

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH.

ORIGINAL APPLICATION NO.: 968 of 1994.

Dated this Tuesday, the 20th day of February, 2001.

S.M.A. Kazi, Applicant.

Shri M. S. Ramamurthy, Advocate for the applicant.

VERSUS

Union of India & 2 Others, Respondents.

Shri V. S. Masurkar Advocate for Respondent No. 1.

Shri V.D. Vadhavkar for Shri M. I. Sethna, Advocate for Respondent No. 2.

None present. For Respondent No. 3.

CORAM : Hon'ble Shri Justice Ashok Agarwal, Chairman.

Hon'ble Shri B. N. Bahadur, Member (A).

(i) To be referred to the Reporter or not ?

(ii) Whether it needs to be circulated to other Benches of the Tribunal ?

(iii) Library.

B. Bahadur
(B. N. BAHADUR).
MEMBER (A)

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Hon'ble Shri B. N. Bahadur, Member (A).

S.M.A. Kazi,
Additional Collector & Deputy
Inspector General of
Registration, Govt. of Maharashtra,
Old Custom House,
Bombay - 400 023.

... Applicant.

(By Advocate Shri M.S. Ramamurthy)

VERSUS

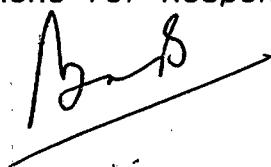
1. The State of Maharashtra
through the Chief Secretary,
Government of Maharashtra,
Mantralaya,
Bombay - 400 032.

2. Union of India through
The Secretary,
Department of Personnel &
Training, Ministry of
Personnel, Public Grievance
and Pensions,
New Delhi - 110 001.

3. The Chairman,
Union Public Service Commission,
Dholpur House,
Shahajahan Road,
New Delhi - 110 001.

... Respondents.

(By Advocate Shri V.S. Masurkar for
Respondent No. 1, Shri V.D. Vadhavkar
for Shri M.I. Sethna for Respondent No. 2,
None for Respondent No. 3).



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O R D E R (ORAL)

PER : Shri B. N. Bahadur, Member (A).

This is an application made by Shri S.M.A. Kazi, an Officer of the State Civil Service of the State Government of Maharashtra, who comes up to the Tribunal with the grievance of non selection to the Indian Administrative Service (I.A.S.) and seeks the relief for a direction to the Respondents to review the selection proceedings held around February, 1994, and for considering him for selection to the I.A.S. Consequential reliefs as detailed are also sought.

2. The case made out by the Applicant, after giving the basic facts and the rules governing the selection to I.A.S. is that he has not been selected in spite of having merit, and that others who were decidedly less meritorious have been selected. The Applicant states, that he has an outstanding record of service, throughout his career, and cites certain commendations received by him during his various postings. It is alleged that the selection committee/U.P.S.C. has not had the benefit of seeing the entire record of his service, including commendation letters and rewards received by him, because these were not placed before the Committee. He alleges that his non-selection is not explainable when he has such good records, especially when other officers who were considered 'unfit' in selections in earlier years are found to be selected.



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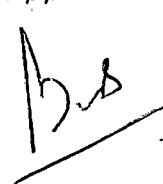
3. Respondent No. 1 (State Government) in the case have filed a Written Statement of reply where they reject the claim of the Applicant and deny that the Applicant has been overlooked arbitrarily. It is averred that all records were placed before the Selection Committee and were carefully considered. Giving details of the vacancies, etc. it has also been explained as to how others' cases (some officers cited by applicant) were considered; and the circumstances surrounding their selection.

4. We have considered the records in the case and have also heard the Learned Counsel on the respective sides.

5. The Learned Counsel, Shri M.S. Ramamurthy, reiterated the point that the grievance arises mainly out of non-selection inspite of excellent record of service and that proper appreciation of record has not been made. In fact, he has argued that the case will hinge crucially on perusal of records relating to the selection.

6. The Learned Counsel for the other side Shri V. S. Masurkar, based their case mainly on the written statement. He has placed before us the file of the State Government No. AIS/1393/191-93/X (Part-II) titled 'Minutes of Selection Committee Meeting held on 18.03.1994'. He has also placed before us the Confidential Report records in original in respect of the Applicant upto the year 1992-93. We have perused the file and

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also the record with reference to the arguments made and pointedly regarding selection of one Shri S. P. Borse, who has been selected at the same selection inspite of being junior.

7. We must state here that the perusal of the record and the assessment is made by us within the limitation of the law settled in this regard by the Hon'ble Supreme Court. We cannot, and have not sat upon the matter as an Appellate Body, and have thus not gone into Confidential Reports of all officers concerned nor made a roving enquiry. We have however seen the Character Roll of the Applicant with a view to ascertain whether any gross injustice has been made in his case through an arbitrary rating. We have perused the record of five years, which is the normal consideration made from the year 1992-93 backwards. On careful perusal of the record, we cannot come to the conclusion that the allegations made by the Applicant ^{have any basis} for the claim made can be termed to be sustainable in that any arbitrary grading has been done by the Selection Committee.

8. We did not have the Confidential Report in respect of Shri S.P. Borse, who has been selected. We find that a Committee consisting of six officers and (chaired by) the Chairman of the U.P.S.C. has gone into the matter. As per settled law, we need not examine the confidential reports of Shri S. P. Borse, since

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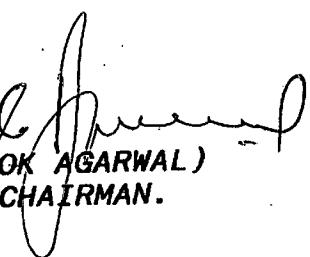


we cannot substitute our assessment in the selection process. There is no allegation of any procedure being flouted or the Committee not being properly constituted, nor is any noticed by us in the aforesaid records placed before us.

9. In view of the discussions above, we do not find the O.A. to be sustainable. Hence the O.A. is dismissed. No orders at to costs.

Bn Bahadur

(B. N. BAHADUR)
MEMBER (A).


(ASHOK AGARWAL)
CHAIRMAN.

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