

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE.

DATED THIS THE 29TH OCTOBER, 1986

Present: Hon'ble Mr Justice K.S.Puttaswamy Vice Chairman
Hon'ble Mr L.H.A. Rego Member (AM)

Application No. 515/86

A.Suryanarayana Jois,
No. 647, 10th 'A' Cross,
3rd Main,
West of Chord Road,
II Stage,
Bangalore- 560 086. Advocate) ... Applicant
(Dr M.S.Nagaraja Vs.

- 1) The Accountant General
(Accounts & Entitlements)
Karnataka-I,
Bangalore-560 001.
- 2) The Comptroller and Auditor
General of India,
No. 10, Bahadur Shah Marg,
New Delhi-110 002.
- 3) Sri P.N.Hangal,
Assistant Audit Officer,
Office of the Accountant General(Audit),
Karnataka,
Bangalore- 560 001. Respondents
(Shri M.Masudeva Rao ... Advocate)

The application has come up for hearing before
Court today, Vice-Chairman made the following:

O R D E R

In this application made under Section 19 of the
Administrative Tribunals Act of 1985(the Act), the
applicant has sought for a direction to the respondents
to allocate him to 'Audit Office' of the Accountant
General with effect from 1.3.84 and regulate his
further promotions on that basis.

2. The applicant joined service on 5.10.53 as an
Upper Division Clerk (UDC) in the office of the

Accountant General, Bangalore. He was promoted as a Section Officer on 1.5.72 from which day he was working in that capacity.

3. Sometime in October, 1983, the Comptroller and Auditor General of India (C&AG) decided to reorganise the combined Audit and Accounts Offices of the Accountant Generals in the country into two separate establishments (i) Accounts and Entitlement Offices and (ii) Audit Offices of the Accountant General with cadres of their own. In pursuance of that policy decision and the further orders made by the C&AG, the Accountant General (AG) in Karnataka, Bangalore by his notice no. ES.I/83-84/AG.I/A8/885 dated 26.12.83(Annexure A) gave notice of preference to the applicant and others working in his office to examine their cases for selection to the corresponding posts of the bifurcated offices. The cases of the applicant and others were examined by a Screening Committee under the chairmanship of one Shri M.V.Bhat, Accountant General Audit I. The Committee examined the service records of the applicant and all others and decided not to allocate the applicant to the Audit Office and allocate him to Accounts Office. In pursuance of that decision of the Committee and the further orders made thereto, the applicant has been working in the Accounts Office from 1.3.84.

4. The applicant has urged that the Committee had not properly evaluated his merit for selection and had taken into account irrelevant considerations and therefore, the respondents should be directed to allocate him to Audit office from 1.3.84.

5. In their reply, the respondents have asserted that the Committee had made a proper evaluation of the claims of the applicant and had found him unsuitable for selection to the Audit Office and the same does not suffer from any illegality.

6. Dr. M.S.Nagaraja, learned counsel for the applicant, contends that the Committee, had not properly evaluated the merits of the applicant or had taken into consideration irrelevant factors in not allocating him to Audit Office from 1.3.84 and the same is therefore unsustainable.

7. Shri M.Vasudeva Rao, learned counsel for the respondents, contends that the Screening Committee had made a proper evaluation and had taken into consideration relevant factors and that decision cannot be reviewed by this Tribunal as if it is an appeal.

8. In their reply, the respondents have asserted that the Screening Committee had considered the case of the applicant and had found him unsuitable to be allocated to Audit Office. At the hearing of this case, Shri Vasudeva Rao had produced the proceedings of the Screening Committee which had considered the case of the applicant on 2 occasions. We find that the Screening Committee, on an in-depth examination of all the relevant service records had made an evaluation and found that the applicant was unsuitable to be allocated to the Audit office. We find no merit in the contention of the applicant that the Screening Committee had not taken into consideration relevant

relevant factors and had not made an assessment on the suitability of the applicant.

9. Even otherwise, the decision of the Screening Committee cannot be examined by this Tribunal as if it is an appeal and a different conclusion reached on the same. In this view also, the claim of the applicant cannot be upheld.

10. As the only contention urged by the applicant fails, this application is liable to be dismissed. We therefore dismiss this application. But in the circumstances of the case, we direct the parties to bear their costs.

W. D. Meier
VICE CHAIRMAN

G. S. H.
MEMBER (AM) (R)

/sr/