

**Central Administrative Tribunal  
Principal Bench**

**OA No.2261/2017**

New Delhi, this the 12<sup>th</sup> day of October, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Ms. Aradhana Johri, Member (A)**

Jagmohan Singh Raju  
S/o Dr. Karam Singh Raju  
Aged about 54 years  
Additional Chief Secretary  
Government of Tamilnadu  
G.G., Cambrae Hall, No.72  
Dr.P.V. Cherian  
Cresent Road, Egmore, Chennai 600 008  
Post: Additional Chief Secretary, Government of  
Tamil Nadu 3, Group 'A'. ..Applicant

(By Advocate: Shri Ashish Verma)

Versus

1. Union of India through Cabinet Secretary  
Cabinet Secretariat  
Rashtrapati Bhawan  
New Delhi-110001.
2. Union of India through Secretary  
Ministry of Personnel, Public Grievances  
and Pensions, Department of Personnel  
and Training, Government of India  
North Block, New Delhi-110001. ..Respondents

(By Advocate: Shri Rajeev Kumar)

**ORDER (ORAL)**

**Justice L. Narasimha Reddy:-**

The applicant is an IAS officer of 1985 batch and belongs to Tamilnadu Cadre. He feels aggrieved by the

denial of his consideration for the post of Secretary in the Govt. of India and states that several officers of his batch have been put in that rank. In this context, the applicant has claimed the following reliefs:-

- "(a) To call for all relevant records based on which empanelment of IAS officers of 1985 batch in the rank of Additional Secretary, and also the complete records with regard to Information Notes dated 23.06.2015, 07.12.2015, 11.04.2016, 18.07.2016 and 15.12.2016 and to examine the same;
- (b) To call for all relevant records based on which empanelment of IAS officers of 1985 batch in the rank of Secretary, Government of India was made and also the complete records with regard to Information Note dated 4.5.2017 and to examine the same;
- (c) To call for records of the Cabinet Secretariat in which letter No. No.104/15/2016-AVD/I of DOPT, dated 11.01.2017 was processed by Respondent No.1, wherein DOPT while recording its own compliance, had requested Respondent No.1 to take appropriate action in furtherance of the recommendation of the Hon'ble NCSC dated 09.1.2016.
- (d) To call for records of 360 degree screening (if at all, if there is any) and in the facts and circumstances of the present case declare that the same will have no bearing on the process of Applicant's empanelment done for the rank of Additional Secretary, Government of India on 23.06.2015, 07.12.2015, 11.04.2016, 18.07.2016 and 15.12.2016 and his empanelment to the rank of Secretary, Government of India dated 04.05.2017.

(e) Issue appropriate directions to Respondents to consider the Applicant herein for empanelment to the post of Secretary, Government of India, and posting commensurate with the same, in accordance with the Government's publicly announced rules/regulations/instructions/ guidelines, verdicts of the Honourable Tribunals/ Courts and Respondent's assurances given on the floor of the Parliament"

2. The applicant contends that he has a meritorious career throughout and was conferred awards by various agencies including UNESCO. It is submitted that when his case came up for consideration for empanelment as Additional Secretary, it was denied from time to time on account of certain reasons which are not borne out by record and ultimately when he became ripe to be considered for the post of Secretary, it is denied on the ground that he has not been empanelled for the post of Additional Secretary. He mentioned the facts pertaining to his case elaborately and referred to the relevant rules that govern the issue.

3. The respondents filed a counter affidavit opposing the OA. It is stated that the case of the applicant has been considered for empanelment as Additional Secretary on as many as six occasions and on all of them the Special Committee of Secretaries(SCoS)

found the applicant unfit and in that view of the matter, the question of his being empanelled at Secretary level does not arise.

4. Shri Ashish Verma, learned counsel for the applicant submits that the whole basis for the respondents in denying empanelment as Secretary to the applicant is fallacious and it is not necessary in law that an officer must be empanelled as Additional Secretary for his being considered for empanelment as Secretary. He further contends that the reasons for non empanelment are also totally untenable and in many cases the respondents have relaxed rules in this behalf but the applicant was meted out discriminatory treatment in this behalf.

5. Shri Rajeev Kumar, learned counsel for the respondents on the other hand submits that the career of the applicant had several negative factors as is evident from the reports that emerged from time to time and when his case for empanelment as Additional Secretary was considered, they were taken into account and the SCoS declared him as unfit. He further submits that once the applicant has been declared unfit

on so many occasions for empanelment as Additional Secretary, the question of his being empanelled as Secretary does not arise.

6. It is not in dispute that the case of the applicant was considered for empanelment for the post of Additional Secretary on as many as six occasions. The SCoS found him unfit and he was not empanelled. The applicant ultimately acquiesced in such evaluation and did not challenge it.

7. The post of Secretary is naturally superior to that of Additional Secretary. It is a common practice that the officers who held the post of Additional Secretary are considered for empanelment for the post of Secretary. There may be exceptions like the I.A.S. officer, who was otherwise eligible to be empanelled as Additional Secretary, but was on foreign assignment at the relevant point of time. In such cases the mere fact that the officer was not empanelled as Additional Secretary cannot be a ground to deny him the empanelment to the post of Secretary, provided he is otherwise fit.

8. Where however, as per existing policy the officer was considered for the empanelment to the post of Additional Secretary and was found unfit, that too on several occasions, as in this case, the question of his being considered for empanelment to a superior post does not arise. The claim of the applicant does not merit consideration from the point of view either of law or logic.

9. We, therefore, dismiss the OA being devoid of merit. There shall be no order as to costs.

**(Aradhana Johri)**  
**Member(A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

/vb/