

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 030.

Dated: 9 MAR 1995

APPLICATION NO. 1652 of 1994.

APPLICANTS: Sri.N.Poosalingam, Bangalore.

V/S.

RESPONDENTS: The Comptroller & Auditor General of India,
New Delhi and two others.

To

1. Sri.M.S.Ananda Ramu, Advocate,
No.27, First Floor, First Main,
Chandrashekar Complex,
Gandinagar, Bangalore-560 009.
2. Sri.M.Vasudeva Rao, Addl.C.G.S.C.
High Court Bldg, Bangalore-1.
3. Sri.V.Narasimha Holla, Advocate,
No.1780, First Floor, 6th Main,
E-Block, Second Stage, Rajajinagar,
Bangalore-560 010.

Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal, Bangalore-38.

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Please find enclosed herewith a copy of the Order/
Stay Order/Interim Order, passed by this Tribunal in the above
mentioned application(s) on 02-03-1995.

Issued on
9/3/95

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

O.A. No.1652/94

THURSDAY THIS THE SECOND DAY OF MARCH 1995

Shri V. Ramakrishnan ... Member [A]

Shri A.N. Vujjanaradhya ... Member [J]

N. Poosalingam,
S/o R. Narayanaswamy,
Aged about 52 years,
Working as Senior Assistant,
Deposit II Section,
O/o Accountant General [A&E],
Bangalore-560 001.

... Applicant

[By Advocate Shri M.S. Ananda Ramu]

v.

1. The Comptroller & Auditor General
of India,
No.10, Bahadur Shah Zafar Marg,
New Delhi - 110 001.
2. The Accountant General [A&E],
in Karnataka,
Bangalore-560 001.
3. Sri K.S. Chit Prakash, Major,
Welfare Assistant, Office
of the Accountant General
[A&E], Bangalore-560 001.

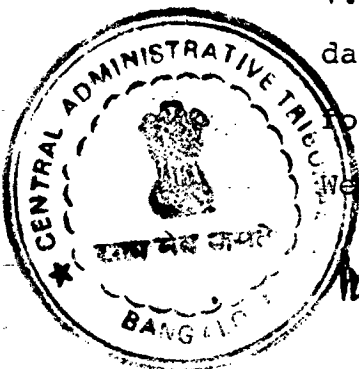
... Respondents

[By Advocate M. Vasudeva Rao, Addl. Standing Counsel
for Central Govt., for R-1 and 2 and Shri V.N.Holla
Advocate for R-3]

O R D E R

Shri A.N. Vujjanaradya, Member [J]:

1. This application is directed against the order dated 30.6.1994 [Annexure U] by which Respondent ['R' for short] No.3, K.S. Chitprakash was selected as Welfare Assistant ['WA' for short] in preference to



the applicant N. Poosalingam.

2. During June 1994 a vacancy of WA had occurred for which applications from the eligible candidates were invited as per circular dated 10.5.1994 [Annexure R-3]. Nine persons including the applicant and R-3 had applied for the same. Of these only eight persons who were eligible for the post, were interviewed by the Selection Committee consisting of Deputy Accountant General in charge of Administration, an officer of DAG rank from other office and Accounts Officer of whom one belonged to reserved category. On the recommendation of the said committee R-3 was appointed as WA on deputation basis with effect from 1.7.1994 as in Annexure U.

3. The contention of the applicant is that he was appointed as Clerk in sports quota and his merit not only in sports activity but in the discharge of his official duties has been recognised throughout which is borne out by various testimonials that he has annexed but still, the same was not properly considered by the Selection Committee for the post of WA. His further contention is that R-3 is favoured even though he was not as merited as the applicant. Official respondents have, with reference to the records, demonstrated how the selection and appointment of R-3 was proper and justified.

3. Shri M.S. Anandaramu for Shri Adinath Narde, the learned counsel for the applicant, Shri M. Vasudeva

Rao, learned Adôl. Standing Counsel for Central Government and Shri V.N. Holla, learned counsel for R-3 were heard and records made available by the official respondents were perused by us.

5. The post of WA is an ex-cadre post. Recruitment thereto is governed by Indian Audit and Accounts Department [Group C Ex-cadre posts] Recruitment Rules, 1988 ['Rules' for short]. The method of recruitment is by transfer on deputation. Column 12 of the schedule to the Rules dealing with eligibility of persons and desirable qualifications, which is relevant for our consideration in deciding merit of the applicant's contentions reads thus:

"12. In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer to be made.

Transfer on deputation: From amongst

[i] Senior Auditors/Senior Accountants/Personal Assistants in the department with five years regular service in the grade, or

[ii] Auditors/Accountants/Stenographers with nine years regular service in the grade in the organisation in which vacancies have arisen.

Desirable qualifications:

Participation in sports and cultural activities and aptitude for Welfare activities.

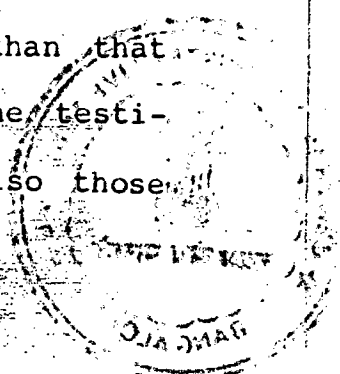
[The period of deputation including the period of deputation in another ex-cadre post held immediately preceding this appointment in the same or some other organisation/department of the Central Government shall ordinarily not exceed three years]".

In this letter dated 28.9.1988, the Comptroller and, the



Auditor General had constituted a Committee consisting of "[i] An officer of the rank of Sr. DAG/DAG in charge of administration; [ii] An officer of the rank of Sr.DAG/DAG from another office; and [iii] One Audit/-Accounts Officer. The senior out of [i] and [ii] will be the Chairman." Out of the nine applicants, eight of them including applicant and R-3 were found eligible. The selection committee consisting of the persons mentioned in para 2 supra had interviewed them. The said Committee has considered the ACRs of these applicants, along with their performance in interview and also their achievements and evaluated the same separately allotting the maximum marks in the proportion of 20:20:10. While the applicant N. Poosalingam had secured 10 marks in interview, R-3 K.S. Chitprakash had secured 16 marks out of 20. The committee has considered suitability and aptitude of the candidates for welfare activities and not their seniority. It has also considered confidential reports, personal files and testimonials produced by them during interview to assess their aptitud for welfare activities. On this basis, the applicants' CR was assessed at 15 and that of R-3 at 17 for 20 marks. Thus the total evaluation of the merit of applicant was assessed at 30 whereas that of R-3 was assessed at 40 for the total marks of 50. Two more candidates had also secured marks higher than that of the applicant. We have also perused the testimonials of R-3 available in the file as also those

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relating to the applicant which drive us to conclude that the estimation of the applicant as well as R-3 by the Committee is just and proper. There is no material to infer that the committee had tried to favour R-3. The committee consisted of not one but three responsible officers, one of whom is stated to be of reserved category. In the absence of any material brought on record by the applicant, it is not possible for us to doubt the selection made by the committee.

6. The duties of WA are to keep liaison with various welfare organisations of the staff and to assess the Welfare Officer in the area of staff welfare, house keeping, recreational, cultural and community activities. The activity of the applicant was limited to sports and office work. But R-3 has been actively participating not only in sports activity but also in welfare activities besides ably discharging the official duties. Regard being had to these activities of R-3, the committee had chosen to assess him better than the applicant. When we had brought these factors to the notice of the learned counsel for the applicant, he was at a loss in convincing us that the applicant was better suited for the post of WA.

7. The only contention of the applicant is that the committee had ignored the merit of the applicant and had shown undue favouritism to R-3 is thus found to be not tenable, we have to necessarily conclude

that there is no merit in this application. No motives are attributed to any member of the selection committee, nor is there any material to indicate that they had acted in an arbitrary manner. The committee did weigh and assess the capacity of each of the candidates impartially as can be seen from the files made available by the department. Under the circumstances we are of the considered view that the grievance of the applicant is not well founded.

8. In the result, the application fails, and we dismiss the same with no order as to costs.

Sd-

Sd-

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MEMBER [J]

MEMBER [A]

TRUE COPY

Section Officer

Central Administrative Tribunal
Bangalore Bench
Bangalore

C

QA. 1652/94

File no. ES/ AS of the office of the A.G.
(AE) Bangalore Reg. provision of
Supporting staff to the welfare officer -

- Instructions from HQ office - appointment
of Welfare Assist. (note sheets 1 to 43,
Correspondence 1 to 380 with (miscellaneous) papers
~~and~~ proceedings of DPC for selection
of Welfare Assist. in office of AG(AE)
were submitted ^{to} Bench of CAT
on 22/2/95 in connection with QA 1652/94
and records received back in full.
No other records are files is due
for return from CAT.

Recd, the above two files of
an AGR given to CAT, B'k Bench
on 22.2.95 in connection with QA 1652/94
l & l a n a (2) 20/5/95
AOLA