

Central Administrative Tribunal  
Principal Bench, New Delhi.

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OA-376/94

New Delhi this the 16th Day of August, 1994.

Hon'ble Mr. Justice S.K. Dhaon, Acting Chairman  
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Ms. D. Manjula,  
D/o Shri D. Ethiraj,  
R/o C-97, Saraswati Kunj Apartments,  
Chilla, Opposite New Ashok Nagar,  
Delhi-110091.

Applicant

(By Advocate Shri B.B. Raval)

versus

1. Union of India,  
through the Secretary,  
Ministry of Home Affairs,  
North Block,  
New Delhi-1.
2. The Secretary,  
Union Public Service Commission,  
Shah Jahan Road,  
New Delhi-11.
3. The Director,  
Intelligence Bureau,  
Ministry of Home Affairs,  
Government of India,  
North Block,  
New Delhi.
4. Shri T.K. Gajanand,  
Asstt. Foreign Language Examiner,  
Intelligence Bureau,  
Ministry of Home Affairs,  
Government of India,  
North Block,  
New Delhi.
5. Shri Sunil Kumar,  
Asstt. Foreign Language Examiner,  
Intelligence Bureau,  
Ministry of Home Affairs,  
Government of India,  
North Block,  
New Delhi.

Respondents

(By advocate Shri N. S. Mehta, Sr. Standing Counsel)

ORDER (ORAL)

delivered by Hon'ble Mr. Justice S.K. Dhaon, Acting Chairman

The controversy pertains to the selection to the  
post of Assistant Foreign Language Examiner. Admittedly,  
this was a selection post. Dominant criterion was merit,

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The affidavits have been exchanged between the parties. This application is, therefore, ripe for hearing. Though not formally admitted as yet, we are disposing of the same finally.

The applicant has come out with the case that he alongwith others was considered by the Departmental Promotion Committee which was headed by a Member of Union Public Service Commission. He came out with the grievance and apprehension that the entry given to him in character roll for the period 1991-1992 had been taken into account though the same was expugned later on. He, therefore, prayed that the record of the Departmental Promotion Committee may be summoned.

A counter-affidavit has been filed by Sh.P.P.Nautiyal, Assistant Director, Intelligence Bureau(MHA), New Delhi. Therein, the material averments are these. A Departmental Promotion Committee was held on 16.06.1992 to consider the promotion of Assistant Central Intelligence Officer Grade-I (Language) to the grade of Assistant Foreign Language Examiner and to select candidates for filling up few vacancies. Four officers, including the applicant were eligible. The Departmental Promotion Committee considered the character roll of eligible officers upto 1991. It did not consider the roll of 1991-1992. This assertion <sup>has</sup> knocked off the bottom of the applicant's case. In the rejoinder-affidavit filed, no serious attempt has been made to controvert the said crucial averments. Therefore, the question of summoning the record does not arise.

We have given a thoughtful consideration to the facts and circumstances of the case and we are of the opinion that the applicant is not entitled to any relief.

This application is accordingly dismissed.

No costs.

B.N. Dhoundiyal  
(B. N. DHOUNDIYAL)  
MEMBER (A)

/vv/

S.K. Dhaon  
(S. K. DHAON)  
ACTING CHAIRMAN