

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT
HYDERABAD

C.A.No.914 OF 1995.

Date of Order:23-3-1998.

Between:

K.Soma Raja Reddy.

.. Applicant

and

1. The Comptroller and Auditor General
of India, 10, Bahadurshah Zafar Marg,
New Delhi, 110 002.
2. Government of India, rep. by the
Secretary, Ministry of Finance,
New Delhi.
3. Prl.Accountant General,
Audit-I, Andhra Pradesh,
Hyderabad.
4. Accountant General, Audit-II,
Andhra Pradesh, Hyderabad.

.. Respondents

COUNSEL FOR THE APPLICANT :: Mr.I.Dakshina Murthy

COUNSEL FOR THE RESPONDENTS:: Mr.G.Parameswara Rao

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

AND

THE HON'BLE SRI B.S.JAI PARAMESHWAR (JUDL)

: O R D E R :

ORAL ORDER (PER HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN))

None for the Applicant. Ms.Shakthi for Mr.G.Parameshwara-
Rao, learned Counsel for the Respondents.

Re

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2. Though the O.A. ^{was} heard on 20th March, 1998, on that date also the learned Counsel for the Applicant ^{was} ~~is~~ not present. Hence we are disposing of this O.A. under Rule 15(1) of the CAT Procedure Rules.

3. The applicant in this O.A. was appointed as U.D.C. in the office of the Accountant General, Audit-II, A.P., Hyderabad on 4-11-1963. He had worked in various sections in that office and he had put in 31 years of service. He submits that there was no adverse remarks in his Confidential Report and his work was appreciated by one and all.

4. The applicant qualified in the SOG Examination Part-I before his case was considered for promotion to the post of Supervisor with a scale equivalent to the scale of Section Officer. ^{promotion title} The ^{title done} post of Supervisor in the Audit office is in accordance with the Circular No. 290-N.2/154-88, dated: 14-3-1989. It is seen from the above said rule that the post is a selection post and therefore, the orders of Government of India as applicable to IA & AD from time to time ^{have to be obtained} on the procedure for filling up of a selection post including the zone of consideration and enblock categorisation on relative merit will apply. The applicant was in the zone of consideration. Being a selection post, an employee graded as Outstanding will supersede all those who have graded very good and those who have graded very good will supersede those graded good. Amongst those graded Outstanding, their names will be listed in accordance with their seniority in the lower grade. Similar ^s in the case of those who had obtained grading for very good and good. The applicant was considered for the post of Supervisor in the year 1995. The applicant was not selected. He submitted a representation on 5-4-1995 and the same was rejected by R.4 by Order No. Sr.DAG(A)/Au-I/Supervisor/95-96/708, dated: 26/27-4-1995 (Annexure.II to the OA) on the ground that he has not established the relative merit and hence he ^{do} not stand for appointment as Supervisor.

5. This O.A. is filed praying for setting aside the Impugned Order dated:26/27-4-1995, vide Proceedings No.Sr.DAG(A)Au-I/Supervisor/95-96/708 (Annexure.II to the OA) of R.4 and for a consequential direction to the Respondent no.3 to consider the applicant for promotion to the post of Supervisor before his juniors are considered for such promotion with retrospective effect from 30-3-1995 with all consequential and financial benefits.

6. An interim order was passed in this O.A. on 7-8-1995 wherein it was directed to produce selection proceedings to the post of Supervisor and that selection proceedings is to be produced by R.3.

7. A reply has been filed in this O.A. In the reply it is stated that, on demand of the staff side and to meet the requirement of official deficit audit offices, promotion to the cadre of Supervisors was ordered as a temporary measure, vide Circular letter No.409-N.2/47-90, dated:24-9-1991(Page.2 to the reply) of Comptroller & Auditor General and the ceiling of 8% of the regular sanctioned posts of Section Officers was raised to 12%. This was in addition to the already existing provision of 8% of the regular sanctioned posts of Section Officers. The additional posts are required to be operated depending on the number of posts of Section Officers existing in each deficit Audit Office and the temporary appointment of Supervisor is subject to reversion as and when eligible S.O.G.E. qualified staff become available.

8. During the year 1995, the DPC considered the cases of all the eligible senior auditors including the applicant for promotion to the cadre of Supervisors in terms of the provisions in the Recruitment Rules for the post of Supervisors(Audit). Based on the relative merit and grading assigned, the junior Sri J.Madhusudana Sarma, Sr.Auditor was appointed as Supervisor. The applicant could not come up in the selection owing to the poor grading obtained by him. Hence he was informed by the impugned

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Letter No. Audit-I/Supervisor/95-96/708, dated: 27-4-1995 that he was not selected as he did not establish the relative merit and hence his case was rejected.

9. ^{To verify} In ~~view~~ of what is stated above, as per interim direction given we have perused the selection proceedings. There were eight vacancies of the Section Officers. Out of eight vacancies, three are for SC, one for ST to be reserved. There were only two SC candidates reserved available and no ST candidate was available even in the ^{extended} existing zone of consideration. Hence 22 General Category candidates and two SC candidates were considered for promotion to the post of Supervisor. The applicant who stood at Serial No. 7 among the general candidates secured the grading of categorisation 'good'. None of the general candidates who have ^{also} secured the categorisation 'good' were put on the selection list and only those who have ^{very} obtained relative merit of 'good' were empanelled. The applicant could not be selected as his grading ^{was} below that of very good. The Tribunal cannot examine the grading given by DPC as held in Mrs. ANIL KATDIYAR Vs UNION OF INDIA & OTHERS (reported in SLR 1997(1) SC Page 153). Further, ^{in the} the rejection of his case ^{was} selection to the post of Supervisor, ~~it~~ can be examined by this Tribunal only if it is on the malafide consideration of the ^{purvey} members of the DPC. In the OA no malafides have been attributed to any of the members of the DPC. Hence the case of the applicant cannot be examined as the ^{case of the} applicant was ^{not} rejected due to malafide intention on the part of the members of the DPC.

10. In view of what is stated above, we find that there is no merit in this OA. Hence the O.A. is dismissed. No costs. (The selection proceedings were perused and returned back in a sealed cover).

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

23.3.98
DSN

(R. RANGARAJAN)
MEMBER (A)

Dt: 23rd March, 1998
Dictated in Open Court

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• Copy to:

1. The Comptroller and Auditor General of India,
10, Bahadurshah Zafar Marg, New Delhi.
2. Secretary, Min.of Finance, New Delhi.
3. Prl.Accountant General, Audit-I,
Andhra Pradesh, Hyderabad.
4. Accountant General, Audit-II,
Andhra Pradesh, Hyderabad.
5. One copy to Mr.I.Dakshina Murthy, Advocate, CAT, Hyderabad.
6. One copy to Mr.G.Parameshwara Rao, Addl.CCSC, CAT, Hyderabad.
7. One copy to D.R(A), CAT, Hyderabad.
8. One duplicate copy.

YLKR

17/4/98
(9)

II COURT

TYPED BY
COMPARED BY

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: 23/3/98

ORDER/JUDGMENT

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

in

O.A.NO. 914/95

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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