

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 26.7.2001

OA 62/95

Suraj Mal Meena, Dy. Commissioner, Department of Food,  
Secretariat, Jaipur.

...Applicant

Versus

1. Union of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, New Delhi.
2. State of Rajasthan through Secretary, Department of Personnel, Secretariat, Jaipur.
3. Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi, through its Secretary.
4. Shri Devi Ram Jodhawat, Dy. Secretary, Department of Industries, Govt. of Rajasthan, Secretariat, Jaipur.
5. Shri Yad Ram Gaur, Dy. Secretary, Forest Department (Revenue), SSO Building, Secretariat, Jaipur.
6. Shri Jagdish Prasad Vimal, Dy. Secretary, Public Health Engg. Deptt., Secretariat, Jaipur.
7. Shri Amar Chand Bhatt c/o Secretary, Department of Personnel, Secretariat, Jaipur.

... Respondents

CORAM:

HON'BLE MR.A.K.MISHRA, JUDICIAL MEMBER

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

For the Applicant ... Mr.Surendra Singh

For Respondent No.2 ... Mr.B.N.Purohit

For other respondents ... None

O R D E R

PER HON'BLE MR. A.K.MISHRA, JUDICIAL MEMBER

The applicant had filed this OA with the prayer that the relevant record from the possession and power of the

respondents be called for and it be declared that the applicant was erroneously and incorrectly not found suitable for promotion to the post of IAS Cadre against the vacancy of the year 1993. The applicant has further prayed that the respondents be directed to convene the review DPC to consider his candidature fairly and properly for promotion to the post of IAS CADre without any break or loss. His still further prayer is that the respondents be directed to consider the Annual Performance Appraisal Reports (APAR, for short) of the applicant for the years 1991-92 and 1992-93 by the review selection committee and the applicant be given the grading of 'Very Good' on the basis of APAR for the year 1987-88.

2. Notice of the OA was given to the respondents. In this case, respondent No.2 i.e. State of Rajasthan had put in appearance and filed reply. The remaining respondents, either official or private, have not put in their appearance and have not filed any counter.

3. We have heard the learned counsel for the parties and have gone through the case file.

4. In order to facilitate ourselves to judge the correctness of allegation of the applicant that his candidature was not considered fairly and his APARs for the part of the year 1991-92 and for the entire period of 1992-93 were not at all looked into, as they were not available, by the Departmental Promotion Committee (DPC, for short), we had summoned the record from the Government and have gone through the same also.

5. Contention of the applicant is that the DPC had not considered the candidature of the applicant fairly and has

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also not been able to go through the APARs of the years 1991-92 and 1992-93, as the same were not available, and consequently the applicant has been left out from being included in the select panel of IAS. However, this contention of the applicant could not stand the scrutiny from the official record. From the official file dealing with the matter, we found that the APARs were forwarded to the UPSC prior to the proposed date of holding of DPC meeting. The Government was informed in respect of non-supply of APARs of certain officers and certain more details in respect of other candidates. By a subsequent communication, the State Government supplied the desired information and also the APARs of the officers for the period indicated in the communication and thereafter the meeting of the selection committee was held in the last week of October of the year 1993. From the minutes of the DPC we found that the candidature of the applicant was considered and grading was also given to him. Therefore, it cannot be said that the applicant's candidature was not at all considered by the DPC. There is no dispute that in the final select panel names of 'Outstanding' officers would find place at the top of the panel and names of the officers having a grading of 'Very Good' would find place next and the officers of 'Good' grading would find their place in the panel only if the 'Outstanding' and 'Very Good' candidates are not available in sufficient number to fill in the vacancies. In this case, requisite number of officers of the gradings of 'Outstanding' and 'Very Good' were available and consequently the officers having the grading of 'Good' could not find place in the final select panel. Unfortunately, the applicant is also one of such officers. Simply because he did not find place in the final select panel, he cannot contend that he was given a low grading as compared to his APARs and his performance while in service.

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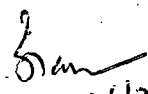
Time and again it has been decided by the Hon'ble Supreme Court that it is not for the court to rescrutinise the record and substitute itself as DPC for the purpose of granting the relief. DPC is an expert body and the grading given by the DPC is not subject to review by the courts and courts are not expected to have their independent assessment in this regard. The court can only verify the fact whether the candidature of the applicant was wrongly left out or not. If the candidature of the applicant was considered then his right to be considered stands exhausted and he cannot claim inclusion on this ground alleging that grading has wrongly been given by the DPC.

6. The respondents have, in their reply, repeatedly asserted that entire material was placed before the DPC for consideration of the candidature of the applicant and that has been found correct from the official record also. In view of this, the contention of the applicant that he was not at all considered properly and was given a low grading is without any foundation. The OA, in our opinion, bears no merit and deserves to be dismissed.

7. The OA is, therefore, dismissed with no order as to costs.

  
(GOPAL SINGH)

MEMBER (A)

  
26/7/2001  
(A.K. MISHRA)

MEMBER (J)