

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1567 198 7
T.A. No.

DATE OF DECISION 5.1.88

Shri R.K.Agrawal, Petitioner

Shri E.X.Joseph, Advocate for the Petitioner(s)

Versus

Union of India & others Respondents

Shri N.S.Mehta, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice 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 all the Benches ? *No*

kaushal
(Kaushal Kumar)
Member

Kerry
(K. Madhava Reddy)
Chairman

5.1.88

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: DELHI

REGN. NO. CA 1567/87

Date of decision: 5.1.88

Shri R. K. Agrawal Applicant

Vs.

Union of India & others Respondents.

Coram: Hon'ble Mr. Justice K. Madhava Reddy, Chairman
Hon'ble Mr. Kaushal Kumar, Member.

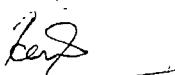
For the Applicant Shri E.X. Joseph, Counsel.

For the Respondents Shri N. S. Mehta, Counsel.

(Judgement of the Bench delivered by Hon'ble
Mr. Justice K. Madhava Reddy, Chairman)

The applicant who is an Assistant Audit Officer prays that the selection of Respondent Nos. 4 to 7 by Respondent No. 3 (Director of Audit-I, Central Revenues, I.P. Estate, New Delhi) for being considered for final selection by Respondent No. 2 (The Comptroller & Auditor General of India, Bahadur Shah Zafar Marg, New Delhi) for posting them as Assistant Audit Officers in the India Audit Office, Washington may be quashed. He also prays for a further direction to Respondents 2 & 3 to circulate among the staff the instructions/guidelines issued for selection of officials for being posted at the India Audit Offices in London and Washington. According to him, only the seniormost persons should be posted abroad. He asserts that the persons now recommended are junior to him and were posted abroad earlier and should not have been preferred for another posting abroad when seniors to them are available.

2. Posting a person at a particular place either in India or abroad is an administrative matter. No employee has a right to be posted at any particular place be it in India or abroad, more so when no guidelines are shown



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to exist or alleged to have been contravened. The applicant pleads that the instructions/guidelines, if any, should be circulated to him. There is no rule or instruction stipulating that only ^{the} seniormost should be considered for being appointed outside India. In the absence of any statutory Rules, posting a person particularly outside India is a matter to be decided primarily from an administrative point of view. It is for the Competent Authority to select the most suitable person for the job. In such a matter, the applicant, who has no vested right to posting at any particular place, can hardly have a grievance and call for the interference of the Tribunal. It is true that volunteers were called for appointment but there was no assurance that any of the volunteers would necessarily be appointed. The applicant seems to be only trying to fish out the criteria on which persons were selected for being posted abroad rather than complaining about the contravention of any Rules or specific Policy. Reliance placed on the judgement of the Supreme Court in *Ramana Dayaram Shetty V. International Airport Authority*(1) is wholly misconceived. While it is true that every administrative action must be fair and just and must not be arbitrary, we do not think on the facts and circumstances of this case there is any scope for complaining that the Government has acted arbitrarily or made an order adversely affecting the applicant calling for interference of this Tribunal. This application is, therefore, dismissed.

KAUSHAL KUMAR

(KAUSHAL KUMAR)
MEMBER

5.1.88

K. MADHAVA REDDY

(K. MADHAVA REDDY)
CHAIRMAN