

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT  
HYDERABAD.

C.A. NO. 78/93.

DATE OF JUDGMENT: 28-09-95.

BETWEEN:

P. Appa Rao

.. Applicant.

AND

1. Comptroller and Auditor General  
of India, New Delhi.

2. Principal Accountant General  
(Audit-1), Andhra Pradesh,  
Hyderabad.

.. Respondents.

COUNSEL FOR THE APPLICANT: SHRI G. Ramachandra Rao

COUNSEL FOR THE RESPONDENTS: SHRI G. Parameshwara Rao  
x/ Addl. CGSC.

CORAM:

HON'BLE SHRI JUSTICE V. NEELADRI RAO, VICE CHAIRMAN  
HON'BLE SHRI R. RANGARAJAN, MEMBER (ADMN.)

OA.78/93

Judgement

( As per Hon. Mr. Justice V. Neeladri Rao, Vice Chairman )

Heard Sri G. Ramachandra Rao, learned counsel for the applicant and Sri G. Parameshwara Rao, learned counsel for the respondents.

2. The applicant was empanelled in the Select list <sup>for the post of Supervisor</sup> for Panel year 1994. When the applicant, who was working as Senior Auditor in the pay scale of Rs.1400-2600, was not included in the panel for 1991 for the post of Supervisor, this OA was filed on 27.1.93 praying for a direction to the respondents to consider his case for promotion with effect from 6-10-1991 on par with the junior with all attendant benefits including arrears of pay.
3. The ~~main~~ contention for the applicant is that there is an infirmity when the DPC was guided by the gradings given in the CRs instead of making its own assessment.
4. DPT OM No.22011/7/88-Est.(D) dated 19-8-88 lays down that "the officers are to be graded as outstanding, very good, and good, excluding those who are considered unfit for promotion and for the purpose of such classification, the DPC are required to make their own assessment of the records of services of all officers irrespective of any grading that may be shown in the confidential records". // The Minutes of the DPC for 1991 Selection are produced (returned after perusal). In para-4 of the said Minutes it is stated as under :

"While reviewing the confidential reports, the Committee kept in view the instructions of Headquarters in DPT OM No. 22011/7/88-Est(D) dated 19-8-88 circulated with letter No.883-N2/135-88 dated 30-9-1988/4-10-88"

5. But in para-6 of the reply statement dated 5-5-1993 filed by Sri R. Dharmarajan, Dy. Accountant General (Admn) in the office of Principal Accountant General, it is averred as under :

"The DPC in turn makes careful assessment of the performance of the officials as reflected in the Confidential Reports including the gradings assigned to them and categorises as outstanding, very good, good, as the case may be". (Emphasis is supplied)."

6. By referring to the above allegations in para-6 of the reply statement, it is urged for the applicant that it is conceded even by the Member of the DPC (Sri Dharmarajan was a Member of the DPC at the time of selection for the post of Supervisor for 1991 <sup>also</sup> ~~Batch~~) and as it is not a case of DPC making its own assessment in regard to the gradings the entire selection has to be held as vitiated.

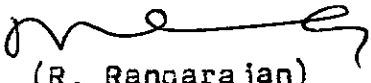
7. But it may be noted that it is specifically mentioned in the minutes of the DPC for the relevant selection that the guidelines as per OM dated 19-8-1988 referred to herein before, were kept in making the selection. Even in para-3.1 of the reply statement it is alleged that the "DPC after making a careful assessment of the performance of the officers as reflected in the CR has prepared a panel of 13 persons out of 18...."

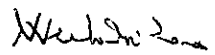
8. The above allegations clearly indicate that it is a case of independent assessment by the DPC for giving grades at the time of selection in 1991 for the post of Supervisor, <sup>and hence the contention that they merely followed gradings in CRs</sup> cannot be acceded to. // The applicant was selected for the post of Supervisor in 1994, <sup>as already observed,</sup> and then he was appointed to the said post with effect from 3-1-1994 and later he retired from service. Ofcourse they will not have any bearing for consideration of

this OA and they are merely referred to for the purpose of narration of the events up to date.

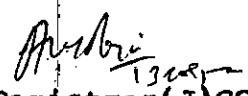
9. As there is no illegality or irregularity in the selection procedure for selection to the post of Supervisor in 1991, this OA does not merit consideration.

10. Accordingly this OA is dismissed. No costs.//

  
(R. Rangarajan)  
Member (Admn.)

  
(V. Neeladri Rao)  
Vice Chairman

Dated : September 28, 95  
Dictated in Open Court

  
Deputy Registrar(J)CC

To

1. The Comptroller and Auditor General of India,  
New Delhi.  
sk
2. The Principal Accountant General, (Audit-1)  
A.P. Hyderabad
3. One copy to Mr. G. Ramachandra Rao, Advocate, CAT. Hyd.
4. One copy to Mr. G. Parameswar Rao, SC for AG. CAT. Hyd.
5. One copy to Library, CAT. Hyd.
6. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRIRAO  
VICE CHAIRMAN

AND

THE HON'BLE MR.R.RANGARAJAN :M(A)

DATED: 28-9-1995

ORDER/JUDGMENT

M.A./R.A./C.A.No.

in

O.A.No.

78/93

T.A.No.

(W.P.No.

Admitted and Interim directions  
Issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

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No spare copy

