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Central Administrative Tribunal
Principal Bench
New Delhi

O.A. No. 1730/2000

Decided on ¹⁵30th MARCH 2001

Ms. S. Tigga

... Applicant

(By Advocate: Shri M.K. Gupta)

Versus

U.O.I. & Others

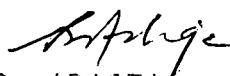
... Respondents

(By Advocate: Shri N.S. Mehta for R-1 & 2
Shri Rakesh Tikku for R-3)

CORAM

Hon'ble Mr. S.R. Adige, Vice Chairman (A)
Hon'ble Dr. A. Vedavalli, Member (J)

1. To be referred to the Reporter or Not? YES
2. Whether to be circulated to other outlying benches of the Tribunal or not? NO


(S.R. ADIGE)
VICE CHAIRMAN (A)

Central Administrative Tribunal
Principal Bench

O.A. No. 1730 of 2000

New Delhi, dated this the 30th MARCH, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Ms. S. Tigga,
D/o Shri T. Tigga,
Information Assistant,
Govt. of India Tourist Office,
88, Janpath,
New Delhi-110001.

.. Applicant

(By Advocate: Shri M.K. Gupta)

Versus

1. Union of India through
the Secretary,
Ministry of Tourism,
Transport Bhawan, New Delhi-110001.
2. Director General (Tourism),
Dept. of Tourism,
Transport Bhawan, New Delhi-110001.
3. Shri Karan Singh,
Information Assistant
C/o Respondent No.2. .. Respondents

(By Advocates: Shri N.S. Mehta for R-1 & 2
Shri Rakesh Tikku for R-3)

ORDER

S.R. ADIGE, VC (A)

Applicant impugns official respondents' order dated 31.8.2000 (Annexure A-1) transferring and posting Private Respondent No.3 as Information Assistant in Government of India Tourist Office, London w.e.f. 2.1.2001, and seeks her own posting abroad with consequential benefits.

2. Official respondents have issued certain guidelines for transfer and postings in respect of their staff (Annexure A-2). In respect of

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Information Assistants the guidelines are contained in Para D thereof, which are extracted below and determine who would be eligible.

- (i) Information Assistants who are promoted departmentally should have minimum six years of service in the Dept. of Tourism prior to being considered for a foreign posting. (Ad hoc service in that grade would also be counted towards this service.)
- (ii) Information Assistants who are recruited directly as such should have minimum four years of service in the Dept. of Tourism.

Those guidelines inter alia further prescribe that the record of service of the candidates should be good and above, and other things being equal, seniority is to be given due weightage, knowledge of a foreign language is also to be given due weightage. The normal term of a foreign posting as per the guidelines is three years.

3. A meeting of the selection committee to hold interviews for foreign postings of Information Assistants was initially convened on 7.4.2000 but was later postponed to 18.4.2000. A list of 32 candidates was prepared for the interview (Annexure A-3) in which applicant featured at Sl. No. 3, while private respondent No.3 did not feature at all. These interviews were to be held to fill up posts of Information Assistants in Government of India Tourist offices in

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- i) New York
- ii) Paris
- iii) Sydney
- iv) London
- v) Amsterdam
- vi) Toronto

which had or were likely to fall vacant in 2000-2001.

4. Subsequently upon a representation being filed by private respondent No.3 for inclusion in the list of candidates being considered for a foreign posting as Information Assistant, and it being noticed that the guidelines talked about completion of 6 years in the dept., and not specifically about completion of 6 years as Information Assistant in the dept., private respondent No. 3 was also called for the interview.

5. A perusal of the relevant File No. A-22012 (3)/2000 Admn. maintained by respondents relating to the impugned selection reveals that the Selection Committee which met on 19.4.2000 under the chairmanship of the Additional Director General, Tourism took into account the following parameters while selecting the candidates.

A Seniority

Maximum 30 marks/

Minimum 15 marks

B ACRs for 5 Years

Maximum 20 marks

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(Excellent 4; VG-3; 2A)

Good-2; Average-1;

Not available-2)

C Computer knowledge

Maximum Marks 15

D Foreign Language/

Maximum 15 marks

MarketingE Presentation/Product

Maximum 20 marks

Knowledge

6. Out of 33 candidates called for interview, 26 attended. Based on the highest marks secured, the following 6 candidates were recommended for postings in Govt. of Tourist Offices abroad and were posted at the places shown against their names.

Name	Position in seniority list	Marks	Place of Posting
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S/Shri

1. V.P.Krishna	25	77	New York
2. Narendra P. Kotiyal	16	75	Paris
3. Smt. B. Sengupta	5	73	Toronto

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4. Karan Singh (Pvt. R-3)	33	68	London
5. R.K. Sunani	4	67	Sydney
6. M. Misra	19	67	Amsterdam

7. The following three candidates were recommended in order of seniority and marks secured respectively, for consideration in Reserve Panel.

Name	Position in seniority list	Marks	Place of Posting
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1. Kum. S. Tigga	3	66	...
2. Sh. P. Chakravarty	21	66
3. Shri D. Venkatesan	26	66

8. As per the aforesaid parameters taken into account by the Selection Committee, we find that applicant secured a total of 66 marks, the break up of which was as follows:

Seniority	ACR	Computer	Foreign Lge/Mktg	Presen- tation & PK	Total
(30)	(20)	(15)	(15)	(20)	(100)

Applicant					
Km. Tigga	30	11	8	7	10
					66

9. Meanwhile along with the filing of the present O.A., applicant had also submitted representations dated 16.8.2000 and 18.9.2000 to official respondents in respect of her non-selection

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for a posting as Information Assistant abroad. By our order dated 14.9.2000, we had called upon official respondents to dispose of the same in accordance with rules and instructions as expeditiously as possible. Applicant's representation have since been disposed of by official respondents by two orders both dated 30.10.2000 copies of which are on record.

10. A perusal of official respondents' order dated 30.10.2000 disposing of applicant's representation dated 18.9.2000 reveals that one of the points taken by applicant in that representation was that her ACRs for the year 1994-95; 1995-96; 1996-97; and 1997-98 were not placed before the selection committee. In regard to this point, the order dated 30.10.2000 states that the position was ascertained from the members of the selection committee and it turned out that wherever ACRs were not available they were assumed to be good and marks were given accordingly. This grading was uniformly applied for all candidates in respect of whom CRs were not available. Applicant's counsel Shri Gupta has averred that applicant's ACRs for the aforesaid four years were not placed before the Selection Committee on the plea that they were not available and on that basis she was accorded two marks for ACRs by the Selection Committee for each of those four years, that is 8 marks. In addition she was accorded three marks for the year for which the ACRs were

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available, making a total of $8 + 3 = 11$ marks which corresponds with what is shown in Para 8 above.

11. In this connection he has further emphasised that official respondents' contention in order dated 30.10.2000 that applicant's ACRs for the relevant period were not available at Headquarters was not correct, in view of letter dated 29.3.2000 (copy taken on record) from Assistant Director, GOI Tourist Office, Calcutta addressed to Assistant Director (Admn.), GOI Regional Tourist Office, New Delhi stating that applicant's ACR Dossier was lying at Headquarters as per the then AD (Admn.) letter dated 20.2.98. It needs to be mentioned here that from the time of her initial appointment in GOI Tourist Office as Information Asst. on 23.4.87, till mid-1997 applicant had been posted in Port Blair, A&N Islands, which falls under Regional Director, GOI Tourist Office, Calcutta.

12. These assertions of applicant's counsel Shri Gupta have not been successfully rebutted by official respondents' counsel Shri N.S. Mehta.

13. Further applicant's ACR dossier is also on record which has been shown to us and which contains the ACRs for the year referred in Para 10 above, except the year 1996-97.

14. As official respondents' guidelines for

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transfer and postings in respect of Information Assistants abroad prescribe a minimum of six years of service in the Department of Tourism for promoted Information Assistants and not specifically six years minimum service as Information Assistants in the Dept. of Tourism, and as R-3 who was a promoted Information Assistant possessed prescribed six years of service in the Tourism department on the relevant date, respondents cannot be faulted for calling him for the selection. In the selection held by respondents, we notice that he secured 68 marks, while two persons secured less marks, that is 67 marks each. Hence even if applicant had been included within the first six selected candidates, it is not private R-3 Shri Karan Singh, who would have been excluded but Shri M. Misra, who has, however, not been impleaded by applicant as a party in the O.A., and whose rights would be vitally affected if he is called upon to make room for applicant, even without putting him to notice.

15. However, we must observe here that applicant who secured 66 marks in the selection has missed being selected by only one mark. These 66 marks include the 11 marks for ACRs, which presumably include 8 marks at the rate of 2 marks each for the four years for which ACRs were said to be unavailable, and three marks for the year for which the ACRs were available. If, as appears from Regional Tourist Office, Calcutta letter dated

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29.3.2000 applicant's ACRs were lying at Headquarters when the selection was held, no satisfactory reasons were furnished by official respondents' counsel during hearing of the O.A as to why these ACRs were not placed before the Selection Committee. Official Respondents would do well to inquire into this aspect of the matter further, fix responsibility and take appropriate action against those found to be at fault. Indeed if the applicant had secured even one mark more as per respondents' own guidelines there is no reason why she would not have been selected.

16. In this connection, a perusal of the previous notings in relevant file No. A-22012 (3)/2000 Admn. (supra) indicates that applicant was earlier interviewed on 28.4.97 for a foreign posting as Information Assistant, and was found suitable by the Selection Committee, but she was eventually not posted abroad as it was felt that she required more exposure to the Indian Tourism Product by working at Headquarters and that she would be considered against a future vacancy. The subsequent selections were held in April, 2000 as noticed above, but she ~~was~~² again missed being selected.

17. In the result this O.A. succeeds and is allowed to the extent that Respondents are directed to consider applicant's case for transfer and posting as Information Assistant abroad against the first available vacancy that occurs, in accordance with

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rules, instructions and respondents' own guidelines referred to in Para 5 above. While doing so Respondents shall not lose sight of the contents of the Dept. of Personnel O.M. dated 4.4.96 (Annexure A-6) on the claims of Government servants belonging to SC/ST categories for postings abroad. These directions should be implemented as expeditiously as possible and preferably within ^{two} ~~three~~ months from the date of receipt of a copy of this order. No costs.



(Dr. A. Vedavalli)
Member (J)

'gk'



(S.R. Adige)
Vice Chairman (A)