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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2123/97

New Delhi this the 15th day of December, 2000.

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE-CHAIRMAN
HON'BLE MR. GOVINDAN S. TAMPI, MEMBER (ADMNV)

Indrajit Pal,
Director,
Department of Family Welfare,
Nirman Bhawan,
New Delhi-110 001.Applicant

(By Advocate Shri Jog Singh)

-versus-

1. Secretary,
Department of Personnel and Training,
North Block,
New Delhi.

2. Additional Secretary &
Establishment Officer,
Department of Personnel
and Training, North Block,
New Delhi.

3. Cabinet Secretary,
Cabinet Secretariat,
Rashtrapati Bhawan,
New Delhi.

4. Chairman & Managing Director,
The Singareni Collieries Co. Ltd,
Red Hills,
Hyderabad.Respondents

(By Advocate Shri K.R. Sachdeva)

O R D E R

By Justice V. Rajagopala Reddy, Vice-Chairman (J):

The applicant seeks to be empanelled for the post of Joint Secretary in the Government of India. The following are the brief facts of the case:

2. The applicant is an IAS officer belonging to 1977 batch of Andhra Pradesh Cadre and was working on deputation since August 1993, as Director in the Department of Family Welfare, Ministry of Health and Family Welfare, Government of India, New Delhi. In 1996 the process for the empanelment of the 1976 batch IAS officers for the



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posts of Joint Secretary in the Government of India was taken up. The applicant being duly eligible and qualified was expecting empanelment but to his surprise his juniors in the batch were given the posting but he was not. The applicant submits that his service record has all along been exemplary and on the basis of the same he has been promoted to the Super Time Scale and, therefore his non-empanelment by the Government on the basis of the same set of service records is arbitrary and illegal.

3. Though the applicant has filed the OA also claiming the relief of protecting his pay which he was drawing before the Central Deputation, the same has not been pressed by the learned counsel for the applicant.

4. The case of the respondents, as reflected in the counters is that the appointments to the posts of Under Secretary, Deputy Secretary, Director, Joint Secretary, Additional Secretary, Special Secretary and Secretary to the Govt. of India are made under a Scheme known as Central Staffing Scheme and are filled up by appointing officers belonging to the three All India Services, Organised Central Services Group "A", and the Central Secretariat Service. Such appointments are made on tenure deputation basis. The applicant was considered along with other IAS officers of 1977 batch for empanelment in the post of Joint Secretary at the Centre in 1996. Out of 193 officers 167 were found eligible for empanelment. The applicant was, however, not found suitable and hence not empanelled. The first review to consider his suitability was undertaken in 1998 on the availability of two more ACRs, when the competent authority approved his

empanelment. The process of selection of the applicant was strictly in accordance with the assessment by members of the Screening Committee based upon which the Civil Service Board made recommendation to the ACC which is the competent authority to take the final decision on the suitability of the officers to hold JS level posts. Since the cases of the officers who are not adjudged suitable in the initial process of empanelment were to be reviewed after a period of two years when two more ACRs on their performance have been added to their ACR dossiers the applicant's case was reviewed accordingly and as he was found suitable, he was empanelled. The allegation that his case was deferred with ulterior motives and malafide intention was emphatically denied.

5. We have given careful consideration to the contentions raised by either side.

6. The Central Staffing Scheme which contains the procedure for selection of appointment of officers to Secretarial posts of and above the rank of Under Secretary to the Government of India. As per the above procedure at the level of the post of Joint Secretary and equivalent the Civil Services Board (Board, for short) finalises the panel for submission to the ACC and in this work the Board is assisted by the Screening Committee of Secretaries. The panel approved by the ACC will be utilised for making appointments to the posts under the Government of India. But mere inclusion in the panel would not confer any right to such appointment. Paragraph-10 of the Scheme speaks of two reviews, one after a period of two more years, i.e., when two more annual confidential reports on the

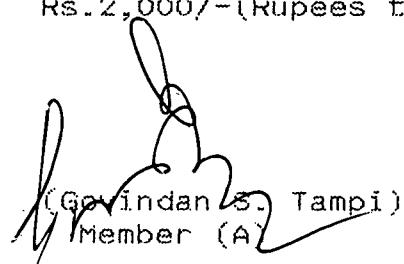


performance have been added to ACR dossiers, another said review may be conducted after a period of two years. The procedure was detailed in paragraph 21 of the Scheme. It is not in dispute between the parties that the applicant was considered for empanelment in 1996 along with all the officers of his batch but he was not recommended.

7. It is the contention of the learned counsel for the applicant that the applicant's service record and conduct have always been excellent/outstanding and also he was promoted to the Super Time Scale of Rs.5900-6700 in the said cadre hence there could be no reason for not finding the applicant suitable for empanelment. We have called and perused the records and the minutes of the selection held in 1996/1997. Each member of the Screening Committee was allowed to assess individually and on the basis of such assessment of the Screening Committee, recommendations are made. We do not find any infirmity or irregularity to hold that the selection was not properly made. No material is placed to substantiate the allegations of malafides or ulterior motives, nor any specific grounds are urged attacking the process of selection. The selection for senior time scale in his cadre in the State Government, cannot be compared to empanelment to senior posts in Government of India which are non-sensitive posts for which the selection was to be made as per the Scheme. In the absence of any grounds indicating how the selection was vitiated, the same cannot be faulted. It is not open to us to examine all the ACRs and re-assess the applicant as we are not the selection body. What has to be seen is whether the selection was held on proper lines and is there any ground for interference. We do not find any such ground.

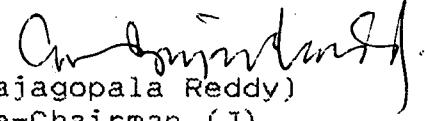
In the review held in 1998, the applicant's assessment was made on the basis of the grading made by the Committee on the basis of the ACRs and on that basis he was found fit and was accordingly empanelled.

8. In view of the foregoing, we do not find scope for granting any relief to the applicant. The OA fails and is accordingly dismissed with costs of Rs.2,000/- (Rupees two thousand only).



(Govindan S. Tampi)
Member (A)

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(V. Rajagopala Reddy)
Vice-Chairman (J)