

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

O.A. 2226/94

New Delhi this the 5th day of January, 1995.

Coram :

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

Hon'ble Dr. A. Vedavalli, Member(J)

Brijendra Singh Kardam
Under Secretary,
R/o C-53, Surya Nagar,
Ghaziabad - 201 011.

..... Applicant.

(By Advocate Shri T.R. Mahadevan)

Versus

1. Union of India
(through Secretary)
Department of Personnel & Training
North Block,
New Delhi.

2. Union Public Service Commission
(Through Secretary)
Dholpur House,
Shahjahan Road,
New Delhi

..... Respondents.

(By Advocate Shri P.H. Ramchandani, enter appearance for the
respondents.)

ORDER (Oral)

Hon'ble Shri N.V. Krishnan

The applicant belongs to a Scheduled Caste and he was an Under Secretary in the Govt. of India, when the application was filed. His grievance is against the office Memorandum dated 19.1.94(Annexure-A) which notifies the names of the Grade I officers of the Central Secretariate Service who have been included in the Select List of persons considered fit for appointment to the selection grade of the CSS for the year 1992 in which his name is not included. The contention is that in terms of the O.M. dated 10.3.89 of the Ministry of Personnel, his name should have been included in that Select List even if he did not come up to the bench mark,

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so long as he is not consider unfit for promotion vide para 2.3.2(i) of that O.M. which reads as follows:

"2.3.2(i) In promotions by Selections to posts/ service within Group 'A' which carry an ultimate salary of Rs.5700/- p.m. in the revised scale, the SCs/STs officers, who are senior enough in the zone of consideration for promotion so as to be within the number of vacancies for which the select list has to be drawn up, would, notwithstanding the prescription of 'benchmark', be included in that list provided they are not considered unfit for promotion."

2. The Learned Counsel of the applicants says that the applicant was sufficiently senior to be included in the seniority list and he has not been communicated any adverse remark and, therefore, he could not have been considered unfit for promotion. Hence his ^{a case} name is that in-terms of this instruction, his name should have been included in the seniority list.

3. The learned counsel for the respondents, Sh. P.H.Ramchandani produced for our perusal the original of the minutes of the meeting of the Selection Committee held on 12.8.93 to draw the CSS Selection Grade seniority list for the year 1992. A perusal thereof shows that the Department of Personnel's instruction dated 10.3.89 referred to by the Ld. Counsel for the applicant was taken into account the Selection Committee as well as other relevant instructions. The applicant's name was also considered at Sl. No.15. 40 persons have been included in the Select List which includes the names of a number of Scheduled Caste officers, both senior and junior to the applicant. The overall assessment of the applicant was that he was not suitable for promotion, from the grade of Under Secretary to Selection Grade Deputy Secretary. The learned counsel for the respondents submits that there is no merit on the application.

4. In the circumstance, we find that the applicant has not made out any case and, therefore, this O.A. is liable

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(5)

to be dismissed at the admission stage. The learned counsel for the applicant however, submits that the respondents may be directed to review their earlier decision.

5. We are the view that no such direction can be given by us. However, we make it clear that this order will not stand in the way of either the applicant from making a request for a review or of the respondents from considering such requests if made.

6. With this observations, this application is dismissed at the admission stage.

A. Vedavalli



(DR. A. VEDAVALLI)
MEMBER (J)

(N.V. KRISHNAN)
VICE-CHAIRMAN(A)

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