

12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

487
O.A. No. 1986
T.A. No.

DATE OF DECISION December 12, 1986.

Shri Brij Raj Bahadur Petitioner

Mrs. Sarla Chandra, Advocate for the Petitioner(s)

Versus

The Secretary, Ministry of Personnel Respondent
and Training and others

For Respondent No. Shri N.S. Mehta. Advocate for the Respondent(s)

For respondent No.2 Shri P.K. Bhansali,

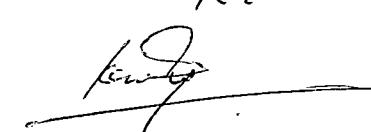
CORAM :

The Hon'ble Mr. K.Madhava Reddy, Chairman.

The Hon'ble Mr. Kaushal Kumar, Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ? No
3. Whether their Lordships wish to see the fair copy of the Judgement ? No
4. Whether to be circulated to other Benches ? No


(Kaushal Kumar)
Member
12.12.1986.


(K.Madhava Reddy)
Chairman
12.12.1986.

13

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI

Regn. No. OA 487/86

12-12-1986

Shri Brij Raj Bahadur
Versus

... Applicant

The Secretary, Ministry of
Personnel and Training & others ... Respondents

CORAM:

Shri Justice K. Madhava Reddy, Chairman
Shri Kaushal Kumar, Member

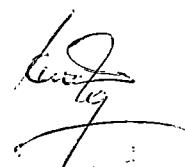
For the applicant ... Mrs. Sarla Chandra,
counsel.

For the Respondent ... Shri N.S. Mehta,
(No.1) Sr. Counsel

For respondent ... Shri P.K. Bhansali,
(No.2) counsel.

(Judgement of the Bench delivered by
Shri Justice K. Madhava Reddy, Chairman).

The Applicant complains that when Shri M.M.K. Wali was appointed /as Chief Secretary, Rajasthan Secretariat he should have been selected and appointed or granted an equivalent post carrying a pay of Rs. 3500/-. Though no specific averment was made in the application it was argued by the learned counsel for the applicant that he was not considered at all. The learned counsel for the 1st respondent, Shri N.S. Mehta pointed out that in fact the applicant was considered but not selected. Once the applicant has been considered, unless something is placed on record to show that among all persons eligible for consideration, the applicant was the most outstanding, the selection made on a comparative assessment cannot be assailed. No such record has been placed before us. It was contended by the learned counsel for the applicant that the adverse remarks for the year 1982-83 must have been ground for not selecting the applicant. Those adverse remarks which were of

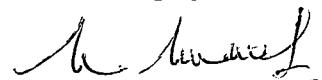


a later year obviously could not have been the basis for a selection made in the year 1980.

The other averments made in the petition are just vague assertions about the qualities of the applicants which cannot by themselves affect the selection of Shri M.M. K. Wali or any other person for that matter.

The applicant also complains that he had submitted a Memorial to the President and that Memorial was rejected without giving any reasons. The applicant was not entitled under any service rules to submit a Memorial to the President. No person can claim a legal right to submit a Memorial to the President and require the President to consider the same under the service rules and give a reasoned order for its rejection. Only a right of appeal or revision is provided to an aggrieved employee under the Service Rules. Merely because a Memorial is submitted to the President, the President is not obliged to call for any report or give any reasoned order for its rejection. The applicant cannot make any grievance that no reasons have been recorded in rejecting the Memorial. It is significant to note that even in the Memorial the applicant has not stated that he was not considered when Shri M.M. K. Wali was selected.

This application is devoid of any merit; it is accordingly rejected.



(Kaushal Kumar)
Member
12.12.1986



(K. Madhava Reddy)
Chairman
12.12.1986