

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD

O.A. NO.395 OF 1999

DATE OF DECISION: 10/4/01.

Between:

A.S. Gurappa, S/O Sri V.Subbaiah,
aged about 49 years
Occupation: Intelligence Officer
(in the cadre of Superintendent of Police)
Tirupati.

... Applicant

AND

1. Union Public Service Commission,
Dholpur House, Shahjahan Road,
New Delhi represented by its
Secretary.
2. Union of India represented by its
Secretary, Ministry of Home Affairs
North Block, New Delhi.
3. The Secretary, Ministry of Personnel
and Training, New Delhi.
4. Government of AP represented by its
Chief Secretary, AP Secretariat
Hyderabad.

... Respondents

Counsel for the Applicant : Mr. P. Bhaskar, Advocate

Counsel for the Respondent : Mr. V. Rajeswara Rao, ACGSC (for Central Govt.)
Mr.V.V.Anil Kumar (for State of A.P.)

CORAM:

THE HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY: VICECHAIRMAN

THE HON'BLE MR. S.K. AGRAWAL : MEMBER (A)

ORDER

[per Hon'ble Mr. Justice V. Rajagopala Reddy, Vice Chairman]

The applicant was initially recruited as Deputy Superintendent of Police in 1982 and later promoted as ^{Additional} ~~Assistant~~ Superintendent of Police in 1989 and Superintendent of Police (non-cadre) in 1995. The Departmental Promotion Committee met in 1996 for filling up of three clear vacancies to Indian Police Service. As per the directions of the Supreme Court in Civil Appeal 5539/97 where it was held that there were total of four vacancies, another DPC was held on 28.12.1998 where candidates belonging to different

cadres viz. Additional Superintendent of Police and Superintendent of Police (non-cadre) were considered for appointment to the IPS by promotion. Though the applicant has been considered by the Selection Committee he was not recommended for promotion to IPS. It is the case of the applicant that the Selection Committee met on 28.12.1998 has not properly evaluated the ACRs of the applicant which resulted in miscarriage of justice. It is his case that if the ACRs are properly evaluated he ought to have been selected to IPS. He claims that he has got outstanding record of service. It is also pleaded by the applicant that if the principle laid in S.S. Sambhu & Ors. Vs. UOI & Ors. in O.A. Nos.306, 307 and 308/1990 decided on 29.10.1999 by the full Bench of the Hyderabad Bench of the Tribunal, the applicant having shouldered higher responsibilities, the gradation of "Good" should be taken as "Very Good" and if it is "Very Good" then it should be taken as "Outstanding". The said principle it is argued was not incorporated in the rules for the post of promotion to IPS. It is, therefore, prayed to declare that the DPC held on 28.12.1998 as invalid and to direct re-evaluation by a review DPC all the ACRs of the applicant and to pass further orders.

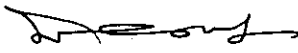
2. In the reply it is, however, stated that the promotion to IPS is governed by the Indian Police Service (Appointment by Promotion) Regulations of 1955 hereinafter called "regulations", which are statutory in character. In accordance with the regulation 5 (4) of the said regulations, the Selection Committee classifies the officers of State Police who were included in the zone of consideration as "Outstanding", "Very Good", "Good" or "Unfit", as the case may be, as overall assessment of their service records. It is also averred that the Selection Committee was not guided by the mere overall grading that is shown in the ACRs but the overall performance as reflected under the various columns recorded by the concerned officers in the ACRs for different years was also taken into consideration. The applicant's ACRs were thus evaluated by the DPC which met on 28.12.1998 and it was stated that the applicant was not recommended for promotion. It is further stated that the judgement in S.S. Sambhu's case was confined to the facts of that case and the said principle has no application for promotion to the IPS which is strictly governed by the regulations.

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3.2 We have given careful consideration to the arguments advanced on either side. It is not in dispute that the applicant has been considered for promotion against the 4th vacancy of IPS by the Selection Committee met on 28.12.1998. It is the case of the Respondents that the Selection Committee has considered the service records of the eligible officers falling in the zone of consideration and on an overall relative assessment of their service records, assessed them. It is also stated in the reply that no officer, on an overall assessment of his service record, could be assessed as "Outstanding". The applicant was assessed by the Selection Committee as "Good". Since only those officers who were graded as "Very Good" were included in the select list, the name of the applicant could not be included in the same due to the lower grading. We have also perused the ACRs of the applicant. Only those officers who were graded as "Very Good" were included in the select list. The law is too well-settled that the Tribunal would not attempt to reassess the service record of the candidates to arrive at different conclusion than that of the Selection Committee. It is the job of the Selection Committee.

4. The judgement of the full Bench in S.S. Sambhu's case (supra) has no application to the present selection. The present selection is governed by the regulations which are statutory in character and nothing is brought to our notice to show that the rules were not followed. The principle laid down in S.S. Sambhu's case is confined to the facts of that case alone and is not a ratio to be made applicable to cases of all promotions.


5. In view of the foregoing, we do not find any warrant to interfere with the impugned selection. The O.A., therefore, fails and accordingly dismissed, in the circumstances without costs.


(S.K. AGRAWAL)
MEMBER (A)


(V. RAJAGOPALA REDDY)
VICE-CHAIRMAN

Dated 10.4.2001

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