

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: DELHI

Regn. No. 1427/87

Date: 7.12.1987

Shri K.K. Khullar

... Applicant.

Vs.

Union of India & Ors.

... Respondents.

For Applicant

... In person.

For Respondents.

... Shri M.K. Gupta with
Shri K.C. Mittal,
Advocates.

CORAM: Hon'ble Mr. S.P. Mukerji, Administrative Member
Hon'ble Mr. Sreedharan Nair, Judicial Member.

JUDGEMENT
(Delivered by Shri S.P. Mukerji)

This is for the second time that Shri Khullar has come up before us with his grievance regarding inclusion in the panel of Joint Secretary as an officer of the Secretariate Services. It may be recalled that in his first application registered as OA-868/86, this Tribunal delivered a judgement on 30.1.1987 directing the respondents to reconsider the case of the applicant through a Review Committee. The relevant directions can be quoted below:

"the case of the petitioner for inclusion in the panel of Joint Secretaries should be considered again by a Review Committee taking into account his performance in the total period of service preceding 1985 but excluding the report of 1982 which contains an uncommunicated adverse report. The entire report of 1982 should be taken out of the C.R. dossier before the dossier is placed before the Selection Committee/Board, as we feel that the 1982 sheet with the unexpurgated adverse remarks is likely to prejudice the Selection Committee/Board adversely and unduly. We are directing action on these lines advisedly because the petitioner is reaching the age of superannuation in April, 1988 and the process of communication of the adverse remarks of 1982, his representation thereon and consideration of his representation and memorial, etc., may take about a year and four months as has been taken between the date of communication of adverse remarks of 1983 on 17.4.1985 and the disposal of the memorial on 20.6.1986. We feel that the applicant with his integrity, hard work and other qualities so profusely acknowledged and acclaimed by his superiors, deserves nothing less than this."

Accordingly, the case of the applicant was reconsidered and again he was not found fit for inclusion in the panel of Joint Secretary prepared in 1985. It is against this decision of the respondents that the applicant has come up with the present application praying that the impugned Review be set aside being malafide, arbitrary, discriminating and illogical and that the relevant original records be examined by us.

2. We have heard the applicant in person and the learned Counsel for the respondents and gone through the original assessment records produced before us by the learned Counsel. From the perusal of the records it is revealed that in accordance with the directions given by the Tribunal, the ^{separately and} performance of Shri K.K.Khullar was assessed independently by four Secretaries to the Government of India. It is also revealed that while this assessment was made ^{the} C.R. dossier of Shri K.K.Khullar was circulated among the Secretaries and his A.C.R. for the year 1982 was not taken into consideration. Out of four Secretaries, one Secretary assessed the applicant's performance as 'Very Good' and three Secretaries assessed it as 'Good'. The assessment was placed before the Civil Services Board under the Chairmanship of the Cabinet Secretary on 3rd August, 1987 and ~~again~~ it was felt that a comparative assessment between the applicant and some other officers included in the panel should be made. This was done and the Civil Services Board in its meeting held on 10th August, 1987 did not find the applicant worthy of being recommended for inclusion in the suitability list for appointment to Joint Secretary or equivalent post at the ^{by us} ^{of} Centre. A further perusal of the assessment reports of twenty three CSS Officers who were included in the 1985 panel clearly showed that the performance of these officers

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had been assessed as 'Very Good' atleast by three Secretaries, instead of only one as in case of the applicant. Accordingly, we do not find any case for questioning the decision of the respondents impugned in this application. The bald allegation of discrimination, malafides etc. cannot be accepted because four Secretaries to the Government of India independently participated in the assessment of the applicant's performance as directed by this Tribunal. It is not for the Tribunal to question the ^{grading} ~~degree~~ of the assessment made by the Committee of Secretaries or the Services Board. In the circumstances, we see no merit in the application and reject the same. There will be no order as to costs. The judgment was delivered in the open court in presence of the parties.

14/5/1987

(Sreedharan Nair)
Judicial Member

S.P. Mukerji

(S.P. Mukerji)
Administrative Member