

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1597/2001

New Delhi this the 3rd day of July, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI S.A.T.RIZVI, MEMBER (A)

Suresh Chandra Sharma,
DFO-Tele, Special Bureau,
Government of India,
3rd Inf. Div.,
C/O 56 APO.

... Applicant

(By Shri S.N.Anand, Advocate)

-versus-

1. Union of India through
Secretary, Cabinet Secretariat,
Room No.7, Bikaner House (Annexe),
Shahjahan Road,
New Delhi.

2. Additional Secretary (Personnel),
Cabinet Secretariat,
Room No.7, Bikaner House (Annexe),
Shahjahan Road,
New Delhi.

... Respondents

O R D E R (ORAL)

Shri S.A.T.Rizvi, Member (A):-

The applicant who is a Deputy Field Officer in the Cabinet Secretariat appeared in the departmental test for direct recruitment to the post of Senior Field Officer (Crypto). He qualified in the written test and was called for interview but has not been finally selected, and accordingly, has not been appointed as Senior Field Officer, though a few others who also appeared in the same test, have been appointed and have, according to the applicant, joined as Senior Field Officers. On representation being made, the respondents have rejected the claim of the applicant vide letter dated 27.4.2001 (Annexure-A) and 2



this is what the respondents have observed in the said letter :

".....I have checked the records and find that the last person in the reserve list had 15 marks more than you and the last person who had been selected had 30 marks more than you. Therefore, you should not form an impression that you were selected as SFO (Crypto) but not offered an appointment."

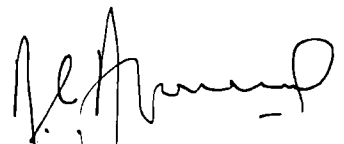
2. Aggrieved by the aforesaid rejection of his claim, the applicant has filed the present OA. According to the learned counsel appearing in support of the application, the applicant has formed an impression, entirely on his own, that he had performed better than the others in the aforesaid written test/ interview and, therefore, he should have been finally selected and appointed as Senior Field Officer. Nothing in support of the aforesaid claim has been placed on record. The relevant recruitment rules also have not been placed on record to show to us the details of the procedure required to be followed in this matter. The learned counsel argues that the merit list/panel prepared by the respondents has not been disclosed to the candidates. It seems that it is the lack of disclosure of the ^{said} merit list/panel which has given rise to the said impression being formed in the mind of the applicant. In the absence of recruitment rules we cannot possibly conclude that the lack of disclosure of the merit list/panel would by itself constitute a breach of the rules and would thereby give birth to a right to ^{be exercised by} the applicant to contest his non-selection in the circumstances just

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mentioned. The respondents have, in our view, acted transparently by disclosing the reason why the applicant could not be finally selected and appointed as Senior Field Officer. More than this was perhaps also not required in the matter.

3. In the aforesaid circumstances, we find no merit in the present OA. At this stage, the learned counsel for the applicant indicated² his desire to withdraw the OA. The present OA is, therefore, dismissed as withdrawn.


(S.A.T. Rizvi)
Member (A)


(Ashok Agarwal)
Chairman

/as/