



**Central Administrative Tribunal
Principal Bench**

OA No.1493/2019

New Delhi, this the 13th day of March, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. K. Bishnoi, Member (A)**

Indu Rawat
Wife of Virender Singh Rawat
Aged about 43 years,
R/o A-6, Kasturba Niketan Complex,
Lajpat Nagar-2,
New Delhi 110 024.
Group 'A', Administrative Incharge. ...Applicant.

(By Advocate : Shri Ajesh Luthra)

Versus

1. Delhi Urban Art Commission
Through its Chairman
Core-6, UG & First Floor,
India Habitat Centre,
Lodhi Road, New Delhi 110 003.
2. Union of India
Through Secretary
Ministry of Housing and Urban Affairs
Nirman Bhawan,
New Delhi 110 001. ... Respondents.

(By Advocate : Mrs. Indrani Ghosh)

: O R D E R (ORAL) :

Justice L. Narasimha Reddy, Chairman:

The 1st respondent published a Notification in the Employment News of 29.09.2018 to 05.10.2018, inviting applications for selection to the post of Administrative



Officer (AO) (Group-A, unreserved). The applicant is working as Senior Stenographer in the same Organisation, and she applied for the said post. Interviews were held on 29.12.2018; but the results were not declared for quite a long time.

2. This OA is filed with a prayer to direct the respondents to declare the result of selection for the post of AO and to issue necessary order of appointment to the applicant.

3. It is stated that the then Secretary of 1st respondent who is the Reporting Officer of the applicant has written her APAR for the period from 01.04.2018 to 31.03.2019 stating that she has been found fit for the post of AO by the Selection Committee and that the Commission appointed her with necessary formalities being completed. The applicant contends that once an important officer of the organisation has made such an endorsement, there is no basis for the 1st respondent in not declaring the result and taking further steps.

4. On behalf of the respondents, a detailed counter affidavit is filed. It is stated that the very mentioning of the result of the Selection Committee by the Secretary in the APAR of the applicant is totally objectionable. It is stated that when the results were not declared as yet, it is



ununderstandable as to how the Secretary can endorse that the order of appointment was issued to the applicant. It is also stated that a Committee was constituted to look into the process of selection and a report was submitted on 08.07.2019 taking the view that the selection process needs to be scrapped. Across the Bar, it is stated that a fresh notification was issued for the post of AO, today itself.

5. We heard Shri Ajesh Luthra with Mrs. Sriparna Chatterjee, learned counsel for the applicant and Ms. Tamali Wad and Ms. Leelawati Suman, learned counsel for the respondents.

6. The advertisement was issued for the post of AO. Not only the officials of the 1st respondent but also others who are qualified, are eligible to apply. The interview was conducted on 29.12.2018 by the Selection Committee comprising of five officers. The then Secretary of the 1st respondent is said to be the one of the Members. The results were not declared and the applicant naturally got anxious.

7. In the OA, it is stated that the copy of the APAR for the period between 01.04.2018 to 31.03.2019 was furnished to her and the following was written therein, by the then Secretary, in his capacity as Reporting and Reviewing Officer:-



“Considering her overall experience including sound knowledge of administration, finance accounts, she was made head of admin section and designated Administrative Incharge last year (Nov. 2017) by the Commission. She has performed very well with full dedication and calibre. She has proved herself an asset to the Commission. Recently the due process for recruitment to the post of Administrative Officer has been concluded. She has been found fit for the post of A.O. in DUAC. The Commission has accordingly appointed her administrative officer with necessary formalities being completed.”

From this, it becomes clear that the then Secretary who was part of the Selection Committee has declared that the applicant has been selected for the post of AO. What is more startling is that even before the results are declared, he has gone to the extent of saying that the Commission has already appointed her as AO “with necessary formalities being completed”. While for the respondents, this became a matter of concern, the applicant placed reliance upon it.

8. It may be true that the applicant has no role to play in making of the endorsements in the APAR. However, once the result of the selection is made known before it was officially declared, the entire selection process gets vitiated. The mentioning of the issuance of the order of appointment would only indicate the extent to which, the then Secretary has gone. Unfortunately, the state of affairs in the 1st respondent organisation appear to be in that manner. A lot of improvement is needed in that behalf.



9. Once the result of the selection was leaked and made known to the applicant, that too, in the form of endorsements in her APAR, one cannot expect the so called selection to be kept intact.

10. The plea of the applicant that the APAR was communicated to her by another incumbent in the office of Secretary hardly makes any difference. What becomes objectionable is the leak, irrespective of the source and the person, who did it.

11. The applicant can apply in response to the advertisement and there is no reason as to why her candidature would not be considered.

12. We do not find any merit in the OA. It is accordingly dismissed. All ancillary applications also stand dismissed.

(A. K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/