

(10)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO. 784/99

M.A.NO.1522/99

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 5th day of January, 2000

Shri Om Prakash Singh
s/o Shri B.K.Singh
aged 39 years
U.D.C.
Ministry of Surface Transport
Transport Bhavan
Parliament Street
New Delhi - 110 001. ... Applicant
(By Shri M.L.Chawla, Advocate)

Vs.

1. Union of India (Through the
Secretary to the Govt. of India)
Ministry of Surface Transport
Transport Bhavan
Parliament Street
New Delhi - 110 001.
2. The Director (Administration)
Ministry of Surface Transport
Transport Bhavan
Parliament Street
New Delhi - 110 001. ... Respondents
(By Shri S.Mohd. Arif, Advocate)

O R D E R (Oral)

By R.K.Ahooja, Member(A)

The applicant, who belongs to the Scheduled Caste category and is working as Upper Division Clerk (UDC) in the Ministry of Surface Transport, is aggrieved^{by} his non selection on deputation for the post of Accountant in the same ministry, while his junior, Respondent No.3 has been given preference over him. The applicant states that in the seniority list his name appears at Sl. No.31 while that of Respondent No.3 is at Sl. No.33. The applicant also claims to be better qualified as a B.Com. (pass) having experience in accounts while Respondent No.3 is having lesser educational qualifications with no experience on the accounts side.

On

2. We have heard the counsel. We notice that the vacancy circular, Annexure-A3 states that some posts of Accountants were required to be filled up in the Ministry on the basis of 'transfer on deputation urgently'. It is also stated in the said circular that officers of the Central Government holding analogous posts on regular basis or having five years regular service in posts in certain pay scales would be eligible for consideration or having eight years regular service in the post of UDC or equivalent. According to the respondents, the applicant and Respondent No.3 were considered by a Selection Committee consisting of Director and two other officers and they had found Respondent No.3 to be more suitable for appointment as Accountant on deputation basis.

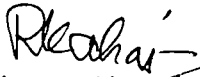
3. Though the respondents have raised a point regarding the eligibility of the applicant, we do not consider that this question needs to be gone into. The essential point in our view is that as per the vacancy circular, the post was to be filled up on the basis of 'transfer on deputation'. The applicant who belongs to the clerical cadre of Ministry of Surface Transport could not therefore claim as a matter of right for appointment to the deputation post. In case of deputation posts three requirements have to be met, namely, (a) consent of lending agency (b) consent of the borrowing agency and (c) consent of the official involved.

On

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4. The respondents who were to make the selection on the deputation post, found that Respondent No.3 was more suitable for their requirements. The question of inter-se seniority in our view, therefore, does not come into the picture. The case of the applicant has been considered by the Selection Committee. No bias or malafide on any particular person has been alleged. We, therefore, have no reason to conclude that the case of the applicant was not duly considered by the Selection Committee. Therefore, merely because the applicant was senior to Respondent No.3 could not by itself entitle him to the post on deputation.

5. For the aforesaid reasons, we find no scope for interference. The OA is accordingly dismissed. No costs.


(R.K. Ahooja)
Member(A)

/rao/


(V. Rajagopala Reddy)
Vice Chairman (J)