

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.327/2001.

Tuesday, this the 10th day of April, 2001.

CORAM:

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

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

Rajeesh P.U.
Puthuvalnikarthu, C M C 3
Cherthala P.O.,
Alappuzha.

Applicant

(By Advocate Shri Joe Joseph Kochikunnel)

Vs.

1. Union of India, represented by
its Secretary to the
Government of India,
Ministry of Personnel,
Public Grievances & Pensions,
Department of Personnel & Training,
North Block, New Delhi.
2. The Director,
Central Bureau of Investigation,
CGO Complex, Block No.III,
Lodhi Road, New Delhi-110003.
3. The Chairman,
Recruitment Board,
Central Bureau of Investigation,
CGO Complex, Block No.III,
Lodhi Road, New Delhi-110003. Respondents

(By Advocate Shri PMM Najeeb Khan, ACGSC)

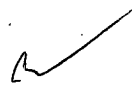
The application having been heard on 10.4.2001, the Tribunal
on the same day delivered the following:

O R D E R

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

On being successful in the recruitment process
initiated by notification dated 22.4.2000 the applicant was
informed by order dated 25.5.2000 that he has been selected for

appointment to the post of Constable (Group 'C' post) in the CBI in the scale 3050-4590 and that he was likely to be offered a temporary post of Constable in CBI. While the applicant was awaiting the offer of appointment he came to know that some of the persons who were not selected, approached the Principal Bench of the Tribunal at New Delhi by filing O.A. No.1034/2000 seeking to cancel the select panel on the ground of alleged irregularities in the process of selection. The CBI initially filed a counter affidavit in that case, a copy of which is Annexure A-5, emphatically denying the allegation that there were irregularities and stating inter alia that many applicants in that O.A. were the relatives of the CBI officials. In the meanwhile, the applicant and others who were selected, got impleaded as additional respondents in that O.A. Immediately thereafter, the CBI filed another statement on 18.12.00 (A6) before the Tribunal, wherein it was stated that on receipt of the complaints regarding the selection, the Director, CBI had appointed a Committee under the Chairmanship of a Joint Director with two Deputy Inspectors General of Police, CBI as members to look into the complaints and that the Director, CBI considered the report of the Committee and issued orders cancelling the selection of Constables and the whole Recruitment process held at Hyderabad w.e.f. 24.4.2000 to 30.4.2000. Since the O.A. filed before the Principal Bench for setting aside the panel, had become infructuous the said O.A. was dismissed as not pressed (A7). The applicant received a communication dated 8.1.2001 (A1) whereby he was informed that the selection process for the post of Constables



and the list of Selected candidates had been cancelled. Aggrieved the applicant has filed this application for an order setting aside A-1 communication issued by the CBI Headquarters cancelling the appointment of the applicant and an order directing the respondents to appoint him as Constable (Group 'C' post) on the basis of his placement in the panel. It is alleged in the application that there has not been any irregularity or malafides in the selection process, that the cancellation of the selection process as also the select panel is arbitrary, illegal and motivated with malafides and the action taken by the respondents is without any justifiable reason with a view to favour the close relatives of the top officials of CBI.

2. We have heard the learned counsel of the applicant and have perused the pleadings as also the materials placed on record.

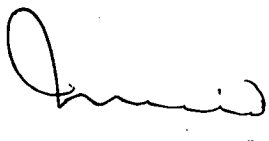
3. The applicant having been selected, it is possible to understand his heart burn while he was told that the selection as also the panel has been set aside, since he had already spent time and energy as also money for the futile process. However, the question that is to be considered is whether that heart burn is a grievance for which there is a remedy. If the action of the Director CBI in cancelling the whole process of selection and the select panel is unjustified, arbitrary or irrational or if it was a colourable exercise of power, the Tribunal can justifiably interfere. But as is evident from the statement filed by the respondents in O.A.1034/2000 of the

2

Principal Bench, the CBI has cancelled the selection and the panel being satisfied from the report of a Committee headed by the Joint Director with two Deputy Inspector Generals that there has been irregularities in the selection vitiating the process. The above action having been taken bonafide and in public interest after due deliberation, does not call for judicial intervention. The applicant does not have a legitimate cause of action.

4. In the result, in the light of what is stated above, finding nothing, in this case which calls for admission and further deliberation, the application is rejected under Section 19(3) of Administrative Tribunal's Act.

Dated the 10th April 2001.



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

rv

List of Annexures referred to in the order:

1. A-1: True copy of the letter issued to Ist Petitioner by the C.B.I., Headquarters dated 8.1.2001.
2. A-V: True copy of the counter affidavit filed by the respondents in O.A. 1034/2000 dated 14.7.2000.
3. A-VI: True copy of the statement filed by the respondents in O.A. 1034/2000 dated 18.12.2000.
4. A-VII: True copy of the order passed by C.A.T. (PB), New Delhi in O.A. 1034/2000 dated 19.12.2000.