

(10)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI.

REGN.NO. OA 85/1988

Date of decision: 10th July, 89

Shri J.S.Sharma Applicant

Vs.

Union of India & others Respondents

CORAM: Hon'ble Shri P.Srinivasan, Member(A)
Hon'ble Shri T.S.Oberoi, Member(J)

For the Applicant

For the Respondents Shri M.M.Sudan, Counsel.

(Judgement of the Bench delivered by Hon'ble
Shri P.Srinivasan, Member(A))

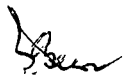
In this application, the applicant, an official in Grade I of the Delhi Administration Subordinate Service is aggrieved with orders dated 4.1.1988 issued by the Delhi Administration appointing 3 officers as Food Supplies Officers(FSO) and 8 officers as Administrative Officers; he complains that he has been wrongly passed over for such appointment by persons who, according to him were junior to him in the said Subordinate Service.


2. This application was listed for hearing along with another application raising the same issue- OA 2/1988: Dharm Vir and others Vs.Union of India- on 10.5.1989. Neither the applicant nor his counsel appeared on 10.5.1989 when the cases were called out. OA 2 of 1988 was heard on 10.5.1989, 11.5.1989, 12.5.1989 and 15.5.1989, but on none of these days did the applicant choose to appear. We have, therefore, proceeded to deal with the application with the assistance of Shri M.M.Sudan, learned counsel for the respondents- the Union of India, the Lt.Governor, Delhi and the Chief Secretary, Delhi Administration. We have also had the benefit of the arguments of Shri M.G.Kapoor, learned counsel for the applicants in OA 2/1988 who share a common interest with the applicant here.

3. The thrust of the applicant's case as seen in the application is that he had put in over 6 years of service in Grade I against only 4 years of such service required for appointment as FSO and AO, was senior in that grade to officers appointed as FSO or AO by the impugned orders and yet was not considered for such appointment. On the other hand, the respondents say in their reply that the case of the applicant was considered along with those of others who had volunteered for consideration, for appointment by a duly constituted Selection Committee which after scrutinising their service records, empanelled 60 persons considered most ^{suitable}; the Committee graded all the candidates in the field and did not consider the applicant suitable for appointment.

4. We have perused the record of the Delhi Administration and the proceedings of the Selection Committee. We find that the case of the applicant was indeed considered by the Selection Committee which did not recommend him for appointment. The appointments in the impugned orders were, therefore made after following a proper procedure of selection. Since appointment was by deputation, the Selection Committee had to choose the most suitable persons. Unless it is shown that any member of the Selection Committee had any animus against the applicant or that his exclusion was malafide or that there was any legal infirmity in the process of selection we cannot interfere with the decision of the Selection Committee and substitute our judgement for that of the Committee. No such vitiating factor has been pointed out in the application nor has any such factor ^Y come to light on a perusal of the records.

5. In view of the above, the application is dismissed leaving the parties to bear their own costs.


(T.S. OBEROI)
MEMBER (J)


(P. SRINIVASAN)
MEMBER (A)