

CASE NO.:
Writ Petition (civil) 67 of 1998

PETITIONER:
PSO.SVT.-UDNOICVTEORRSAILTYR, ESEARCH ASSOCIATES OF

Vs.

RESPONDENT:
VS.

DATE OF JUDGMENT: 26/04/2002

BENCH:
S. Rajendra Babu & P. Venkatarama Reddi

JUDGMENT:

[With W.P.(C) Nos.101/98, 102/98, 103/98, 444/98, 62/98, 117/98,118/98 & 194/98]

J U D G M E N T

RAJENDRA BABU, J. :

This batch of writ petitions have been filed by Post-Doctoral Research Associates having Research Associateship under a scheme framed either by the University Grants Commission [for short 'UGC'] or by the Council of Scientific & Industrial Research [for short 'CSIR']. Some of the petitioners had filed writ petitions before the High Court of Delhi in C.W.P. Nos. 4088/98 and these petitions were dismissed by stating that the petitioners cannot claim any right to continue to remain as Research Associates beyond the contract period and their right to remain in the said capacity come to an end on expiry of the contract period. Those petitioners are before this Court. the UGC has given a list of Research Associate and in practically all the cases the research work has not exceeded five years and on completion of the tenure their fellowship has been discontinued. Further it has been stated before us that earlier the UGC has discontinued the scheme for the year 1998 except in relation to those who are continued under the existing scheme.

Under the scheme, duration of the Research Associateship is for an initial period of three years and a further extension of one or two years would be given after evaluation by an expert committee. Such Research Associateship is not intended to be an employment but an interim arrangement made for getting a job in any University or College during which the Research Associate was given an opportunity to pursue research. If a Research Associate obtained employment during the currency of the Research Associateship, he was at liberty to resign from the Research Associateship and join a new post. They were not designated as Lecturers and the emoluments paid to them bear no relationship to the existing schemes in Universities.

Considering the tentative nature of this Associateship, on behalf of the writ petitioners it is urged before us in these writ petitions that the scheme of Research Associateship is counter productive causing great harm not only to the research scholars but also to the entire nation as once the tenure of Research Associateship expires there is no way to evaluate the validity or soundness of the research undertaken by them during the last a few years of such associateship; the UGC or CSIR cannot assess whether the expenditure incurred year after year in this

regard is properly utilised or not; that the scheme contemplated by the UGC as well as CSIR clearly indicates that Research Associateship is treated as permanent except that the researchers are appointed on tenure basis; that the short tenures fixed under the scheme would defeat the very purpose of the research their being no continuity in the projects undertaken and when once the tenure is over, if there is no extension, the research done in the couple of years would be rendered futile; that if there is a sense of security with sustained follow-up under the control and supervision of the institutions, it would be useful not only to the scholars but also to the nation; that the UGC and CSIR Research Associateship are the first and perhaps the only avenues to doctorates intending to dedicate their lives for research. If sufficient security is provided to them as by the end of their Associateship they would be in a position to find any job else where, their service in the institution would be useful and fruitful. Therefore, they implore upon us for a direction to the respondents to evolve a scheme so that the research and development in the nation is optimally supported and benefited by the scholarship and intellect of the Research Associates and also provide a sense of security to them.

In resisting these writ petitions, the UGC has set out in detail the nature of the Research Associateship scheme which was formulated in 1983 and discontinued in 1998. The research contemplated would cover even work in humanities and social sciences including languages and science, engineering and technology independently and on project basis. The scheme was available to those who have completed their Ph.D. within the last two years and have shown talent and competence for independent research. The UGC pointed out that the Research Associates were not designated as lecturers nor were their emoluments comparable with that of the lecturers. The Research Associateship would not envisage the creation of any post or any other appointment and they are not working against specific posts since no posts are created for such Associateship. The teaching work, if any, undertaken by the Research Associate is part of the research or training and is not an appointment to a substantive post. The contractual relationship was for a maximum period of five years and there was no question of employment of the said Research Associate. Even as late as May 5, 1997, the UGC decided that the Research Associateship should continue only on tenure basis for a period of three years extendable by two more years and such Associateship would be terminated at the end of it. Any fresh selection would be by application and selection for placement in the relevant fellowship bracket and the UGC was not at all in favour of making the research scholars permanent. The scheme was only to provide post-doctoral experience and it would not possible to give permanence to the scholars. Still later on in March 1998 the UGC decided to discontinue the scheme at the end of IXth Five Year Plan due to acute shortage of funds. It was also made clear that the position of Research Associates would continue to be available under the scheme of Major Research Projects and other quality programmes under their respective grants on ad hoc contractual positions for the period of the project. Under the UGC Scheme, there were 933 Research Associates working under various Universities all over the country entailing an expenditure of Rs.9 crores annually which would get enhanced to Rs.13 to Rs.14 crores in due course. The UGC as such does not have any post of Research Associate and the concerned scholars were working in the institutions all over the country and such institutions have their own recruitment rules for appointment thereto. Appointing Research Associate to any vacant post would be tantamount to denying meritorious candidates the opportunity to apply for the said post and, therefore, making those posts available to the Research Associate would not be appropriate and further various Universities being autonomous bodies have their own relevant recruitment rules to be applied in such matters.

The UGC also brings out the difference between the Research Associates Scheme and the Research Scientists Scheme of the UGC. The

Research Scientists Scheme was intended to build a cadre of Research Scientists in Indian Universities to promote high quality research in science, engineering and technology and humanities including social sciences by providing opportunities to persons with outstanding merit. Unlike the Research Associates who were retained on a fixed amount much less than that of corresponding grades in Universities, the Research Scientists receive scales equivalent to Lecturer, Reader and Professor with all other benefits such dearness allowance, provident fund, etc. Therefore, the Research Scientists Scheme had built into it a permanency and equivalence with University teachers. On the other hand, the Research Associates scheme did not contemplate either permanency and equivalence with University teachers in any manner. The candidates with Ph.D. degree are eligible to apply for a Research Associateship whereas for the Research Scientists Scheme, Ph.D. along with research experience of not less than two years is required at the minimum grade of Research Scientists 'A' and the said scheme had been revised which is also for a fixed non-renewable term of five years only and this scheme has also been discontinued now.

The stand of the CSIR is also similar. The main features of the scheme is to give placement to the Scientists on a temporary basis to facilitate them in the meantime to find out appointment on regular basis. They are not given any appointment but attached to a Government Department or State Industrial Enterprises, National Labs., Universities/Scientific Institution etc. and they may even be attached to an establishment in private sector. The main purpose and intention of the Scheme is to give placement to Pool Officers which is not against any post but is an unemployment support and the placement of such a scientist as pool officer does not guarantee him any appointment with the CSIR or the Government Department on regular basis. There is another scheme called "Scheme of Quick Recruitment of Scientists (Fellows)" which provides selection and such fellows will be on a contract for a period not exceeding three years and it may be terminated during the prescribed period. At present, only 10% of the total Senior Research Associates under Scientists Pool Scheme and those scientists who have put in 15 years of research service or more which include 13 years of experience in different kinds of fellowship or Associateship and it is only such persons who are considered for absorption in regular establishments. The petitioners, it is contended, are neither doing any research in any of the CSIR labs nor have they put in 15 years of research work with the CSIR system on account of which they cannot be considered for absorption in the CSIR and that the scheme was framed pursuant to an order made in C.A.No.1680/1997 by this Court in a matter arising from the order made by the Central Administrative Tribunal in Pratibha Mishra vs. CSIR in O.A.No.83/96 and this aspect was further clarified by this Court in CSIR & Ors. vs. Dr. Ajay Kumar Jain, 2000 (4) SCC 186. It is, therefore, contended that the kind of directions sought for in these petitions cannot be granted.

Reliance was placed on behalf of the petitioners on a decision of this Court in V.L.Chandra & Ors. vs. All India Institute of Medical Sciences, 1990 (3) SCC 39, in which ad hoc appointments made in one project or another continuing for long periods and thereafter on projects drying up, researchers in such projects having worked for continuously for 10 to 15 years their services having been discontinued on the ground of absence of further projects would give rise to human problem of deprivation of source of sustenance as with the advancement in age they become disentitled to jobs in government or public sector undertakings and, therefore, this Court gave direction to evolve a scheme for building up a team of researchers in coordination with Health Ministry and to provide employment to the aggrieved persons either as researchers or in any suitable employment until their inclusion in the team is considered.

In Dr. V.P.Chaturvedi & Ors. vs. Union of India & Ors., 1991 (4) SCC 171, this Court followed the decision rendered in V.L.Chandra's

case [supra] and similar directions were given in that case also. This Court in Dr.Ajay Kumar Jain's case [supra] examined the scheme of appointment as Pool Officer under Scientists' Pool Scheme or as Scientist Fellow under the Scheme of Quick Recruitment of Scientists [Fellow] for major Projects on contract basis for a limited period and held that it did not entitle them to regularisation of their services or absorption in CSIR and distinguished the decision in Pratibha Mishra's case [supra] to which we have adverted to earlier.

The fact remains that in none of these cases the petitioners have worked for a period of 10 to 15 years. They have no doubt worked under different schemes on tenure basis. Now what is sought for in these writ petitions is not regularisation and that position was made clear by the learned counsel for the petitioners. On the other hand what was submitted was that the UGC and CSIR must frame appropriate scheme to support scientific advancement providing a healthy climate for the research fellows to carry on such work and these research fellows who are petitioners before us can carry on such work only with a sense of security for their continuity in the work done by them which would be beneficial to the country as a whole and also to these individual. The scheme evolved by UGC or CSIR is only a supportive programme for the research fellows during the period of unemployment initially for a period of five years. Such scheme will allow research fellows who have done their Ph.D. and have a waiting period of five years when they have got no jobs to keep them active in their work, facilities are provided to them to carry on research on tenure basis. If that is so, it may not be accurate to state that is only to encourage research that these research fellows have been engaged and not by way of support to them during the period of their unemployment and if that aspect is borne in mind that the UGC or the CSIR have framed scheme to give support to such candidates for a particular period during which they can obtain job in an appropriate University or institution or in any other organisation, it cannot be stated that such scheme is faulty. It is more by way of a social welfare measure such action is being taken and not merely to promote scientific research which may be an incidental fall out under the Scheme. Therefore, it would be very difficult for us to direct any scheme being framed by the UGC or the CSIR in this regard. All that this Court can hope is that the UGC or the CSIR would bear in mind research work done by these scholars and provide them appropriate opportunities whenever an occasion arises.

With the aforesaid observation, these writ petitions shall stand dismissed. No costs.

...J.
[S. RAJENDRA BABU]

...J.
[P.VENKATARAMA REDDI]

APRIL 26, 2002.