

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

OA no. 358/93 : Date of order 24.11.94

S.C. Taluja : Applicant

v/s

Union of India & Others : Respondents

Mr. Sanjay Pareek : Counsel for the applicant

Mr. U.D. Sharma : Counsel for the respondents

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Hon'ble Mr. Gopal Krishna, Member (Judicial)

Hon'ble Mr. B.N. Dhondiyal, Member (Administrative)

PER HON'BLE MR. B.N. DHONDIYAL, MEMBER (ADMINISTRATIVE)

The applicant who is working as Deputy Ore Dressing Officer under the Controller General, Indian Bureau of Mines, is aggrieved that one of his juniors, respondent no. 3, has been selected by the Departmental Promotion Committee convened in the month of Nov. 1989 for the post of Ore dressing Officer. He has narrated in detail his accomplishments in terms of academic qualifications submission of technical papers and advanced training undergone by him in his chosen field. A number of times he had applied for better posts outside the department but his applications were not forwarded on the ground that his service could not be ^{by} dispensed with. There was no adverse entry in his entire service career and he feels that all the record of his accomplishments was not placed before the DPC, resulting ⁱⁿ his nonselection.

2. We have heard the learned counsel for the parties and have gone through the records. The learned counsel for the applicant has vehemently argued that we should call for the original record, ourselves compare the assessment made by the respective officers and ensure that the total performance of the officers was evaluated by the DPC. He has drawn our attention to the observations of the Hon'ble Supreme Court in Union of India Vs. M. K. Kapur reported in AIR 1974 SC 1987, wherein it was held that it is not enough to mention the conclusion in such selections but the reasons for arriving such conclusion should also be mentioned. There has to be a rational

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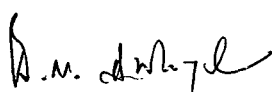
nexus between the facts discovered and the conclusions reached. In this case the reasons for supersession have not been given. Even according to the guidelines issued in CM dated 19.8.88, the DFC are required to make their own assessment of the service record of the officers irrespective of any grading that may be shown in the CR. He also draws our attention to the observations of the Hon'ble Supreme Court in Guman Singh Vs. State of Rajasthan (1971) 2 SCC 452 wherein parameters like academic qualifications, University record, character, integrity, devotion to duty etc. have been mentioned for evaluating the performance of an officer. It was observed that these broad aspects may be taken into account in assessing the merit of an officer. He has also drawn our attention to the observations of the Hon'ble Supreme Court in R.S. Dass Vs. Union of India AIR 1967 SC 593, wherein it was observed that if any dispute arises with regard to the arbitrary exclusion of a senior member of the State Service, the matter can always be investigated by perusing the service records and comparing the same with the service record of the officers who may have been preferred.

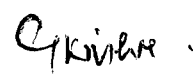
3. The learned counsel for the respondents had on the other hand mentioned that after amendment of the rules it is no longer necessary to explain the reasons for supersession, hence the observations made in Kapoor's case are no longer relevant. He also contended that the Tribunal cannot act as an Appellate body in these matters. We have been shown a copy of the minutes of the meeting of the DFC held on 10.11.89. This meeting was chaired by Mr. J.P. Gupta, Member of the UPSC. The Committee considered the question of selection of officer to the grade of Ore Dressing Officer in the Indian Bureau of Mines for one vacancy of 1988 and two vacancies of 1989. A categorical statement has been made that "having examined the character roll of the senior most eligible officers, the Committee assessed them as indicated against each in Annexure A-1".

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Annexure A-1 shows that the name of the applicant occurs at serial no. 4 in the list of eligible officers for two vacancies of the year 1989 and he has been assessed by the DFC as 'Good' only. On the other hand, respondent no. 3 Shri M.N. Makode, has been assessed as 'Very Good'. It is clear that the DFC had themselves made an assessment of the grading as envisaged in the OM dated 19.3.88. As regards the contention that the applicant had been sent for specific training and had submitted technical papers year after year, the Reporting Officer must have considered these matters before filling up the CR which are reviewed by their senior officers. It is the totality of such observations made over a period of years that goes into comparative assessment of the performance of the different officers. In view of this it is difficult to accept the claim of the applicant that such records were not available with the Reporting Officer during the relevant years or were ignored by them. Unless it is proved to the contrary, we have to go by the assumption that the proper procedures have been followed by the DFC which is headed by an independent authority like UPSC. As the Hon'ble Supreme Court themselves mentioned in the case of Kapoor (supra) 'the presumption is that the authority concerned will discharge its obligations with full realisations of its implications and honestly.' We have, therefore, no reason to doubt that all the relevant records were placed before the DFC and they did not show any bias or prejudice in the selection. We do not consider it necessary to see any other records.

5. In view of the aforesaid considerations, we hold that this is not a fit case to interfere and the OA is dismissed. No costs.


(B.N. DHUNDIYAL)
MEMBER (A)


(GOPAL KRISHNA)
MEMBER (J)