

Central Administrative Tribunal
Principal Bench

O.A. 607/2000

New Delhi this the 14th day of May, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J).
Hon'ble Shri Govindan S. Tampi, Member(A).

IN THE MATTER OF :

1. Pramod Pal Singh S/o Shri Amul Singh,
Aged 36 years
R/o 742, Aliganj, Lodi Road, New Delhi - 110003.
2. Udham Singh S/o Late Malipal Singh
Aged 28 years, R/o B-3 / 190
Raghubeer Nagar, New Delhi 110017
3. Sunil Kumar S/o Shri. O.P Chaudhary
Aged 29 years, R/o B-M/77
Shalimar Bagh (West)
Delhi 110052.
4. Ms. Kanchan Rathoria
D/o Shri C.B. Rathoria, aged 22 years
R/o 400, Lancer's Road, Timarpur
Delhi 110054.

APPLICANTS

(By Advocate Shri Krishnamani, Sr. Counsel with
Shri S.R. Singh)

VERSUS

1. Union of India
(Through)
The Secretary,
To the Govt. of India,
Deptt. Of Agriculture and Co-operation
Ministry of Agriculture, Krishi Bhavan,
Dr. R.P Road, New Delhi 110001.
2. The Economic and Statistical Advisor (ESA)
Directorate of Economics and Statistics,
Department of Agriculture and Co-operation,
Krishi Bhavan, Dr. R.P. Road,
New Delhi 110001.
3. Shri Arjun Prasad,
Under Secretary to the Govt. of India,
Department of Agriculture and Co-operation
Ministry of Agriculture, Krishi Bhavan,
Dr. R.P Road, New Delhi 110001.
4. Shri B.R. Sharma, CAO,
Department of Agriculture and
Co-operation, Krishi Bhawan,
New Delhi-110001.
5. Shri Subhash Chander, Principal
private Secretary, to the
Secretary, Department of Agriculture
and Co-operation, Krishi Bhawan,
New Delhi-110001.

(By Advocate Shri N.K. Aggarwal)



O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J).

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The applicants have challenged the vires of the letter dated 18.3.1999 issued by Respondent 3, who, according to them, had misused his office by illegally cancelling the select panel of candidates recommended by the Selection Committee of Experts for appointment to the post of Computers with the respondents.

2. The four applicants who have filed this O.A. were among the candidates for selection to the post of Computers. According to them, the selection process was completely fair and in accordance with the Recruitment Rules and they are aggrieved by the fact that the selections held on 30.1.1999 have been declared null and void by the respondents. There were 8 vacancies notified by the respondents, out of which 3 were reserved for SC candidates, 3 for OBC and 2 for general candidates. Shri Krishnamani, learned Senior Counsel for the applicants, has submitted that after the letter dated 18.3.1999 was issued by Respondent 3, another order had been passed by the respondents dated 18.5.1999 in which it has been stated that with the approval of the competent authority, the test/interview held on 30.1.1999 to fill the post of Computers has been declared null and void for some administrative reasons. He has submitted that the reasons for cancellation said to be for administrative reasons have to be based on good and valid reasons. According to the applicants, there was no irregularity in the selection held on 30.1.1999 but the same has been

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cancelled for no valid reasons and in collusion with Respondent 3 and other interested employees of the respondents who have not been selected. He has relied on the judgement of the Supreme Court in **Munna Roy Vs. Union of India & Ors.** (JT 2000(9) SC 168) and has submitted that the Tribunal can interfere in the matter if it finds that the administrative authority has taken an erroneous decision in cancelling the selection. During the hearing, learned Senior Counsel has submitted that he does not press the prayer in paragraph 8(iii). One of the main prayers is for a direction to the respondents to produce the relevant records of the select panel. This has been done by the learned counsel for the respondents who have submitted the relevant records for our perusal.

3. The respondents in their reply have submitted that the tests and interview held on 30.1.1999 had to be cancelled as the competent authority found that the recommendations had not been done in a fair manner. The respondents have also taken a preliminary objection that as applicants Nos. 2 to 4 are not Government servants, therefore, the Tribunal has no jurisdiction in the matter. This point was not, however, pressed during the hearing and having regard to the provisions of Sections 14 and 19 of the Administrative Tribunals Act, 1985, the same is rejected as the issue pertains to appointment of the applicants in Government service.

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4. Learned counsel for the respondents has submitted that before the competent authority had approved the select list recommended by the Selection Committee, who had conducted a written test, machine test and personal interview on 30.1.1999, they had received a large number of written complaints regarding irregularities which have been committed in the selection. He has submitted that after going through the entire records, the competent authority had found that the selection procedure was vitiated and hence declared the selection held on 30.1.1999 as null and void vide order dated 18.3.1999. On the basis of this order, another order dated 18.5.1999 had been issued declaring the selection as null and void. Learned counsel has relied on a number of judgements of the Supreme Court, namely, (1) **State of Haryana Vs. S.C. Marwah and Ors.** (1974(3) SC 220); (2) **Jatinder Kumar & Ors. Vs. State of Punjab and Ors.** (1985(1) SCC 122); and (3) **Shankarsan Dash Vs. Union of India** (1991(3) SCC 47). He has submitted that the mere preparation of a select list of candidates does not give an indefeasible right for appointment to those candidates. He has submitted that due to irregularities that have been committed during the selection of the candidates, a conscious decision had been taken by the competent authority to declare the selection held in the instant case for the post of Computers as null and void. He has submitted that there is no pick and choose policy and a bonafide decision had been taken, based on the complaints received by the

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respondents against which the applicants can have no grievance. He has, therefore, submitted that the application is devoid of merits and the same should be dismissed.

5. After careful consideration of the pleadings and the submissions made by the learned counsel for the parties, we find no merit in this application. The submission of the applicants that the action of the respondents was mala fide in cancelling the selection held on 30.1.1999 is not supported by any documents. On the contrary, from a perusal of the relevant Departmental records which have been submitted by the learned counsel for respondents, we find no good grounds to justify any interference with the decision taken by the competent authority. In the referring note placed before the competent authority, one of the reasons mentioned is that the Selection Committee's decision to allocate 38% of total marks for interview appears to be unduly high whereas the normal allocation of marks for interview tests does not exceed 15%. They have also stated that there have been some apparent distortions in the weightage given to the interview marks and an allegation has also been made that one Shri C.B. Rathoria, Assistant, whose daughter was a candidate for the post was an invigilator during the written test and machine test. Although, it has been stated that his involvement in the selection process was peripheral but that he should have brought it to the notice of his superiors

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that his daughter was one of the candidates in the test. In this connection, it is also relevant to note that a number of written complaints on the irregularities in the selection test have been received by the respondents and copies of some of the complaints have also been given by the applicants themselves in the O.A. These have been looked into by the concerned authorities before taking a decision to cancel it.

6. Taking into account the relevant facts and circumstances of the case, we are unable to agree with the contentions of the learned Sr. Counsel for the applicants that the decision of the competent authority to cancel the selection held on 30.1.1999 is either for mala fide or arbitrary reasons, warranting any interference in the matter. In the circumstances of the case, no such directions, as prayed for by the applicants can be issued to the respondents to proceed further in appointing the applicants to the posts of Computers following this selection. In the result, the O.A. fails and is dismissed. No order as to costs.

(Govindan S. Tampi)
Member(A)

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

'SRD'