

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This the 05th day of Jan 2006.

Original Application No. 573 of 2003 (U)

Hon'ble Mr. K.B.S. Rajan, Member (J)

Hon'ble Mr. A.K. Singh, Member (A)

Arun Kumay Unyal, S/o (Late) B.D. Unyal,
Superintending Surveyor, Officer-in-Charge No. 69
Party (G&RB), Survey of India, 17 EC Road Dehradun,
R/o House No. 3, Lane No. 3A, Shastri Nagar Haridwar
Road Dehradun.

.....Applicant

By Adv: In person.

V E R S U S

1. The Union of India, through the Secretary,
Department of Science & Technology, Technology
Bhawan, New Mahrauli Road, New Delhi.
2. The Surveyor General of India, O/o Surveyor
General, Hathibarkala, Dehradun.

.....Respondents.

By Adv: Sri S.P. Sharma

O R D E R

By K.B.S. Rajan, JM

The applicant is aggrieved by his non selection
in the Non Functional Selection Grade Rs. 12000-
16500 and he has therefore, prayed for the following
reliefs:-

- "a. Call for the entire record of the
constitution and proceedings of the
Selection Committee formed for
placement of Officers in the
Nonfunctional Selection Grade of
12000-16500 for the kind perusal and
satisfaction of the Hon'ble Tribunal.
- b. Either quash the entire proceedings
of the Selection Committee, and also
the order under Annex. A-1, if the

same are found to be violative of the service rules in force or of any order of the government.

- c. Or, direct the respondents to grant Selection Grade of Rs. 12000-16500 to the applicant with effect from the same date from which his immediate juniors were granted, if the proceedings of the Selection Committee, and the order under Annex. A-1 are found not to violate the service rules in force or any order of the government and are not quashed."

2. The respondents have contested the OA and according to them the name of the applicant was considered by the D.P.C. but the applicant could not be selected as his overall grading for ACRs in the preceding five years was below the 'Bench Mark' as contained in the DOPT, OM dated 09.10.1989.

3. The applicant in his rejoinder has stated that vide order dated 20.12.2000, the conditions stipulated for NFSG selection as contained in para 3 of OM dated 06.06.2000 being prospective, the respondents ought to have considered the case of the applicant in accordance with relevant recruitment rules as per which selection to NFSG would be based on seniority cum fitness. Further, he has stated that he was not communicated any grading of ACRs which disqualified him from being recommended for promotion. In this regard he relies upon the Judgment of the Apex Court in the case of **UP Jal Nigam AIR 1996 SC 1661** and other judgments of the Tribunal as well of Hon'ble Delhi High Court.



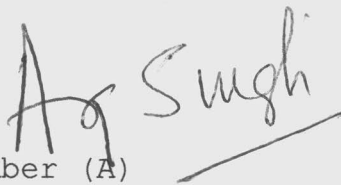
4. We have considered the case and given our anxious consideration. The department has furnished the original documents for our perusal. Consistently the grading of the applicant for the years 1995-96 to 1999-2000 has been **"Good"**. In the year 1994 his assessment was again **"Good"**. Earlier of course in 1992-93 he has earned **"Very Good"** and so is the case in the year prior thereto. However, for the years 2000-01, 2001-02 and 2002-03 again the grading has been only **"Good"**. In other words from 1995-96 onwards the ^{entire} ~~consisting~~ grading of the applicant has been only **"Good"**.

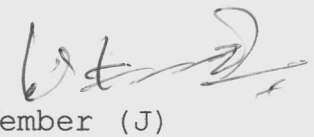
5. The Guidelines relating to Non Functional Selection Grade are contained in order dated 01.02.1990 in which one of the conditions is that the Committee should satisfy itself that the overall performance of the officer was **'Good'** and that he has at least two **'Very Good'** grading in the last five ACRs. Obviously, this condition has not been fulfilled. As one goes in the higher steps in the ladder of promotion channel, greater efficiency is required to be ensured and that is how for Non Functional Selection Grade the requirement has been stipulated as at least two **'Very Good'** while for selection grade it should be all the five Very Good. Any compromise to the above conditions would have direct ^{and} ~~under~~ proximate adverse impact in the overall efficiency of the organization. Since in the case of the applicant there was no steep decline in the

mercury level of grading, communication of the grading being less than Very Good is not mandatory.

Thus the applicant could not make out a proper case.

Hence the OA is dismissed with no cost.


Member (A)


Member (J)

/pc/