

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

(S)

REGN. NO. O.A. 686/87. DATE OF DECISION: 17.9.92

R. Luikham. ... Petitioner.

Versus

Union of India & Anr. ... Respondents.

CORAM: THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.  
THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A).

For the Petitioner. ... None.

For the Respondents. ... None.

JUDGEMENT (ORAL)

(By Hon'ble Mr. Justice V.S. Malimath,  
Chairman)

None appeared either for the petitioner or for the respondents. The petitioner is aggrieved by his non-promotion to the post of Joint Secretary. It is his case that a panel for 1985 in respect of Joint Secretaries was drawn in April, 1986 and the same consisted of 32 candidates recommended by the Departmental Promotion Committee, out of a list of 37 candidates. He says that his name was at serial No. 2 or 3 in the said panel. It is his further case that when finalisation of the panel came up for implementation, only 25 names appeared in the final list and the name of the petitioner had been excluded, whereas three names which were not recommended by the D.P.C.,

were added illegally. His principal case is that once the D.P.C. recommends, no fresh names can be added nor the names from the said list can be excluded without any ground. The petitioner has obviously assumed that his name was included in the select panel prepared by the D.P.C. but had been removed on the basis of certain adverse entries in the C.C.R. He says that it is for the DPC to assess the suitability and take into consideration the C.C.R. and once such a selection is made, none of the authorities can sit over that assessment and remove the name from the panel on the ground that some of the C.C.Rs are not favourable.

2. The respondents have in their reply submitted that the assumption made by the petitioner in regard to the procedure followed is not correct. They have annexed the scheme for staffing senior administrative posts of and above the rank of Deputy Secretary as Annexure R-1. It includes the post of Joint Secretary as well. It is pointed out that the posts of Joint Secretaries are covered under the senior staffing scheme. The procedure to be followed is to consider the cases of all eligible and suitable officers by the Screening Committee consisting of four Secretaries to the Government of India. The assessment of Screening Committee has to be placed before the Civil Services Board constituted under the order dated

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8.4.1987 (Annexure R-2). The Civil Services Board after considering the cases of the officers makes its recommendations. The recommendations of the Civil Services Board are then submitted to the competent authority for its approval. The names of such of the officers which are finally approved by the competent authority, are included in the Joint Secretaries suitability list in the first instance. Their cases are reviewed after adding one ACR and the whole process is repeated once again in their cases. It is pointed out that this procedure was followed and the case of the petitioner was considered. It is stated in the reply that the petitioner belongs to the 1977 Selection Grade Select List of CSS and as per the existing criterion he became eligible for consideration for inclusion of his name in the Joint Secretaries suitability list in the year 1985. It is stated that altogether 33 officers including the petitioner were eligible for assessment for their suitability for inclusion in the year 1985 and that his name was at serial No. 3 in the eligibility list. The case of the petitioner was duly considered and his merit was duly assessed in accordance with the prescribed procedure and the Civil Services Board selected and recommended only 23 names. The petitioner's name was not one of those 23 names. The recommendations of the Board were placed before the competent authority which after going through the entire

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records of all the officers approved the 23 names recommended as also 2 more names. But the name of the petitioner was not included in the list as it was neither recommended by the Board nor it was approved by the competent authority. There is no reason to disbelieve the statement in the reply in regard to the procedure actually followed and consideration of the petitioner's case. The petitioner is, therefore, <sup>not</sup> right in making the presumption that the selection was required to be made by the DPC and the DPC had included his name after assessing the relative merit of all eligible candidates. The facts are otherwise, namely, that his case was considered in accordance with the scheme and he was not included in the select list. The petitioner has only a right to consideration. That right has been respected and his name was considered. Hence, the petitioner cannot make any grievance about his non-selection. There are no other good grounds to justify the inference that proper procedure was not followed or that the selection is arbitrary or malafide. We, therefore, see no good ground to interfere. This petition fails and is dismissed. No costs.

*Malimath*

*Malik*  
( I.K. RASGOTRA )  
MEMBER(A)

( V.S. MALIMATH )  
CHAIRMAN

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