേർക്കുന്നു.
(ബി)	എ. ജി.യുടെ പരിശോധന റിപ്പോർട്ടിന്റെ അടിസ്ഥാനത്തിൽ സയന്റിസ്റ്റുകൾക്ക് പ്രൊമോഷൻ നൽകിയത് വിജിലൻസ് അന്വേഷിക്കണം എന്ന് ആവശ്യപ്പെട്ടുകൊണ്ട് ഊർജ്ജ വകുപ്പ് സെക്രട്ടറിക്കും അനെർട്ട് ഡയറക്ടർക്കും പരാതി ലഭിച്ചിട്ടുണ്ടോ; ഇതിന്മേൽ എന്ത് നടപടി സ്വീകരിച്ചു എന്ന് അറിയിക്കാമോ;	(ബി)	ലഭിച്ചിട്ടുണ്ട്. ആയതിന്മേൽ എ. ജി.യുടെ പരിശോധന സംബന്ധിച്ച അന്തിമ റിപ്പോർട്ട് ലഭിച്ചതിനുശേഷം തുടർ നടപടി സ്വീകരിക്കുന്നതാണ്.
(സി)	അനെർട്ടിലെ സയന്റിസ്റ്റുകൾക്ക് പ്രൊമോഷൻ നൽകിയത് നിയമവിരുദ്ധമാണെന്നും ഏതെങ്കിലും ഏജൻസി അന്വേഷിക്കണമെന്നും ആവശ്യപ്പെട്ടുകൊണ്ട് എത്ര കത്തുകൾ അനെർട്ട് സർക്കാരിന് നൽകിയിട്ടുണ്ട്; എല്ലാ കത്തുകളുടെ പകർപ്പുകളും ലഭ്യമാക്കാമോ; സർക്കാർ ഇതിന്മേൽ എന്ത് നടപടി സ്വീകരിച്ചുവെന്ന് അറിയിക്കാമോ;	(സി)	അനെർട്ടിലെ സയന്റിസ്റ്റുകൾക്ക് പ്രൊമോഷൻ നൽകിയത് നിയമ വിരുദ്ധമാണെന്നും ഏതെങ്കിലും ഏജൻസി അന്വേഷിക്കണമെന്നും ആവശ്യപ്പെട്ട അനെർട്ടിൽ നിന്നും മൂന്ന് കത്തുകൾ ലഭിച്ചിട്ടുണ്ട്. ആയതിന്റെ പകർപ്പുകൾ അനുബന്ധം II ആയി ചേർക്കുന്നു. ഇക്കാര്യം പരിശോധിച്ചു വരികയാണ്.
(ഡി)	ഇതിൽ അഴിമതി നടന്നതായി സർക്കാരിന്റെ ശ്രദ്ധയിൽപ്പെട്ടിട്ടുണ്ടോ; എങ്കിൽ വിജിലൻസ് അന്വേഷണത്തിന് നടപടി സ്വീകരിക്കുമോ?	(ഡി)	ശ്രദ്ധയിൽപ്പെട്ടിട്ടില്ല.

സെക്ഷൻ ഓഫീസർ

**അനുബന്ധം - I**

ക്രമ നമ്പർ	വർഷം	അനുവദിച്ചത് (രൂപ ലക്ഷത്തിൽ )	ചെലവ് (രൂപ ലക്ഷത്തിൽ )
1	2011-12	20	20 (സോളാർ റാന്തൽ പരിഷ്കരണം)
2	2012-13	15	15 (ബാറ്ററി ഇന്റർവെൻഷൻ പവർ സപ്ലൈ)
3	2013-14	ഇല്ല	ഇല്ല
4	2014-15	ഇല്ല	ഇല്ല
5	2015-16	ഇല്ല	ഇല്ല
6	2016-17	ഇല്ല	ഇല്ല
7	2017-18	106.2	106.2 (സൗരോർജ്ജ വിഭവ പഠന നിലയങ്ങൾ)
8	2018-19	100.25	100.25 (സൗരോർജ്ജ കയർ റാട്ട്, ഇ-ഗവർണൻസ്, മൊബൈൽ-ആപ്)
9	2019-20	325	325
10	2020-21	510.99	510.99 (സൗരോർജ്ജ ഉപകരണങ്ങളുടെ ടെസ്റ്റിങ്ങിനുള്ള ലബോറട്ടറി, സാങ്കേതിക സ്ഥാപനങ്ങൾക്കുള്ള ഗവേഷണ വികസന പ്രോജക്റ്റുകൾ, രാമക്കൽമേട് അക്ഷയ ഊർജ്ജ പാർക്ക്, ഹൈഡ്രജൻ വാതക പ്ലാന്റ്)
	<b>ആകെ</b>	<b>1077.44</b>	<b>1077.44</b>



# ANERT

Agency for Non-Conventional Energy & Rural Technology  
(Established by Government of Kerala)

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No. 1176/HRM/12/ANERT

Date : 24.04.2013

From

Director

To

The Secretary to Government  
Power (PS) Department  
Secretariat  
Thiruvananthapuram

Sir,

Sub: ANERT –Estt – Promotion of Sri. P. Valsaraj and Smt. Kamaladevi. V,  
Scientist B in ANERT under CSIR pattern – reg.

- Ref :
1. Judgment dated : 20.01.2009 of the Hon'ble High Court of Kerala in  
W.P(C) Nos. 27417 & 28824 of 2006
  2. G.O(MS) No. 8/2013/PD dated : 22.02.2013
  3. Judgment in W.P(C) 31359/10 dated : 14.03.2013 of the Hon'ble High  
Court of Kerala.
  4. Minutes of 37<sup>th</sup> Executive Committee Meeting of ANERT held on  
25.03.2013.
  5. Lr. dated : 30.03.2013 of Adt. V.G. Arun, Standing Counsel, ANERT

Please refer to the above reference. As per the G.O (MS) No. 8/2013 dated : 22.02.2013, Government have accorded sanction to promote Sri. P. Valsaraj and Smt. Kamaladevi. V, Scientist B in ANERT under CSIR pattern, in relaxation of the provisions concerning screening and assessment process specified in **KSCSTE/CSIR Rules with prospective effect based on the judgment under reference (1)**. It was also ordered that the promotions will be subject to the final verdict of the Hon'ble High Court in W.P(C) 31359/10. The Director, ANERT placed the matter before the 37<sup>th</sup> Executive Committee Meeting of ANERT held on 25.03.2013 for finalising their promotion without screening and assessment process from scientist B to Scientist C. The EC has directed to seek further clarifications from Government for implementing the order (ref. 2) issued by the Government. (Copy of the minutes of EC enclosed).

It is seen that no relaxation from Screening and Assessment is admissible to the Scientists under CSIR pattern and no such relaxation is allowable to the Scientists

DESPATCHED

25/4/13





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working in the R&D Institutions under KSCSTE/CSIR as indicated (vide para (5)) in the Govt. order referred (2) above. **A relaxation of one year is permitted in the service of a Scientist based on exceptional performance only.** During the hearing conducted by the Government on 20.04.2009 Mr. P. Valsaraj and Smt. Kamaladevi. V requested to consider their promotion under CSIR pattern w.e.f the eligibility date. And it is also stated that the minimum residency period for promotion from Scientist B to C is 3 years, C to E1, and E1 to E2 are 4 years each, and E2 to F is 5 years. Sri. P. Valsaraj was appointed in ANERT as Scientist B as per A.O. 400/95/Admn dated : 06.03.1995 (Scale of pay of Rs. 2200-4000, R&D Division). He has joined duty in ANERT w.e.f 22.03.1995.

Smt. Kamaladevi. V was appointed in ANERT as Scientist B as per A.O. 1643/93/Admn dated : 24.09.1993 (Scale of pay of Rs. 2200-4000, Solar Photo Voltaic Section). She has joined duty in ANERT w.e.f 01.10.1994. As 6<sup>th</sup> Pay Commission recommendations were implemented in CSIR, Sri. P. Valsaraj and Smt. V. Kamaladevi were also given revised pay w.e.f 01.01.2006, based on the direction contained in the G.O (MS) No. 17/2011/PD dated : 04.03.2011.

Sri. P. Valsaraj who joined in ANERT w.e.f 22.03.1995 and Smt. Kamaladevi. V who joined w.e.f 01.10.1994 have requested for the promotions as detailed below. The submission from Sri. P. Valsaraj dated : 25.03.2013 is given below.

Cadre	Date of effect of Promotion		Scale of Pay in Rs.	Arrears
	Kamaladevi. V	P. Valsaraj		
Scientist B to Scientist C	01.10.1997	22.03.1998	8000-13500	
Scientist C to Scientist E1	01.10.2001	22.03.2002	12000-16700	
Scientist E1 to Scientist E2	01.10.2005	22.03.2006	14300-18300	
Scientist E2 to Scientist F	01.10.2010	22.03.2011	37400-67000 PB4 Grade Pay - 10000	

If promotion is allowed with **retrospective effect** as demanded by the Scientists, the approximate financial commitment **for each Scientist will be more than 32 lakhs**, which is contradictory to the G.O referred (2) above.





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In CSIR pattern residency period is linked with performance and original research contributions during the specific period. As in the judgment in W.P(C) 27417 dated : 20.01.2009 there is no mention about the specific post to which promotion to be given. In the Government order read as (2) above also has not specified to which level the scientists may be promoted relaxing the screening and assessment process.

Under these circumstances, (as directed by Executive Committee) I have approached the Standing Counsel of ANERT to clarify the legal position regarding the level of promotion to be given to Sri. P. Valsaraj and Smt. Kamaladevi.V. Accordingly he has provided the following legal advice.

**“In my opinion as far as Sri.P.Valsaraj and Smt.Kamala Devi.V are concerned, they should be granted promotion as Scientists-C without insisting on a Screening and Assessment process. It would be advisable to make it clear that the relaxation from Screening and Assessment process is only for promotion from Scientist-B to Scientist-C and that the Screening and Assessment process would be applicable for all future promotions. As far as the promotion of Sri.K.Premkumar, Scientist-B is concerned, he will have to undergo the process of Screening and Assessment for the purpose of promotion since the benefit of G.O (Ms) No.8/2013/PD is granted only for Sri.P.Valsaraj and Smt.Kamala Devi.V”.**

The original copy received from the Standing Council is enclosed for ready reference.

As mentioned earlier, in the judgment also no mention was made to which level the promotion have to be effected. In para 9 of the judgment it was stated that;

**“I think the prayer for the direction to the respondent to consider the petitioner promotion under CSIR pattern w.e.f the eligibility date can be granted”.**

The above observation in the judgment also give the clear indication that the promotion is only to the next one level, that is from Scientist B to Scientist C and not more than one promotion w.e.f different eligibility dates. Further, from the enquiries I have made with different R&D organisations, it is realised that there is no procedure that





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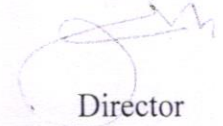
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promotion is given at a time from Scientist B to Scientist F (ie Four promotions at a time) as requested by Sri. P. Valsaraj through his submission dated : 05.04.2013.

Further, on 14.03.2013, the Hon'ble High Court has issued the judgment in W.P(C) 31359/10 dismissing the case as withdrawn and reserving liberty with the petitioners to challenge the Government Order dated : 22.02.2013 to the extent it declines the retrospective promotion under CSIR pattern in relaxation of screening and assessment process specified in KSCSTE Rules, if they are so advised in other appropriate proceedings.

Under these circumstances Government may kindly issue further direction regarding the date and level up to which the above two Scientists may be given promotion.

Yours faithfully



Director

Encl : The following records are enclosed.

1. Submission of Sri. P. Valsaraj
2. Minutes of meeting of 37<sup>th</sup> EC
3. Advice from the Standing Council
4. Judgment in W.P(C) 27417
5. Disposal dated 14.03.2011 in W.P(C) 31359/10
6. Govt. Order under reference (2)
7. Observations from CSIR Rule especially showing the rules relating to relaxation of Screening and Assessment for giving promotion to Scientists.





## ANERT

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No. 1176/HRM/2012/ANERT

Date : 18.02.2015

From

Director

To

The Secretary  
Power (PS) Department  
Govt. Secretariat  
Thiruvananthapuram

Sir,

Sub: ANERT - Estt - Promotion of Sri. P Valsaraj and Smt Kamala Devi -  
Scientist B under CSIR pattern - complaints and Advocate notice furnishing  
of report seeking orders - reg.

- Ref: 1) Correspondence ending with the issuance of G.O(MS) 8/2013/PD dated :  
22.02.2013  
2) This office letter of even no. dated : 24.04.2013, 27.11.2013 &  
07.04.2014  
3) This office letter of even no. dated : 24.02.2012 addressed to the  
Principal Secretary (Power) Department  
4) G.O(MS) No. 25/2014/PD dated : 24.07.2014  
5) Govt. Lr. No. 5778/PS2/2014 dated : 01.08.2014 & 03.09.2014

Sri. P. Valsaraj and Smt. V. Kamala Devi, Scientist B in ANERT filed Writ  
Petition (C) Nos. 25417/2006 and 28824/2006, before the Hon'ble High Court of Kerala,  
seeking direction to the respondents (i.e., Govt. of Kerala and ANERT) to extend the pay,  
allowance and other service benefits as provided in the CSIR pattern and also to consider  
their claim for promotion under CSIR norms with effect from the eligibility date. The  
writ petitions were heard by the Hon'ble Court on 20.01.2009 and disposed of with the  
direction to consider and pass orders on the claim of the petitioner for promotion, pay and  
allowances under CSIR pattern after being heard the parties. The operative part of the  
judgment is extracted below.

"In the circumstances pointed out above and in view of the decision of the  
Executive Committee of ANERT in its 14th meeting reconsidering the situation and





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directing the 3rd 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 granted. 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 to both sides. Petitioners are directed to represent their stand before the Director and the Government”.

The petitioners claim for promotion and arrears of pay as per CSIR pattern was declined by Government as per G.O(Rt) 13/2010/PD dated : 16.01.2010 after hearing the parties.

Aggrieved by the above decision of the Government Sri P. Valsaraj and Smt. Kamala Devi filed a contempt case before Hon'ble High Court (Contempt Case (c) 1373/2009) against Government. In the contempt case, an affidavit was filed by Government on 30.03.2010 wherein it was stated that “the pay and allowances of the Scientific and Technical Staff of KSCSTE and the Scientific Institution, who were drawing CSIR scales of pay in accordance with CSIR norms have been revised with effect from 01.01.2006 vide G.O (MS) 1/2010/S&TD dated : 08.01.2010. However, steps for extension of the same to ANERT is being taken, for which a period of one month would be required, as orders have to be taken on circulation of the same to various departments, including Finance Department and final decision by Council of Ministers”. Accordingly Government have examined the case of the Petitioners in detail and issued orders implementing the benefit of 6<sup>th</sup> Central Pay Commission Report to Sri. P. Valsaraj and Smt. Kamala Devi, the petitioners as per G.O(MS) 17/2011/PD dated : 04.03.2011.

Sri. P. Valsaraj and Smt. Kamaladevi V filed another W.P(C) No. 31359/2010 before the Hon'ble High Court requesting for promotion under CSIR pattern from the date of eligibility. They have also filed a review petition before Government requesting





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promotion from the eligibility date and Government as per Government Order 1<sup>st</sup> cited ordered promotion to them under CSIR pattern in **relaxation of the provisions** concerning screening and assessment process specified in KSCSTE rules with prospective effect, extending the eligibility only to those Scientists covered by Court orders and now continuing in service.

In the mean time the petitioners contempt case was closed by High Court and the W.P (C) 31359/2010 was also disposed of in the light of Government order G.O(MS) No 8/2013/PD dated : 22.02.2013, withdrawn by reserving liberty with the petitioners to challenge the said Government Order to the extend it declines the retrospective promotion under the CSIR Pattern in relaxation of screening and assessment process specified in KSCSTE Rules, if they are so advised in other appropriate proceedings.

Since Government have specifically given direction for the promotion of the 2 Scientists from Scientist B to Scientist F **in relaxation of the rules**, even after seeking clarifications pointing out certain related issues involved in this case, ANERT is acting accordingly to implement the decision.

However, the following matters are reported in obedience to the letter from Government.

The complaints against the promotion and the advocate notice forwarded as per the letters referred 5<sup>th</sup> above are against the action of Government ordering the promotion to the Scientists. Anert has sought clarifications in the matter through the letter cited (3) for which Government have issued order dated : 24.07.2014, ANERT is to carry out the orders. The allegations in the petition submitted by a group of employees stating that the benefits are being extended to these Scientists without looking in to the matters pertaining to the regularisation as well as promotion of the majority staff, pensionery benefits are not being extended to the retired personnel are not true to the facts in the present scenario. Government as per GO(Ms) No.42/2014/PD dated 09.12.2014 have regularized the services of employees in ANERT who had been appointed through





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Employment exchange for IREP project on contract basis and having more than 10 years of continuous service in ANERT. ANERT is also earnestly taking steps to extend the eligible grade promotion benefits to these employees. Pensionary benefits to the retired employees have also been disbursed and there is no arrears to be disbursed at this juncture.

It is a fact that the non-plan provision earmarked to ANERT to the tune of Rs. 246.56 lakh is not at all sufficient since an amount of Rs. 407.53 lakh has already been expended till 31.01.2015. It is pointed out that sufficient funds for salary and allowances are also to be provided, taking into consideration, the hike ordered to the Scientists. Eventhough the scientists have been ordered the monetary benefits from 22.02.2013, it is left open to them to claim the arrears and if the same may be extended to them, that will be an additional burden to the organisation. It is interalia pointed out that the Scientists have not submitted their performance report.

It is reported that eventhough Smt. Kamaladevi had earlier applied leave for 3 months from 27.02.2014 to 16.05.2014 on medical grounds enclosing a Medical Certificate indicating surgery – laparoscopy, she has later produced fitness certificate while reporting for duty with the observation in certificate that 'she is physically fit except for some mental problem for which she was taking medicine'. It is further pointed out in this regard that the Screening Committee earlier constituted for considering the promotion in 2010 had not recommended any of the Scientists to Assessment Committee. In the internal assessment for promotion carried out in 2011, Smt. Kamaladevi, Scientist qualified for promotion to the post of Scientist E1 but Sri. Valsaraj did not qualify.

Regarding the allegation in the advocate notice that Sri. P. Valsaraj the petitioner in the Writ Petition was in charge of Registrar during January-February 2012 while he had forwarded the misleading data and information to Government to grab undue promotion, it is pointed out that on going through the concerned file, it is noted that he was in charge of the Administrative Officer, while processing the case and the report in





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this regard in the processed file was sent through him and is seen approved by the then Director. However, on going through the concerned correspondence file and Note File, it is noticed that the report dated 24.02.2012 relied by Government, while issuing the Government order cited 1<sup>st</sup> is seen originated in the note file on 29.02.2012.

In the circumstances, it is requested that the Government may issue further directions necessary in this matter. Government may also think of deputing a competent team including experts/senior officials from Finance, Law and P&AR Department or any such experts as the Government may deem fit to thoroughly go through ANERT records, if necessary and finalise the case accordingly. As already pointed out, ANERT is implementing the orders of Government, based on the direction already issued.

Yours faithfully

Director



28/2020/HRM ANERT

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1515/2018/TAPAL ANERT

File No. ANERT-ADM/82/2017-OA1(HRM)

ഭരണഭാഷ - മാതൃഭാഷ

eoffice



അനേർട്ട്  
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ANERT-ADM/82/2017-OA1(HRM)

29/11/2018

The Secretary to Government  
Power Department, Government Secretariat  
Thiruvananthapuram

Sir,

Sub : ANERT- Promotion of Scientist-B in ANERT-reg

Ref : Representation dated 7/9/2018 received from Sri. N. E  
Pramod, Scientist-B (copy enclosed)

As per the ref cited, Sri N. E Pramod, Scientist – B of ANERT has requested to grant him promotion as Scientist - F as done earlier in the case of Sri. Valsaraj and Smt Kamaladevi since all of them have joined in ANERT through the same selection process conducted by IMG. Government, in compliance to a court direction to consider promotion as per the CSIR pattern, [vide GO(Ms)No.8/2013/PD dated 22/2/2013], granted promotion to two of our Scientists (Sri. Valsaraj and Smt Kamala Devi) from grade B to directly that of grade F. Now it is learnt that the other two similarly recruited Scientists, viz, Sri. K. Premkumar and Sri. Pramod N.E have also approached before the Hon Court and Govt for extending the benefit of the said Govt Orders (promotion from B to F grade) to them also. In this connection I may bring the following facts for your information.

The promotion rules followed in ANERT is KSCSTE rules. Sri.



P Valsaraj and Smt. V KamalaDevi Scientists –B of ANERT filed WP(C) before the Hon. High Court seeking direction to the respondents (Govt of Kerala & ANERT) to extend the pay, allowances and other service benefits as provided in the CSIR pattern and also to consider their claim for promotion under CSIR norms w.e.f the eligible dates. The said WPs were heard by the Hon HC on 20/01/2009 and disposed of with the direction to consider and pass orders on the claim of the petitioners for promotion, pay and allowances under CSIR pattern. There is no direction or observation in the Judgement of the Hon HC to the effect of allowing relaxation from the provisions of screening and assessment as provided in the rules, and also not specified to which level the scientists may be promoted.

The petitioners claim for promotion and arrears of pay as per CSIR pattern was declined by Govt vide GO(RT) No. 13/2010/PD dated 16/01/2010 after hearing the parties. Aggrieved by this, the petitioners filed a Contempt Case before the Hon HC against Govt. Later, Govt examined the case in detail and issued orders implementing the benefits of the 6<sup>th</sup> Central Pay Commission Report to them as per GO(MS)No. 17/2011/PD dated 4/3/2011.

Sri. P Valsaraj and Smt KamalaDevi filed another WP(C) before the Hon. HC requesting for promotion under CSIR pattern from the date of eligibility. They have also filed a review petition before Govt requesting promotion from the eligibility date and Govt as per GO(MS)No. 8/2013/PD dated 22/2/2013 ordered promotion to them in relaxation of the provisions concerning screening and assessment process specified in KSCSTE rules with prospective effect, extending the eligibility only to those Scientists covered by Court orders and now continuing in service. Later, Govt, vide GO(MS)No.25/2014/PD dated 24/7/2014 clarified that Sri. P Valsaraj and Smt Kamaladevi Scientists-B in ANERT will be granted full series of promotions from



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Scientists- B to Scientists-F as on the date of their eligibility as per CSIR norms by relaxing the screening and assessment process subject to the condition that the promotion upto 22/2/2013 will be notional and there will be no arrears and other benefits up to 22/2/2013. (Scientist-B-15600-39100;& Scientist-F-37400-67000+8900GP).

In the KSCSTE pattern, residency period is linked with performance and original research contributions during the specific period. For Scientist - B, minimum residency period linked to performance is 3 years , C to E1, and E1 to E2 are 4 years each and E2 to F is 5 years. Promotion is allowed only based on the report and recommendation of the Screening and assessment committees constituted for considering and assessing the eligibility for promotion. As such, the conditions such as (1) prescribed residency period & (2) recommendation of the screening and assessment committee regarding eligibility for promotion are to be adhered to as no relaxation is allowed by the Hon. HC. When the matter was placed before the EC for considering the promotion of the petitioners, it was recommended that the promotion may be given based on the screening and assessment process and also directed to obtain a legal opinion from the Standing Counsel before finalizing the promotion orders. Accordingly the SC had opined that "Sri. Valsaraj and Smt Kamala Devi should be granted promotion as Scientist- C without insisting on a screening and assessment process. It would be advisable to make it clear that the relaxation from the screening and assessment process is only for promotion from Scientist-B to Scientist-C and the screening and assessment process would be applicable for all future promotions. As far as the promotion of Sri Premkumar, Scientist- B is concerned, he will have to undergo the process of screening and assessment for the purpose of promotion since the benefit of GO(MS)No. 8/2013/PD is granted only for Sri.P.Valsaraj and Smt. Kamaladevi."

As mentioned earlier, in the judgement no mention was made to which level the promotion have to be effected but give the clear indication that the promotion is only to the next one level, that is from Scientist-B to Scientist-C. The existing pattern of promotion rules of CSIR and/or KSCSTE is not based on the vacancy but is based on the competitiveness/contribution/performances by the Scientists as



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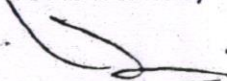
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judged/assessed by the Screening and Assessment Committees with well defined procedures. Promotion from the eligibility date (completion of the required length of service) could have been allowed to them if they were recommended by the screening and assessment committee constituted as per under KSCSTE rules. From the enquiries we have made with different R&D organizations, it is realized that that there is no procedure that promotion is given at a time from Scientist - B to F as in this case and it will be based on the strict evaluation of their performance during required residency period and also based on their research contributions.

In case we decide to accept the requests of the two Scientists, presently in Grade B, to sanction promotion directly to Grade F, without any assessment citing the GO dated 22/2/2013, it would tantamount to acting against the very spirit of the CSIR pattern of granting promotion to Scientists based on performance rather than vacancy.

In these circumstances I humbly request that kindly review the above two Govt Orders as an assessment and evaluation process is needed to be done by a committee of external subject experts to ascertain whether these Scientists were eligible to continue as Scientists - F in par with the existing KSCSTE rules and also permit to undergo the screening and assessment process for considering the promotions of Sri. Premkumar and Sri. Pramod as the panel of Field Experts are awaited from GOI as well as NIWE (National Institute of Wind Energy), Chennai for the purpose.

Yours faithfully



DIRECTOR