

43

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

[RA] 38/95 in OA No.898/89/

Date of Decision: 26.12.1996

BETWEEN:

Dr. B.K. Verma

.. Applicant

AND

1. Director, National Geophysical Research Institute (CSIR), Hyderabad-500 007.
2. Dr. S.K. Verma,)
Scientist E-II)
3. Dr. P.R. Reddy,) National Geophysical
Scientist E-II) Research Institute,
4. Dr. U. Raval,) (CSIR), HYDERABAD-500007.. Respondents
Scientist E-II)
5. Sri S.C. Bhatia,)
Scientist E-II)
6. Sri T.R.M. Prasad,)
Scientist E-II)

Counsel for the applicant: Mr. Y. Suryanarayana

Counsel for the Respondents: Mr. C.B. Desai

CORAM:

THE HON'BLE JUSTICE M.G. CHAUDHARI: VICE CHAIRMAN *recd*

THE HON'BLE SHRI H. RAJENDRA PRASAD: MEMBER (ADMN.)

ORDER

(Per Hon'ble Justice M.G. Chaudhari, Vice Chairman)

Mr. Y. Suryanarayana for the applicant and Mr.C.B. Desai for the respondents.

The applicant seeks review of the order Dt.22.9.1993 in OA No.898/89 whereby the OA of the applicant has been dismissed.

The applicant who joined the service of the CSIR as Scientist B on 9.5.1967 was promoted in due course as Scientist E-I on 1.4.1981. He was, thereafter, considered for promotion to the post of Scientist E-II in the year 1986-87 but was not selected. Again he was considered in 1987-88 but was not selected by the Selection Committee.

The applicant challenged the selection of original respondents 2 to 6 to the post of Scientist E-II in the year 1987-88 on the ground that the recommendations made by the Assessment Committee in the said year 1987-88 was arbitrary and illegal as also discriminatory in as much as there were no guidelines issued by the CSIR on the method of quantification of marks to determine suitability, particularly in allotting 50% marks for interview, 30% marks for the record of work and 20% marks to the confidential reports. The application (OA) was contested by the respondents.

The Learned Division Bench was pleased to hold that the procedure adopted by the Selection Committee did not suffer from any irregularities as alleged and the allegation of bias and favouritism was not proved and consequently the application was liable to be dismissed.

The instant review application was filed on 24.1.1994. Unfortunately it has remained pending so far owing to adjournments obtained from time to time. The learned counsel for the applicant Mr. Y. Suryanarayana although assured us that today he will argue the petition and was accommodated on the earlier occasion, however has not made himself available today. We have, therefore, gone through the record and heard Mr. C.B. Desai, the learned counsel for the respondents.

The grounds urged in the review application are almost the same grounds as urged in the OA interalia that the method adopted by the Selection Committee was illegal in the absence of guidelines, that the allotment of 50% marks to the interview was arbitrary, that the Division Bench of the Tribunal should have quashed the selection of 1987-88, having regard to decision of Supreme Court in AIR 1987 S.C. 454 that there are no guidelines for making the selection, that the view taken by the Bench is not consistent with the decision of Ernakulam Bench of CAT, that promotion of Scientist from E-1 to E-II cannot fall in the ambit of higher promotional posts and the Selection Committee could not allot marks on different heads to determine the professional ability and management capacity of the candidates and lastly that the quantification of marks cannot be done in the absence of guidelines and leaving it to the Selection Committee to adopt its own guidelines was arbitrary.

All the afore-said grounds were dealt with in the judgement in the OA and view was taken by the Division Bench on those aspects. A review application is not intended to seek rehearing of the OA. No apparent error on the face of the record is pointed out. If the applicant is not satisfied with the conclusions drawn in the judgement he could hope to assail them only by filing an appeal to the superior court and that cannot be ground for review.

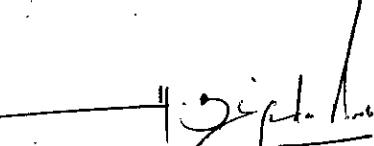
We also do not see as to how a Selection Committee is not entitled to lay down its own parameters for making the selection. It is important to mention that these parameters were applied to all the candidates considered and cannot be good for some and bad for others. The allegation of bias and favouritism has already been rejected. We think that it is a tall claim made by the applicant that he should advise as to how a selection committee should function or what should be the guidelines to be followed. Additionally we have been shown the original minutes of the Selection of 1986-87 and 1987-88 promotions. We are satisfied there-from that the Selection Committees were composed of highly placed officials and the committee had recorded that it had fixed the qualifying marks for promotion as 55% marks. After going through the comparative statement of marks allotted to the candidates we are satisfied that there was no irregularity in the selection. We see absolutely no ground to infer that the approach of the Committee was arbitrary in respect of the applicant.

The applicant has referred to the decision of the Supreme Court in 1992 (1) SCC, 28, Ashok Goud Vs State of Karnataka. In the first place that should have been brought to the notice of the Division Bench when it decided the OA. Thus by citing a decision now a new ground cannot be made up. More-over, as rightly pointed out by Mr. Desai, for the respondents as held in Subhash Chandra Ram Vs State of Bihar, AIR 1995 SC 904 that allocation of 50% marks for Viva Voce and 50% marks for academic qualification ^{as} was a criteria which cannot be faulted as held in Abid Asgarh Vs State of Bihar at 1994(1) SCC 150.

We, therefore, find no merit in the points raised. Therefore, we are unable to see any apparent error on the face of the record shown to arise in the judgement in the OA. We, therefore, find no merit in the review application.

The learned counsel for the respondents Mr. Desai brought to our notice the fact that the respondents have approved the promotion of certain candidates, including the applicant on the recommendation of the expert assessment committee as Scientist E-II, grade IV(4), with effect from 1.4.1988 by O.M. No. NGRI-7/18/91-Rectt. Dated 3.7.1991.

In the result the Review application is dismissed.

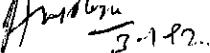

(H. RAJENDRA PRASAD)
MEMBER (ADMN.)


(M.G. CHAUDHARI)
VICE CHAIRMAN

Date: 26th December, 1996
Dictated in the open court

KSM


Deputy Registrar cc


Amulya
3.1.92