

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

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O.A.779/95.

Dt. of Decision : 04-05-98.

S. Venkateswara Rao

.. Applicant.

vs

1. The Union of India, Rep. by its Secretary to Govt. of India, Min. of Personnel, New Delhi.
2. The Union Public Service Commission, Rep. by its Chairman, New Delhi.
3. The State of A.P. Rep. by its Chief Secretary, Secretariat Buildings, Hyderabad, A.P.
4. Ch. Satyanarayana

.. Respondents.

Counsel for the applicant : Mr. J. Venugopal Rao

Counsel for the respondents : Mr. N. R. Devaraj, Sr. CGSC

Mr. P. Naveen Rao for the State of A.P.

CORAM:-

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

ORDER

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER(JUDL.)

None for the applicant. Heard Mr. Phaneraj for Mr. P. Naveen Rao, learned counsel for the State of A.P and Mr. N.R. Devaraj, learned counsel for the Central Government. R-4 though served, has remained absent. Hence he has been set ~~ex parte~~ by order dated 8-11-95.

2. The learned counsel for the State of A.P. could not explain to us properly to the questions asked to him. Hence we are deciding this OA on the basis of the materials produced before us to-day.

3. The applicant herein was initially appointed as Probationary Deputy Tahsildar by A.P. Public Service Commission during the year 1964. He was included the regular panel of Deputy Collector, placed him at Sl.No.57 in G.O.M.S. No.976 Revenue (Ser.I) department, dt. 5-10-1993 (Annexure-I). It is his case that the applicant was found at Sl.No.9 in the panel of Special Grade Dy. Collector for the year 1977-78 in order of preference (Annexure-II) considering the applicant to be placed in 'Outstanding' category. He submits that his date of birth is 2-2-1940 and while he was promoted as Dy. Collector, as special grade Dy. Collector, the competent authorities had occasion to asses his work as 'Outstanding'. They submit even after promotion as Spl. Grade Dy. Collector in the year 1988, the applicant maintained the same grade 'Outstanding' in discharging his duties. He submits that he was aspirant for the selection to IAS in accordance with the IAS (Appointment by promotion) Regulation's 1955, for the year 1992-93 onwards.

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4. The applicant filed OA.1156/94 seeking certain direction to the respondents therein and to declare the non-placement of Confidential Reports (ACRs) and personal file of the applicant together with his gradation to be communicated along with latest reports before the said selection authority with in the prescribed time for considering his name for selection by promotion to IAS. The Tribunal heard his application and a direction was given to the respondents therein to consider his case also in accordance with the rules and regulations for the year 1993-94, when the selection lists was prepared separately. The applicant was hoping selection on consideration of his ACRs as per the direction of the Tribunal dated 7-10-94. He submits that all his ACRs which are placed before the selection authority, show the applicant's record through — out as 'Outstanding' and all the ACRs including the relevant periods showing as Outstanding though made available before the selection committee, the selection committee for the reasons un-known to law, left the applicant without marking any gradation against the name while the R-4 viz., Sri.Ch. Satyanarayana, who was two places below him was selected to IAS as per the regulations and shown to have been appointed from 23-12-94 to IAS cadre the half yearly list published by the Government as on 1-1-95 at Sl.No.297. His apprehension is that the selection committee did not follow the method of assessment of his performance on the available ACRs. When his performances were accorded as outstanding in his ACRs he should have been selected, even by any comparative merits than the other selected candidates including the 4th respondent.

5. Hence he has filed this OA to call for the records pertaining to the ACRs of the outstanding category relating to the 4th respondent and also others who are placed in outstanding category for the relevant years 1993-94 and consequently to

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direct the 2nd respondent i.e., the UPSC to consider the ACRs of the applicant by comparing the ACRs of the 4th Respondent and others of Outstanding category and declare the applicant as eligible to be included in the Outstanding category and thereby to IAS cadre from the A.P.Civil Service Officers for one of the vacancies in 1993-94 batch.

6. The respondents No.1 and 2 filed their counter stating that UPSC following the regulations prepared the selection list of suitable officers in accordance with the set rules after following the prescribed administrative norms and procedure that the selection committee on the basis of the confidential reports evaluates the merit of the candidates and on that basis awards a grading, that the entries in the CRs are themselves an insignia of the capacity and capability of an officer, that the selection is based on the performance as disclosed in the CRs and on that basis grading ~~given~~ given for selection is the proper method for adjudging suitability of the officer concerned.

7. They submit that the applicant cannot substitute his own judgement for that of the duly constituted selection committee regarding his merit and suitability of merits. The claim of the applicant that he and the 4th respondent have obtained same grad is not correct. The assessment by the selection committee for promotion to IAS is to be counted and not the one by the DPC for special grade Dy. Collectors. Further, they submit that the promotion of Dy. Collectors to the cadre of special grade of Dy Collectors and the selection of SCS Officers for promotion to I are two different matters and the same cannot be equated.

8. The allegations that no grading was given to the appl was denied. It is stated that the selection committee at its meeting held on 11-11-94 considered the case of the applicant the basis of overall assessment of service records, the applic was graded as 'Very Good' and therefore the allegations made

the applicant against the selection committee are not having any basis.

8. The respondent No.3 has filed counter stating that the applicant was included in the panel of Special Dy. Collector for the year 1977-78. But his name was included in the adhoc panel of Dy. Collectors for the year 1987-88, for the purpose of promotion to Special Grade Dy. Collector. They submit that as per Regulation 5(4) of IAS (Appointment by promotion) Regulations, 1955, the selection committee constituted for the purpose, will consider the suitability of all officers based on overall relative assessment of service records, classifies the eligible officers as Outstanding, Very Good, Good or Unfit. Accordingly, the selection committee met on 11-11-94 considered the case of the applicant and graded him as 'Very Good'. It was done as per the directions in the order dated 6-10-94 in R<sup>A</sup>.No.73/94 in OA.907/94. They submit that the applicant could not come up for inclusion in the select list due to grading Very Good and the lower seniority among the eligible officers with that grading by the DPC. While preparing the select panel for 1987-88 his assessment for promotion to Special Grade Dy. Collector, has no relevance to the assignment of grading by the selection committee. While considering his case for promotion to IAS Cadre.

10. They submit that in view of the interim orders of the A.P.A.T. passed on 30-12-93 in OA.7196 (filed by Sri K.Mahesh Lingam and 4 Others), the selection committee could not prepare any select list for appointment to IAS during the year March, 1993 and an M.A., was filed by the Revenue Department upon which the APAT passed a revised interim directions dated 2-2-94. Accordingly the selection committee met on 6-5-94 prepared a combined list for

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1993-94 and 1994-95. Therefore, in the OA No. 907/94 filed by Sri P. Lakshminarayana & 2 Others before the Tribunal, the Tribunal quashed the combined select list through its order dated 10-8-94 and directed to prepare separate select list year-wise. Accordingly the selection committee met on 11-11-94 and prepared year-wise select lists. Therefore, the allegation that the A.P. Government tried to mix up the selections for the year 1992-93 & 1993-94 was denied. The list finally approved by the UPSC is the select list of members of the State Civil Service. The applicant's request does not therefore, deserve any consideration, as he is not competent to question the proceedings of the selection committee on the basis of his imaginary surmises. Hence there are no merits in this OA and hence it is liable to be dismissed.

11. We have perused the selection committee ~~list~~ <sup>proceedings</sup> which met on 11-11-94. The UPSC was associated with the selection committee as one of the members. Apart from a member of the UPSC there were six other members in the committee. The committee considered the candidates for preparing the select lists for the years 1992-93 and 1993-94 separately. In the select list in Annexure-2 the grading as assessed from CRs and other records of the ~~employees~~ <sup>officers</sup> has been indicated. The applicant stands at Sl. No. 21 in the Annexure-2 list whereas R-4 has junior stand at Sl. No. 23 in the Annexure-2 list. As per the Annexure-2 list, the applicant has been graded as 'Very Good' whereas R-4 has been graded 'Outstanding'. There are no 'outstanding' candidates in the select list. Hence R-4 was placed first in the select list for the year 1994 and as he had obtained grading of Outstanding. Those who had obtained Very Good were placed below of R-4 and we find from the select list that none of

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the juniors to the applicant who had got Very Good grading had been included in the select list. Hence the applicant cannot have any grievance as his only junior R-4 was placed in the select list in view of ~~the~~ his obtaining 'Outstanding' gradation.

12. Accordingly, the final year-wise select list for promotion to IAS (A.P.Cadre) was issued by the UPSC for approval vide their letter No.F.6/1(1)/93/ATS dated 5-12-94. In that list R-4 stood first for the reasons stated above in the 1993 select panel. None of the juniors to the applicant had been included in the select panel for the year 1993-94.

13. The Court or Tribunal cannot sit on the gradation awarded by the selection committee in view of the judgement of the Hon'ble Supreme Court reported in 1992 (2) ATC SC 562 (National Institute of Mental Health and Neuro Science Vs. Dr. Kalyane Raman) and 1997 (1) SLR 153 (Anil Katiyar Vs. UOI).

14. Having perused the select list, we feel that the applicant had not made out a case in this OA. Hence the OA is dismissed for want of merits. No costs.

(The selection proceedings produced by the State Govt. perused and returned back to the respondents)

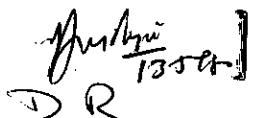
  
(B.S. JAI PARAMESHWAR)  
MEMBER (JUDL.)

4/5/98

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

Dated : The 4th May, 1998.  
(Dictated in the Open Court)

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**Copy to:**

1. The Secretary to Govt. of India, Min.of Personnel, New Delhi.
2. The Chairman, Union Public Service Commission, New Delhi.
3. The Chief Secretary, Secretariat Buildings, Hyderabad.
4. One copy to Mr.J.Venugopal Rao,Advocate,CAT,Hyderabad.
5. One copy to Mr.N.R.Devraj,Sr.CGSC,CAT,Hyderabad.
6. One copy to Mr.P.Naveen Rao,Addl.CGSC,CAT,Hyderabad.
7. One copy to D.R(A),CAT,Hyderabad.
8. One copy to HBSJP,M(J),CAT,Hyderabad.
9. One duplicate copy.

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26/5/98

II COURT

TYPED BY  
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CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

AND

THE HON'BLE SHRI B.S.JAI PARAMESHWAR :  
M (J)

DATED: 4/5/88

**ORDER / JUDGMENT**

M.A/R.A/C.P.NO.

in

D.A. NO. 779/85

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

## ALLOWEZ

~~DISPOSED OF WITH DIRECTIONS~~

**DISMISSED**

~~DISMISSED AS WITHDRAWN~~

~~DISMISSED FOR DEFAULT~~

~~ORDERED/REJECTED~~

NO ORDER AS TO COSTS

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