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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

NEW DELHI.

(5)

OA No. 2162/1994

New Delhi, dated the 1<sup>st</sup> December, 1994

CORAM

Hon'ble Shri N.V. Krishnan, Vice Chairman (A)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Shri P.K. Jha

r/o DG-1/20-B, Vikaspuri,

New Delhi-110018

... Applicant

(By Advocate Shri G.D.Gupta )

Versus

1. Union of India through the  
Secty. to the Govt. of India,  
Ministry of Water Resources,  
Shram Shakti Bhawan, Rafi Marg,  
New Delhi

2. The Director,  
Central Soil and Material Research  
Stations,  
OLOF Palme Marg, Hauz Khas, New Delhi-16

... Respondents

O R D E R (ORAL)

(Hon'ble Shri N.V. Krishnan, Vice Chairman (A))

We have heard him.

2. The applicant is Research Officer (Engg) in the Central Soil and Material Research Station, Hauz Khas, New Delhi. The grievance of the applicant arises out of fact, that he has not been considered fit for being sent for training abroad. It is stated that the applicant

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satisfies the qualifications which are required for such deputation abroad, as mentioned in the Department of Personnel, Public Grievances and Pensions (DOPT) letter dated 4-1-1983 (Ann.A.15).

Initially, on account of some problem in medical examination, the applicant was assigned a lower seniority which however, was rectified. He has, therefore, the necessary service. However, the respondents have ignored the applicants' case and junior persons to the applicant have been sent on training. He also alleges that persons who have not qualified in terms of the O.M. issued by the Ministry of Personnel and Public Grievances and Pensions have also/sent on deputation for training.

He draws our attention to the Ann.A.27 memo dated 19.5.1994 by which his representation regarding this matter has been rejected without assigning any reason.

3. We have heard the learned counsel for the applicant. We wanted to know whether there was any obligation on the part of the respondents to inform the applicant as to reasons why he has not been selected for training. In this connection, his attention was drawn to the decision of the Supreme

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Court in 1992 SOC (L&S) P.958 National Institute of

Mental Health v/s Dr.K.Kulkarni in which the

Supreme Court has held that the Selection

Committee which considers promotion is not

required to record the reasons for its decision.

Learned counsel for the applicant points out that

this is not a case of promotion. This is a case of

a deputation for training which has to be undergone,

at least once during one's Service. The applicant does

not know for what reasons he has not been selected

for training. He has not been given the reasons

so as to improve his working in future of any

reasons has been effected.

4. We have carefully considered these submissions. We notice that the Memo.dated 28.4.94

(Page119 of the paper book) has been issued by the

respondents disposing of the representation of the

~~on~~ for

applicant regarding selection/UNDP fellowship training.

It is stated therein that the selection to the UNDP

fellowship training is done by a Committee which includes

representatives of the Ministry i.e. J.S.(A),

Commissioner (Industries) F.A.(WR). The Memo.further

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states that the applicant has cast aspersions on that Committee without any reason. The Committee has kept in view various factors like availability of slots in various disciplines, experience in particular discipline etc.

5. By Ann.A.27 dated 20-5-94 the grievance of the applicant has been considered in detail. Extracts are reproduced :-

" Shri Jha represented against the selection for UNDP fellowship in 1992. He represented to the then Secretary and also the Hon. Minister making allegations that were baseless. The fact is that he was considered for the fellowship but not found good enough. "

" It will be seen from the above that eversince Shri Jha has joined CSMRS he has either been applying for going out on deputation or making representations on one matter or other. He was keen to get a fellowship but was not prepared to put up the hard work for it. He was told several times by his superior officers that he should concentrate on the technical work given to him rather than running around making representation and putting pressures.

Shri Jha has not taken the advice. He did not go on tour to a project site, thus evading the orders of his superiors, for which a memorandum was issued to him.

" It is seen from the resume of the activities given above that Shri Jha has not taken any interest in the work of CSMRS. Hardly a month had passed without his applying for going out to other organisations. At the same time, he has been brining all sorts of pressures to get a UNDP fellowship training, for which even his medical fitness is doubtful. (emphasis given)

This memo clearly states the reasons why he was not selected for training abroad.

6. In the circumstances, we are not impressed

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by the argument that the applicant has been kept in the dark. We cannot find fault with the decision. In the circumstances we find no merit in the O.A. Accordingly it is dismissed.

Lakshmi Swaminathan

(Lakshmi Swaminathan )

Member (J)

N.V. Krishnan  
1/2/94

(N.V. Krishnan)

Vice Chairman (A)

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