

**Central Administrative Tribunal
Principal Bench**

OA No.3119/2015

Reserved on : 01.08.2018
Pronounced on : 13.08.2018

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

Chandan Vatsa
S/o Sh. B. P. Sinha
aged 54 years,
General Manager (Tech)
Group 'A'
Presently posted as Regional Officer,
Ranchi, Jharkhand
Flat No.16, Pocket-1, Sector-6,
Dwarka, New Delhi 110 075. Applicant.

(By Advocates, Shri Nidhesh Gupta, Sr. Advocate, Shri
Rajiv Kumar Jha, Shri Swarn Kumar and Shri Tarun
Kumar)

Versus

1. Ministry of Road Transport and Highways
Through its Secretary
1, Transport Bhawan,
Sansad Marg,
Parliament Street,
New Delhi 110 001.
2. National Highways Authority of India
Through its Chairman
G-5 & 6, Sector 10,
Dwarka,
New Delhi.
3. Mr. Y. Rajeev Reddy
Regional Officer
National Highways Authority of India
Sy. No.13, 14th KM,
Near Deepak Bus Stop,
Nagasandra, M. S. Ramaiah Enclave,
Bengaluru-Tumkur Road (NH-4)
Bengaluru 560 073.

4. Mr. J. Chandra Sekhar Reddy
Regional Officer
National Highways Authority of India
D.No.8-2-334/18, Road No.3,
Banjara Hills
Hyderabad 500 034.
5. Mr. Ajmer Singh
CGM (T)/BMP, RSC&PC
National Highways Authority of India
G-5 & 6, Sector 10,
Dwarka,
New Delhi.
6. Mr. Dharamananda Sarangi
Regional Officer
National Highways Authority of India
301-A, 3rd Floor,
Pal Heights, Plot No.J/7
Jaydev Vihar
Bhubaneswar (Odisha).
7. Mr. R. P. Singh
C-116, Ground Floor,
Anand Niketan
New Delhi 110 021. Respondents.

(By Advocate, Dr. M. V. Chandra and Shri Manu Prabhakar
for NHA and Shri R. V. Sinha)

: O R D E R :

Justice L. Narasimha Reddy, Chairman :

The applicant joined the service of National Highways Authority of India, and is working as General Manager (Technical). The next higher post is Chief General Manager (Technical). According to the Recruitment Rules of the Organization, appointment to the post of CGM (Technical) is by way of selection through a search-cum-selection committee. The selection can be made from the internal

candidates holding the post of General Manager (Technical) on regular basis for a period of six years, and possessing the educational qualification stipulated for the post; or by way of deputation from officers under Central Government or State Government or Union Territories or Universities or Recognized Research Institutions or Public Sector Undertakings, holding analogous post on regular basis or with three years of regular service in the post in the pay scale of Rs.16400-400-20000/-; or equivalent or with six years of regular service in the pay scale of Rs.14300-18300 or equivalent, subject to possessing the essential educational qualification prescribed for the post.

2. The respondents issued an advertisement on 13.06.2014 inviting applications/nominations. The applicant responded to it. Against 9 vacancies available at that time, respondent Nos.3 to 7, and four others were selected. Proceedings in this behalf were issued on 08.01.2015. The applicant feels aggrieved by his non-selection. This OA is filed challenging the proceedings of the Selection Committee on 08.01.2015, as well as the consequential orders of appointment issued to respondent Nos.3 to 7.

3. The applicant contends that he has the requisite qualification as well as experience, and being the senior

most internal candidate, he ought to have been selected. He submits that respondents No.3 to 4 were not qualified at all, and still they have been selected and appointed. He further contends that the selection process itself is inconsistent, since the Committee met on more than one occasion and the proceedings were totally uncertain.

4. Respondents No.1 & 2 filed a detailed counter affidavit. It is stated that the advertisement was issued for undertaking selection of candidates for the post of CGM (Technical) strictly in accordance with the Rules, and, the candidature of the applicant was also considered by the Selection Committee. It is further stated that out of nine selected candidates, one did not turn up, and on a representation made by the applicant, and certain other internal candidates, the Committee met once again, at a later date, and no internal candidate was found fit. The allegation, that respondent Nos.3 & 4 were not qualified, is denied. Two supplementary affidavits have also been filed by respondent nos.1 & 2.

5. We heard Shri Nidhesh Kumar, learned Senior Advocate, Shri Rajiv Kumar Jha, Shri Swarn Kumar and Shri Tarun Kumar, learned counsel for the applicant, and

Dr. M. V. Chanda, Shri Manu Prabhakar and Shri R. V. Sinha, learned counsel for respondents.

6. The appointment to the post of CGM (Technical) in NHAI is through a hybrid process of considering the internal as well as external candidates. The procedure prescribed for appointment to the post of CGM (Technical) is as under:-

Age limit (in respect of transfer on deputation only)	Educational and other qualifications required	Recruitment Criteria
1.	2.	3.
56 years	<p><u>Essential Educational Qualification</u></p> <p>Degree in Civil Engineering from a reputed Institution of Technology or a recognized University.</p> <p>(i) Should be working in an analogous post or the post below (General Manager/Supptd. Engineer or equivalent) for at least 6 years on a regular basis; and</p> <p>(ii) 18 years experience at Group 'A' (Pay scale of Rs. 8000-275-13500/-) or equivalent level post or higher; and</p> <p>(iii) 12 years experience in Highways/Road/Bridge Engineering.</p>	<p>Selection through Search-cum-Selection Committee.</p> <p>(1) From internal candidates holding the post of a General Manager (Tech.) on a regular basis for a period of at least 6 years and possessing the essential educational qualifications and essential experience stipulated in Column 7.</p> <p>OR</p> <p>(2) By deputation from officers under the Central Government or State Government or Union Territories or Universities or Recognized Research Institutions affiliated to Government of India or Public Sector Undertaking or Semi Government or Statutory or Autonomous Organizations and other Government Bodies:-</p> <p>(i) holding analogous posts on regular basis : or</p>

		<p>(ii) with three years of regular service in the posts in the pay scale of Rs.16400-400-20000 or equivalent; or</p> <p>(iii) with six years of regular service in the posts in the pay scale of Rs.14300-18300/- or equivalent; and</p> <p>Possessing the essential educational qualifications and essential experience stipulated in column 7.</p> <p><u>Period of deputation</u></p> <p>Period of appointment on Selection shall be for an initial period of 3 years, extendable by two more years with the approval of the Government, subject to satisfactory performance.</p> <p>There shall be no bar to an officer getting a second term after going through the due process of selection.</p>
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The advertisement was issued on 08.01.2015. The applicant did not have any grievance with that advertisement, notwithstanding the fact that not only the departmental candidates, but also candidates from other departments and organizations were invited. In fact, he submitted his application, and his case was also considered by the Committee comprising of; (1) Secretary, Ministry of Road Transport and Highways; (2) Chairman, NHAI; (3) Secretary, Ministry of Tourism and (4) Director General, CPWD. The selections were not confined to the

post of CGM (Technical) alone. They were conducted for the posts of CGM (SRD & Q), CGM (Safety) & CMS in NHAI. For the post of CGM (Technical), as many as 87 applications were received. Out of them, the Screening Committee recommended the names of 31 candidates, and 21 out of them were found eligible. Ultimately, the list of selected candidates was published on 08.01.2015. The name of the applicant did not figure therein. He has submitted representation on account of his non-selection. However, since the appointment was through a process of selection, not much attention was paid to it.

7. One of the selected candidates did not join. Therefore, another meeting was held, wherein the names of applicant and other candidates were also considered. There again, the applicant's name did not come up for selection.

8. Once the process of appointment is through a selection process, the internal candidate, howsoever senior he may be, cannot complain of non-selection solely on the basis of seniority. In fact, that would be contradiction in terms.

9. The applicant made an attempt to point out that the respondent Nos.3 & 4 were not qualified. Respondent Nos.1 & 2 have stated in their counter affidavit that

respondent Nos.3 & 4 were very much qualified, and the small doubt expressed about it stood clarified on verification of records. The applicant has not attributed any *mala fides* nor did he point out any serious defects in the process of selection. The grounds on which the selections made by the Selection Committee can be interfered with, are very limited, and the Tribunal cannot sit as an Appellate Authority over the selections.

10. The applicant is not able to convince us to interfere with the selections, either on factual, or on legal grounds. We do not find any merit in the OA, and it is accordingly dismissed. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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