

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

R.A. No. 40/94
in
O.A. No. 1012/91.

Dt. of Decision : 31.1.95.

Feroz Jinnah

.. Applicant.

Vs

1. Govt. of India rep. by its
Secretary to Govt.
Department of Personnel and
Training, Ministry of Personnel
& PG and Pensions, New Delhi.
2. Union Public Service Commission,
rep. by its Secretary, New Delhi.
3. State of Andhra Pradesh rep. by
the Chief Secretary to Govt.,
General Admin. Deptt., Secretariat,
Hyderabad. .. Respondents.

Counsel for the Applicant : Mr. V. Venkataramanaiah

Counsel for the Respondents : Mr. N.R. Devaraj, Sr. CGSC (R-1&2)
Mr. D. Panduranga Reddy, SC & A.P. (R-3)

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

THE HON'BLE SHRI A.B. GORTHI : MEMBER (ADMN.)

R.A.No.40/94
in O.A.No.1012/91.

Dt. of decision: 21-1-1995

JUDGEMENT

(As per the Hon'ble Sri A.B. Gorthi, Member (A))

Seeking a reconsideration of our judgement in O.A. No.1012/1991, this Review Application has been filed by Sri Feroze Jinnah, the applicant in the O.A.

2. Heard counsel for the parties. Sri V. Venkata-ramanaiah, learned counsel for the Review Applicant elaborately contended before us that the Select Committee did not carry out the process of selection properly in accordance with Regulation 3 (2A) of the I.A.S. (Appointment by Selection) Regulations, 1956. Regulation 3(2A) reads as under:-

3 (2A). The suitability of a person for appointment to the service shall be determined by a scrutiny of confidential rolls and by interviewing him.

3. As the Select Committee hardly took about 15 minutes interviewing the applicant, the applicant's counsel argued that the Select Committee could not possibly have truly complied with Regulation 3 (2A). It could not have scrutinised the confidential rolls of the applicant and also interviewed him adequately in that short span of time. We noticed from the record produced that the Select Committee had before it a summary of the CRs of all the competing candidates. There was nothing on record to show that the Select Committee did not peruse the Confidential Rolls of the applicant. If it was not done during the interview, it is because it was not so

required to be done. Such examination of the CRs need not be in the presence of the candidate nor it need be done during the time allotted for interview.

4. The main grievance of the applicant was and still is that the Select Committee had not graded all the 25 candidates in order of their merit and had it so done, the applicant would have found his name in the Select List or atleast at ~~position~~ No.6 in the Select List. As one of the selected candidates was not finally appointed to I.A.S. he would have in all probability been appointed to I.A.S. This aspect of the matter was duly considered by us while hearing the O.A., as can be seen from Para 11 of the Judgement, which is extracted below:

"11. The next point urged on behalf of the applicant is that on the basis of his performance, he would have ranked 6th in the order of merit. As one of the selected candidates was not finally appointed to IAS, the applicant should have been appointed in that remaining vacancy. In this context, learned counsel for the applicant pleaded that the Selection Committee ought to have allocated marks for the interview and graded all the 25 candidates in order of merit. Such a procedure would have not only ensured objectivity in selection but also would have enabled the authorities to maintain a reserve or wait-list of candidates to fill up vacancies remaining unfilled for unforeseen reasons. There is some merit in this plea put forward by the applicant's counsel. We may, therefore, examine it in the light of the relevant statutory provisions. As already observed, Regulation 3(2) of the Indian Administrative Service (Appointment by Selection) Regulations 1955, requires the Selection Committee to

consider the proposals of the State Government and "recommend the names of such of those officers, if any, but not exceeding the number of vacancies". Admittedly there were only 5 vacancies against which the Selection Committee recommended 5 names. In other words, the Selection Committee strictly followed what has been specified in Regulation 3(2). When the duties of a Selection Committee are statutorily laid down, it is not ordinarily expected of the Committee to deviate, and, in any case, when the Committee duly followed the procedure prescribed and made out a select panel of 5 candidates only, it cannot be termed as either arbitrary or unjust."

5. Once again it was argued on behalf of the Review Applicant, that there was nothing on record to suggest that all the candidates were duly graded and hence the very selection of 5 candidates "in order of merit" was entirely arbitrary and there was no due consideration of the merit of each of the 25 candidates.

6. During the hearing of the O.A. we perused the record shown to us by the Respondents' counsel. There was nothing in it from which we could deduce that the applicant was surely ^{to} be placed among the top 5 candidates or even at place No.6. It was because the Select Committee went not only by the relative strength of the CRs but also by the performance of the candidates during the interview. Merely because the record of marks, if any, awarded during the interview was not available, we cannot come to the conclusion that the Select Committee did not perform its task ~~judiciously~~.

7. The scope of judicial review of decisions of duly constituted Select Committee is limited. More limited is the scope of review of a judgement. A review of a judgement is a serious step and reluctant resort to it is proper only when a glaring omission or patent mistake or like grave error has crept in earlier by judicial fallibility. So it was observed in Sow. Chandrakanta v/s Sheikh Habib, A.I.R. 1975 Supreme Court 1500. What all has now been argued by the learned counsel for the applicant had been elaborately put forward by him during the hearing of the O.A. We find no error apparent in our judgement nor we find any justification for a review of it.

8. The Review Application is therefore dismissed without any order as to costs.

(A.B. Gorathi)
Member (A)

(A.V. Haridasan)
Member (J)

Dated 30-1-1995.

Amulya
DEPUTY REGISTRAR (J)

To

kmv

1. The Secretary to Govt., Dept. of Personnel and Training, Min. of Personnel & PG and Pensions, New Delhi.
2. The Secretary, Union Public Service Commission, New Delhi.
3. The Secretary to Govt., General Administration Department, Secretariat, Hyderabad.
4. One copy to Mr.V.Venkataramaiah, Advocate, CAT, Hyderabad.
5. One copy to Mr.N.R.Devraj, Sr.CGSC, CAT, Hyderabad.
6. One copy to Mr.D.Panduranga Reddy, Spl.SC for A.P., CAR, Hyderabad.
7. One copy to Library, CAT, Hyderabad.
8. One spare copy.

YLKR

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COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.A.V.HARIDASAN : MEMBER(1)

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(2)

DATED : 31.1.95

ORDER/JUDGEMENT.

~~M.A.R.P/8~~ No. 1106/95

in
O.A. NO. 1012/91

Admitted and Interim directions
issued

Allowed

Disposed of with Directions

(R.F)
Dismissed

Dismissed as withdrawn

Dismissed for Default.

Rejected/Ordered

No order as to costs.

No 5 part copy

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