

(7)

Central Administrative Tribunal
Principal Bench
OA No. 3023/2001

New Delhi, This 29th day of April, 2002

Hon'ble Sh. Shanker Raju, Member (J)
Hon'ble Sh. S.K. Agrawal, Member (A)

Sh. Juginder Singh
S/o Late Shri Inder Singh
R/o A-92, Shalimar Garden (Main)
Ghaziabad, U.P.

.....Applicant

(Sh. S.K. Gupta proxy counsel of B.S. Gupta, Advocate)

Versus

1. Union of India : Through
Secretay
M/o Personnel, Public Grievances and Training
North Block
New Delhi.
2. Secretary
M/o Petroleum and Natural Gas
Shastri Bhavan
New Delhi.
3. Secretary
Union Public Service Commission,
Dholpur House, Shahjahan road
New Delhi.
4. Smt. Surinder Rani
Gr. IV CSS
C/o Secretary
M/o Petroleum and Natural Gas
Shastri Bhavan
New Delhi.

.... Respondents

(Sh. B.K. Berea, Advocate)

Hon'ble Sh. S.K. Agrawal, Member (A)

ORDER

The applicant in this OA has impugned the order of selection of Respondent No. 4 to the Grade IV of CSS in the Ministry of Petroleum and Natural Gas as Record Officer on deputation vide notification dated 31.10.2001. According to the applicant, respondent No. 4 does not possess the requisite qualification prescribed in the Recruitment Rules dated 30th May, 1978. The basic issue raised by the applicant is that


X

neither the respondent No.4 was having 8 years service in the grade nor she was having the necessary training course as mentioned in the Recruitment Rules.

2. On 10.8.2001, respondent No. 2 issued a circular for the purpose of filling up the post of Record Officer on transfer on deputation basis which is a Group B Gazetted Post in the scale of Rs. 6500-10500/-. As per the circular the required eligibility conditions were (i) officer of central Government holding analogous post; (ii) Assistant of CSS who have rendered 8 years service of regular post in the grade and (iii) maximum age limit to be 56 years. According to the eligibility conditions the candidate should have successfully completed training in Record management organised by ISTM and the last date mentioned was 45 days from the date of issuing of the circular on 24.9.2001.

3. There upon the applicant who was having the requisite qualifications as per the Recruitment Rules except that he was not having training course of record management organised by ISTM applied for the training immediately and simultaneously also applied for the aforesaid post as record officer through proper channel on 20.9.2001. Thereupon he received a letter for the training for ISTM to be started from 17.9.2001.


4. The ld. counsel for the applicant has stated that respondent No. 4 has been appointed on the aforesaid post of record officer on transfer on



deputation basis although she did not have 8 years of regular service in the grade as she is officiating in the post of Assistant w.e.f. 1.5.1995 and also she is not having the training programme course in record management from ISTM and as such the impugned notification dated 31.10.2001 selecting respondent No. 4 is liable to be quashed.

5. The learned counsel for the respondent has, however, argued that it is wrong to say that respondent No. 4 did not complete 8 years service as Assistant till the date of selection. In fact, the respondent No. 4 belongs to the select list year of Assistant of 1991 and has put in continuous service as assistant w.e.f. 20.5.1992. She has been in the Ministry of Petroleum and Natural Gas as Assistant w.e.f. 1.5.1995 as shown in the seniority list. Respondents' counsel has also stated that as per rule 2(C) of CSS Rule 1962 regular service is to be counted from 1st July of the select list year. Accordingly the regular service of respondent No. 4 in the grade of Assistant would count from 1.7.1991.

6. The meeting of the DPC for selection to the post of record officer was held on 30.10.2001 and on the basis of overall performance and experience of all the seven applicants, the DPC recommended the name of respondent No. 4, Assistant (SC) for appointment to the post of Record Officer for a period of 3 years. Since she did not have the requisite training of record management, the DPC recommended that she may undergo



the training within six months. It was further submitted by the respondent's counsel that he was given relaxation only in terms of time to undergo the requisite training at an early date or within six months when the officer so selected would become eligible for the training at ISTM. It was further stated that in the past also the record officer so selected were asked to undergo the requisite training after the selection. In this regard the respondent's counsel also submitted that during deliberations DPC took note of the facts that the applicant who was on deputation with UPSC w.e.f. 21.2.2000 had only one year and 3 months left to complete his total deputation period of 3 years and as such if he was selected as record officer he would have been available only for one year or so to work as record officer. As the post of record officer was to fall vacant from 1.11.2001 and was to be filled up immediately, the DPC was not sure about his being relieved from his earlier post from UPSC. Besides the DPC also took note of the fact that the applicant was issued a charge memo vide memorandum dated 24.1.2001 under CCS(CCA) Rules, 1965 for violating Rule 3(1) and 18(2) of CCS Conduct Rules and the terms of Bond of HBA furnished by him and as such grossly violated the terms and conditions of grant of HBA as well as the provisions of CCS Conduct Rules 1965. The disciplinary proceedings initiated against the applicant were still pending and yet to be concluded. The Committee, therefore, felt that it would not be appropriate to have an incumbent against whom departmental action was being initiated for



violation of irregularities in HBA. It was accordingly submitted by the learned counsel for the respondents that the selection made by the departmental promotion committee in favour of respondent No. 4 was quite in order and, therefore, the same should be upheld.

7. Heard the counsel on either side.

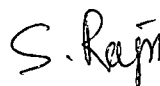
8. After going through the facts and material available on the file as well as considering the arguments put forth by learned counsel of the applicant as well as respondents we do not find any inconsistency or irregularity in the decision taken by the DPC in selecting the respondent No. 4 to the post of Record Officer. The DPC considered the ACRs of all the 7 applicants and after considering the overall performance and experience of all the candidates selected respondent No. 4 to the post of Record Officer. The fact that the applicant was issued chargesheet on 24.1.2001 for violation of CCS conduct Rules could also not have been ignored by the DPC while deciding the selection. As per the facts on record the respondent No. 4 belong to the select list year of Assistant of 1991 and as such has put in continuous service as Assistant from May, 1992. As regards another eligibility condition for appointment namely the requisite training at ISTM, it is in order that she was given a time of six months to undergo the requisite training as this procedure was adopted by the respondent authorities in the cases of previous selections also.



9. In view of the above we do not find any merit in the present OA. The same is accordingly dismissed with no order as to costs.



(S.K. Agrawal)
Member (A)



(Shanker Raju)
Member (J)