

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00730/2015

Jabalpur, this Tuesday, the 30th day of June, 2020

HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER

Smt. Suranjana Ray, IAS, W/o Shri Dilip Kumar Samantaray, aged about 59 years, R/o 34, Sadhana Enclave, Phase-II, Adarsh Nagar, Hoshangabad Road, Bhopal 462026.

Place of employment – Chairman, Board of Secondary Education, Shivaji Nagar, Bhopal
-Applicant

(By Advocate – Shri Dhruv Verma)

V e r s u s

Union of India through the Secretary to the Govt. of India, Department of Personnel and Training, Room No. 112, North Block, New Delhi – 110001.

-Respondents

(By Advocate – Shri Rahul Jain, proxy counsel of Shri J.K. Jain)

(Date of reserving order :01.10.2019)

O R D E R

By Navin Tandon, AM.

The applicant is aggrieved that her name has not been considered for empanelment to the post of Additional Secretary and Secretary to the Government of India.

2. The applicant has made the following submissions:

2.1 She is an officer of Indian Administrative Services (IAS) of 1982 batch in Madhya Pradesh cadre.

2.2 At the time of filing this Original Application, she was working as Additional Chief Secretary to the Government of Madhya Pradesh.

2.3 She has not been empanelled as Additional Secretary to the Government of India en-route to the Secretary to the Government of India.

2.4 She has been rated as outstanding for the period under review (from 2002 to 2010-11) by the State and Government of India except by one Secretary Agriculture for the period of (20.12.2004 to 31.03.2005) and (01.04.2005 to 31.03.2006).

2.5 Finding that her name is not in the list, she gave a representation as an appeal to the Cabinet Secretary to expunge the CR which has been written for malafide reasons and not based on facts (Annexure A-1 dated 16.08.2012, Annexure A-2 dated 16.10.2012, Annexure A-3 dated 04.01.2013 and Annexure A-4 dated 07.01.2013).

2.6 She also met the Cabinet Secretary in person twice and again represented by letter dated 31.05.2013 (Annexure A-5) and 05.10.2013 (Annexure A-6).

2.7 Her CR of 2011-12 by the Chief Vigilance Commissioner has also been rated outstanding for her work as Chief Vigilance Officer in Delhi Development Authority.



3. She has prayed for the following reliefs:

“8. Relief Sought:-

It is, therefore, prayed that the Hon’ble Tribunal may kindly be pleased for issuance of the directions to the Respondents for the empanelment of the applicant as Additional Secretary and Secretary to the Government of India in the interest of justice. Since the Applicant is going to retire in one year’s time, an early hearing is prayed for.”

4. The respondents in their preliminary submissions have stated as under:

“(2) The deputation of officers, belonging to the IAS to various posts – under the State Government of the cadre to which they are allocated, or the Central Government, or elsewhere – is regulated by the provisions of Rule 6 of the IAS (Cadre) Rules, 1954. The present application is in relation to her empanelment and appointment at the level of Additional Secretary/Secretary on deputation in the Central Government.

(3) Appointment to senior posts under the Central Government is regulated by the provisions of the ‘Central Staffing Scheme (CSS). In terms of the provisions of the Scheme, appointment to the positions of Joint Secretaries, Additional Secretaries, and Secretaries in the Government of India on deputation is preceded by their ‘empanelment’ for appointment at the respective levels in the Central Government. The process of empanelment or appointment at the levels of Joint Secretary, Additional Secretary, and Secretary is laid down in clauses 6, 7, 8, and 14 of the Central Staffing Scheme, copy whereof is filed herewith as Annexure-R/I. The answering respondent begs to refer to, and draw upon, the provisions of these clauses, hereinafter in these submissions. The Guidelines for evaluating suitability of IAS officers for their inclusion in the panels of Additional Secretary and Secretary have been separately laid down, with the approval of the Competent Authority, copy whereof is filed herewith as Annexure-RII.

(4) It may be pertinent to point out that Empanelment procedure is distinct from the Procedure for promotion. Officers are considered for promotion by holding a DPC in their cadres. Empanelment is a process by which suitable officers are identified to hold posts of Joint Secretary, Additional Secretary and Secretary in the Government of India on





deputation. The Empanelment process is not for consideration of promotion of officers. In terms of the provisions of the Central Standing Scheme, panels of suitable officers are drawn up on annual basis considering all officers of a particular year of allotment and inclusion in such panels is through the process of strict selection and evaluation of such qualities as merit, competence, leadership and a flair for participating in the policy making process. Posts at these levels at the Centre filled according to the Central Staffing Scheme are not to be considered as posts for the betterment of promotion prospects of any service; rather the need of the Central Government would be of paramount consideration. The Empanelment Guidelines also lay down that empanelment should be considered not as a reflection of the intrinsic merit or otherwise of an officer but the suitability of an officer to occupy senior levels in the Central Government.

(5). In accordance with the clause 14 of the “Central Staffing Scheme” and the provisions in the “Empanelment Guidelines”, the empanelment process is carried out by a Special Committee of Secretaries (SCoS) under the Chairmanship of Cabinet Secretary. The SCoS takes into account the experience profile of the officers concerned, scrutinizes their records and evaluates qualities such as general reputation, merit, competence, leadership, flair for participation in policy making and in their implementation while recommending names of the officers to be included in the panel. Prior to that, an Expert Panel initially examines the ACRs of the officers in detail for each batch and gives its own assessment of the gradings of the officer, which are taken into account by the SCoS while recommending the list of officers to be included in the panel. The empanelment is done with the approval of the Appointments Committee of the Cabinet (ACC) on the basis of recommendations of a Special Committee of Secretaries (SCoS)”.

4.1 The respondents have further submitted that case of the applicant as Additional Secretary was considered by SCoS on 05.07.2012. The Committee recommended empanelment of 53 officers of the batch for appointment to Additional Secretary/Additional Secretary equivalent posts in the Centre. The Committee did not recommend the empanelment of the applicant.

4.2 The SCoS in its meeting held on 26.11.2012 considered the deferred and representation cases. The representation submitted by the applicant against her non-empanelment was also considered. However, the Committee did not recommend her empanelment.

4.3 The SCoS in its meeting held on 19.08.2014 (1st review) and 10.06.2015 (2nd review) for consideration of empanelment of IAS officers of 1982 batch also did not recommend her empanelment. This was approved by the Appointments Committee of the Cabinet.

4.4 The IAS officers belonging to 1982 batch for initial empanelment at the Secretary level were before the SCoS which met on 10.06.2015 and 11.06.2015. The Committee recommended empanelment of 36 officers of the batch for appointment to Secretary/Secretary equivalent posts in the Centre. The Committee did not recommend the empanelment of the applicant.

4.5 The representations dated 16.08.2012, 16.10.2012 and 07.01.2013 of the applicant was placed before the Expert Panel and their recommendations were obtained on those representations. Based on the recommendations of the Expert Panel, her empanelment was considered by the SCoS. However, the SCoS did not recommend the empanelment of the applicant.

4.6 The applicant's name was considered along with her batchmates as per the guidelines/procedure for empanelment to hold Additional Secretary



Level/Secretary Level posts at the Centre. However, the SCoS did not recommend her empanelment along with other officers of her batch. The Appointments Committee of the Cabinet approved the recommendations of the SCoS including non-empanelment of the applicant.

5. The applicant has filed rejoinder in which she has questioned the action of the respondents in not replying to her representation para-wise.

6. Heard the learned counsel of both the parties and perused the pleadings available on record.

7. Learned counsel for the applicant vehemently argued that the applicant, in spite of having an outstanding career, was not considered for empanelment as Additional Secretary and Secretary in the Central Government and no reasons have been assigned for the same.

8. Learned counsel for the respondents submitted that empanelment of any officer as Additional Secretary or Secretary to the Government of India is not a promotion and, therefore, there has been no loss in career advancement of the applicant. The empanelment as Additional Secretary or Secretary to the Government of India is only for the purpose of working in the Central Government and the process is given in detail in the reply. All the representations of the applicant were duly considered at various level as per the procedure and no irregularity has been found.



F I N D I N G S

9. It has been explicitly explained by the respondents that empanelment to the post of Additional Secretary and Secretary to the Government of India are not promotional post and are mere deputation. Therefore, the normal rules of promotion are not applicable in the present case. The respondents have also explained in detail the entire process of Central Staffing Scheme under which officers of various department including IAS officers are empanelled for deputation to Government of India.

10. The Special Committee of Secretaries (SCoS) function under the chairmanship of the Cabinet Secretary for drawing up proposals for consideration of the ACC. The details are available in Clause 4 of the Central Staffing Scheme (Annexure R-1). Inter alia it also mentions that the need of the Central Government would be the paramount consideration.

11. The representations which were filed by the applicant have also been considered by the SCoS in its meeting held on 26.11.2012. Therefore, the respondents have taken due consideration to the representations filed by the applicant.

12. It is also noted that the applicant has already superannuated in the year 2016.



13. From the above it is seen that as far as the promotional prospects of the applicant is concerned the same has been duly taken care of in her cadre. This is not even a point of adjudication. However, as far as empanelment as Additional Secretary and Secretary to the Government of India is concerned, the same has been done as per the procedure laid down in Central Staffing Scheme (Annexure R-1). Therefore, we do not find any irregularity or illegality in the action taken by the respondents.

14. Accordingly, the Original Application is dismissed being devoid of merits. No order as to costs.



(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member