

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A. No.1/2001

Thursday this the 11th day of January, 2001

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE SHRI T.N.T.NAYAR, MEMBER (A)

A.Kunjukunju,
Deputy Commandant,
Armed Police Battalion(on deputation as Liaison Officer,
Kerala Police Housing and Construction Corporation,
Thycaud,Trivandrum) residing at
Ambelil, K.P.13/346,RRA 78,
Ramapuram Laine, Mukkola,
Trivandrum-695044.Applicant

(By Advocate Shri M.R.Rajendran Nair)

vs.

1. Union Public Service Commission, represented by its Secretary, Dholpur House, Shajahan Road, New Delhi-110001.
2. Union of India, represented by its Secretary to Government of India, Ministry of Home Affairs, New Delhi-110001.
3. State of Kerala, represented by the Chief Secretary to Government of Kerala, Secretariat, Thiruvananthapuram. Respondents

(By Advocate Shri C.A.Joy, Govt. Pleader(R3)
Mr.P.Vijayakumar(rep)(R1 & 2)

The Application having been heard on 1.1.2001, the Tribunal on 11.1.2001 delivered the following:

O R D E R

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN

The applicant Sri A.Kunjukunju, Deputy Commandant, Armed Police Battalion on deputation as Liaison Officer in Kerala Police Housing and Construction Corporation has filed this application for a declaration that on the basis of the service record for the relevant period he was entitled to be adjudged as outstanding by the Selection Committee for appointment by promotion to the Indian Police Service and for direction to the third respondent to place the Service

Records of the applicant and the list of officers before the first respondent and to the first respondent to consider the legality and propriety of grading granted to the applicant and to include the name of the applicant before finalising the same in accordance with Regulation 7(2) of the I.P.S.(Appointment by Promotion) Regulations, 1955. It has been alleged in the application that for 3 vacancies a list of 9 officers with the applicant at Sl.No.7 was placed before the Committee which met on 13.12.2000, that as per paper reports, Sl.Nos.1,2 and 5 have been recommended by the Committee, that as the applicant having excellent service record could not have been validly left out since none of the other officers in the zone of consideration was eligible to be graded outstanding, that there had not been proper consideration of the service record of the applicant and that therefore, it is just and necessary that the third respondent is directed to forward the service record of the applicant along with the list to the first respondent and the first respondent is directed to consider the same. It has also been alleged that by order dated 25.9.2000(A1) the third respondent has cancelled the equation of Armed Police and Armed Reserve with the Principal Police Service of the State challenging which the applicant has filed another O.A., but this aspect is not material as the third respondent has taken a stand that Annexure A1 would not be applied for the selection which is subject matter of this application.

2. We have perused the application and the annexures and have also heard the learned counsel of the applicant and

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of the respondents. The applicant on the basis of a paper report states that in the select list prepared by the Committee which met on 13th December, 2000, Sl.Nos. 1,2 and 5 in the list of 9 officers considered have been recommended and that the applicant at Sl.No.7 have not been recommended. He has no case that he has been superseded because Sl.Nos. 1,2 and 5 are senior to him and had been placed above him in the consideration list. His case is that going by his service records for the last five years, he had to be given a grading of outstanding and none of the other officers could have been given a grading of outstanding. Apart from a claim by the applicant that he is entitled to be given an outstanding grading, nothing has been brought on record to substantiate that this claim has any legitimate basis. The applicant's own statement about his service record is as follows:-

"Applicant's service records are excellent from 1995 and 1999. The reporting Officer has categorised him as "an Outstanding Officer". In 1995 he was graded as 'outstanding' for 6 months and for the other 6 months he was graded 'Very Good'. During 1996 he was graded as very good. During 1997 and 1998 he was granted the grading of outstanding for 6 months each. Again during 1999 he was graded as outstanding for the entire year."

This statement itself shows that his claim that he should have been given a uniform grading of outstanding is not based on any material. Further there is nothing on record apart from the interested statement of the applicant to show that other officers in the consideration list were not eligible to be graded outstanding. The applicant cannot be the best judge of his own merits visa-vis other officers.

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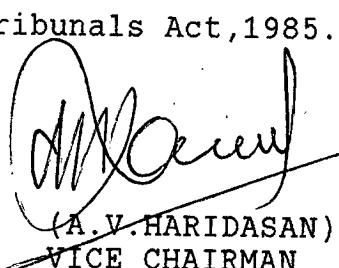
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Further there is absolutely no allegation of malafides against the Committee or a member thereof and no reason has been stated why the Committee would not have made a proper assessment of his merit as revealed on an overall consideration of his service records. No reason has also been stated as to why the Committee should show any undue favour to Sl.No.1,2 and 5 in the list of 9. We therefore do not find any reason at all to entertain this application.

3. In the result, the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.



(T.N.T. NAYAR)
MEMBER (A)


(A.V. HARIDASAN)
VICE CHAIRMAN

/njj/

List of annexures referred to:

Annexure.A1: True copy of the G.O (MS) No. 534/2000/GAD dated 25.9.2000.

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