



न्यायालय मुख्य आयुक्त निःशक्तजन
Court of Chief Commissioner for Persons with Disabilities
सामाजिक न्याय एवं अधिकारिता मंत्रालय
Ministry of Social Justice & Empowerment
निःशक्तता कार्य विभाग / Department of Disability Affairs

Case No.10/1015/13-14

Dated:- 01.04.2014

In the matter of:

Suo Motu

..... Complainant

Versus

Central Pulp and Paper Research Institute,
Through the Director,
Paper Mill Road, Himmat Nagar,
Saharanpur – 247001 (U.P.)

..... Respondent No.1

Date of hearing : 11.02.2014

Present :

1. Shri Arvind Kumar Sharma, the affected person.
2. S/Shri Anil Kumar, Uncharged Admn. and Shri B.K. Negi, Asstt. on behalf of respondent.

O R D E R

Central Pulp and Paper Research institute (CPPRI), Saharanpur advertised the post of Scientist – B (Visually handicapped) in the scale of pay Rs.8000-275-13500 in the Employment News dated 24 – 30 January, 2009 and the said post was re-advertised in Hindustan Times dated 22.12.2009. The post is identified in group “A” for persons with disabilities.

2. The respondent vide letter No.CPPRI/P/P/8/13 dated 21.05.2013 stated that the Selection Committee did not find Shri A.K. Sharma, who, though was having the requisite qualifications and experience, suitable for the post of Scientist-B but was recommended for the post of Senior Scientific Assistant in the scale of pay of Rs.9300-34800 + Rs.5400 (GP). He joined the post of Senior Scientific Assistant (SSA). But he had represented that he should be appointed to the post of Scientist-B as advertised.

3. After examining the matter, the respondent was requested to submit the copies of relevant rules under which the Committee had recommended to consider Shri Sharma to the next lower post of Sr. Scientist Assistant.

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4. The respondent vide letter dated 25.11.2013 enclosed a copy of Recruitment & Promotion Scheme for Scientific, Technical & Support Staff (Revised in August, 1999 and effective from 01.04.1996). Rule 7 of the Central Pulp & Paper Research Institute, Recruitment & Promotion Scheme is reproduced below:-

“Recruitment – Recruitment will generally be made only at the lowest grade in each Group but in Group-IV, recruitment will be made in Grade (1), Grade (2) and Grade (3) as per the needs of the Institute. However, if a special need exists or arises, recruitment in higher grades in all the groups can also be made with the approval of Council of Association, CPPRI.”

5. Upon considering the respondent's reply dated 25.11.2013, a hearing was scheduled on 11.02.2014 in the matter and the affected person Shri A.K. Sharma was also called to enable him to submit his version in the matter.

6. During the hearing, the representative of the respondent submitted that Rule 7 of the Central Pulp & Paper Research Institute Recruitment & Promotion Scheme for Scientific, Technical & Support Staff provides that recruitment will generally be made only at the lowest grade in each Group but in Group-IV, recruitment will be made in Grade (1), Grade (2) and Grade (3) as per the needs of the Institute. However, if a special need exists or arises, recruitment in higher grades in all the groups can also be made with the approval of the Council of Association, CPPRI. Although there are no clear instructions that if a post is advertised in higher grade, the candidate can be offered appointment in a lower grade within the Group. This had been in practice being a scientific organization. They recalled an instance in which a candidate who applied for Scientist Grade –C, but was appointed as Scientist-A though within the same group. In the normal course, the Selection Committee could have rejected the candidature of Shri Arvind Kumar Sharma altogether but since he has been working in the organization for quite a few years, the Committee recommended to consider him for appointment as Senior Scientific Assistant. The Appointing Authority considered the recommendation of the Selection Committee and offered the post of Senior Scientific Assistant, which Shri Arvind Kumar Sharma eventually accepted and joined the duty accordingly in April, 2010. The Selection Committee comprised six Members including the Chairman. Two Members were External Members. The respondent also produced the original Minutes of the Selection Committee alongwith the marks awarded by each Member to Shri Sharma. Shri Sharma got 23 marks out of 60 i.e. 33%.

7. Shri Arvind Sharma who was permitted to participate in the proceedings, reiterated his submissions in his representation to the respondent and added that he accepted the offer of appointment to the post of Senior Scientific Assistant as he was reaching the threshold of the upper age limit. He felt that with his qualifications and experience, he should have been appointed as Scientist-B. He prayed that his appointment should be treated in the post of Scientist-B from the date of joining.

8. On perusal of the record and the submissions of the respondent and Shri Sharma, although the respondent have not addressed the query of this Court as to whether there is any rule which allows appointment to a lower post when the advertisement was for a higher post based on the performance of the candidate, there does not appear to be any discrimination meted out to Shri Ravinder Sharma on the ground of his disability. In fact, the issue of whether a lower post can be offered on the recommendations of the Selection Committee, is not for this Court to adjudicate upon.

9. Be that as it may, in case of any doubt with regard to any HR issues, the respondent should seek the clarification from the appropriate authority, namely, the administrative Ministry concerned/Department of Personnel & Training.

10. The matter stands disposed off with the above observations.

Sd/-

(P.K. Pincha)
Chief Commissioner
for Persons with Disabilities