

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No.1914/92

Date of decision: 06.07.1993.

Shri Jatinder Nath

...Petitioner

Versus

Union of India & Others

...Respondents

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The Hon'ble Mr. I.K. Rasgotra, Member (A)

The Hon'ble Mr. C.J. Roy, Member (J)

For the petitioner

None

For the respondents

Shri A.K. Behera, proxy
counsel for Shri P.H.
Ramchandani, Senior Counsel.

Judgement(Oral)
(Hon'ble Mr. I.K. Rasgotra)

In this O.A. filed under Section 19 of the Administrative Tribunals Act, 1985, on 22.7.1992 the petitioner has prayed that the impugned orders dated 1.6.1992 issued by respondent No.1 and 2 be quashed and respondents be directed to consider the petitioner for inclusion in the list for fresh posting abroad as Assistant Director.

2. When this case came ^{up} on 28.1.1993 the Bench observed:-

"Sh. Tikku insists that one post for the applicant be directed to be kept vacant. We shall hear the arguments on this point on 11.2.93." On 17.2.93 when the matter came up the applicant was present in person and the respondents were represented by Shri A.K. Behera, learned proxy counsel for Shri P.H. Ramchandani, Senior Counsel for the respondents. The order dated 17.2.93 states that "Learned counsel for the respondents states that there is no further posting to be done at present, since all the 15 postings have materialised and the incumbents have joined."

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On 30.3.1993 Shri Rakesh Tikku, learned counsel for the petitioner and Shri A.K. Behera, learned proxy counsel for Shri P.H. Ramchandani both were present. After hearing the learned counsel for both the parties the Court observed:-

"We are of the view that probably it would be possible to dispose of this application after hearing the parties at the next hearing on 14.4.93 till which date one post will be kept vacant by the respondents No.1 and 2."

On 15.4.1993 the applicant was present in person and the case was ordered to be listed on 22.4.1993 for final hearing subject to other constraints. On 22.4.93 again the applicant was present in person while respondents were represented by Shri A.K. Behera, learned proxy counsel for Shri P.H. Ramchandani, Senior Counsel for the respondents. The case was ordered to be listed on 5.5.93 till which date the interim order already passed was to continue. On 5.5.93 the case was adjourned at the request of the learned proxy counsel for the applicant to 14.5.93. There was no order in regard to the continuation of the interim order. On 14.5.93 the learned counsel for the petitioner again was not present although the petitioner was present in person. The respondents were represented by Shri A.K. Behera, proxy counsel for Shri P.H. Ramchandani, Senior Counsel. The case was ordered to be listed on 25.5.93. The order regarding interim relief earlier passed was ordered to be vacated. On 25.5.93 the counsel for the petitioner entered appearance while none was present for the respondents. The following order was passed:-

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"List the case on 6.3.93. Interim order to continue till the next date of hearing." On 3.6.93 again the applicant appeared in person and Shri A.K. Behra, proxy counsel for Shri Ramchandani appeared on behalf of the respondents and the case was adjourned to 6.7.93. When the case came up today, neither the petitioner nor his counsel are present. Since it is a short matter and according to the mutual agreement of the learned counsel the matter was to be heard finally, we proceed to do so keeping in view the background of the case.


3. The case of the petitioner briefly is that he appeared for selection for foreign posting on 5.5.92 before a selection Board comprising two Additional Director Generals and JS(T). After the select list was published he found that his name was not in the list. Aggrieved by his non-selection for foreign posting he has approached the Tribunal, challenging the impugned orders dated 1.6.1992 No.A-22012(5)/92-Admn.I(2) and A-22012(5)/92-Admn.(1) passed by respondent No.1 according to which the petitioner's name has been excluded while respondents No.3-13 have been placed on the select list.


4. The stand of the respondents is that there are only 16 posts of Assistant Director in the various Tourism offices abroad. The posts are filled by rotation on transfer for a period of 3 years ordinarily. These are cadre posts and are filled up in accordance with the guidelines, a copy of which is placed at Annexure-I annexed to the counter-affidavit.

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The respondents have placed the proceedings of the Selection Board which met on 6.5.1992. The committee assessed the various officers on the basis of the overall performance in the interview ACR dossiers, knowledge of foreign languages and other relevant information available on record. It is found from the record that the petitioner was called for the interview and he was considered but he was not included in the list keeping in view the provisions made in the guidelines. The fact that the selection is made according to the guidelines is admitted by the petitioner himself in the O.A. The petitioner has himself brought out in his OA that he has had a foreign posting from 1977 to 1982 in the grade of Information Assistant earlier. This is also confirmed by the respondents.

5. Having regard to the proceedings of the Selection Board and the facts brought on record, we do not consider that this case merits our interference. The O.A. is accordingly dismissed, as bereft of merit. No costs.


(C.J. ROY)
MEMBER(J)


(I.K. RASGOTRA)
MEMBER(A)

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