

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1840/89
T.A. No.

198

DATE OF DECISION 20/11/1989

(3)

M. Sivam

Applicant (s)

In person

Advocate for the Applicant (s)

Versus
UOI & Ors.

Respondent (s)

Shri P.H. Ramchandani,
Sr. Standing Counsel

Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. P. Srinivasan, Member (A)

The Hon'ble Mr. T.S. Oberoi, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. To be circulated to all Benches of the Tribunal ?

Yc

} No

JUDGEMENT (oral)

(delivered by Hon'ble Shri P.Srinivasan, Member).

This application has come up for admission before us with notice to the respondents. The applicant appears and argues his case himself. Shri P.H. Ramchandani, learned Senior Standing Counsel, appears for the respondents. After hearing both parties, we feel that this application can be disposed of at this stage itself and accordingly, we proceed to do so.

2. The applicant, who is working as an Under Secretary in the Department of Public Enterprises, Ministry of Industry, New Delhi, is aggrieved that in the select list for promotion to ~~the~~ posts of Deputy Secretary, for the year 1988, announced on 21.6.1989, his name does not figure. He submits that he has an excellent service record, has received appreciation from his superiors and is, in every way, eligible for promotion but he has been left out while

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some of his juniors have been selected for promotion.

He submits that the process of selection has probably been undertaken in a great hurry and in the process, his character roll has not been properly assessed. He prays that this Tribunal should call for his character roll and assess the same to see whether he should have been placed in the select list.

3. Shri Ramchandani for the respondents produces the relevant file covering the selections made for the year 1988 to ~~the~~⁴ posts of Deputy Secretary. He submits that the Central Establishment Board, which is the authority to make recommendations, examined the records of 102 Under Secretaries for selection to 37 posts of Deputy Secretary. All the 102 persons were graded according to their C.Rs into four categories, namely, 'outstanding', 'very good', 'good' and 'not suitable'. The Central Establishment Board categorised the applicant as 'good' on the basis of his confidential reports. Those who were categorised as 'outstanding' and 'very good' had necessarily to be given precedence over him in the matter of selection. Since 37 persons obtained a higher categorisation than the applicant, they were selected while the applicant failed to make the grade. Shri Ramchandani submits that assessment of the character rolls of persons for promotion is entirely within the sphere of administrative action and this Tribunal can interfere only if the procedure adopted was illegal or there is a specific allegation of mala fide on the part of the selecting authority towards the applicant. Since the procedure followed in this case is the correct procedure and since no mala fide has been attributed to the members of the Central Establishment Board by the applicant, this Tribunal cannot undertake a fresh examination of the confidential reports and substitute

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its opinion for that of the administrative authority.

4. We have given our anxious thought to the matter. Shri Ramchandani is right when he says that the role of this Tribunal being one of judicial review, is only restricted to examining the legality of the actions of the administrative authorities and if their action is found to be within the four corners of the law, this Tribunal cannot interfere. The applicant has not alleged any animus against him on the part of the authorities who made the selection. We agree that it is not for us to re-appraise the character rolls of all the persons who fell in the zone of promotion and to substitute our opinion for that of the Central Establishment Board. We also notice that after the recommendations of the Central Establishment Board were made, elaborate notings have also been made by the Minister of State concerned and the Home Minister, before the matter was finally approved by the Appointments Committee of the Cabinet. We cannot fault the procedure followed and for the reasons stated above, we are not in a position to interfere with the decision of the authorities.

4. In view of the above, the application is rejected at the stage of admission itself, leaving the parties to bear their own costs.

A Oberoi

(T.S. Oberoi)
Member (J)

P. Srinivasan

(P. Srinivasan)
Member (A)

20-11-1989.