

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00365/15

Reserved on: 05.03.2019
Pronounced on: 07.03.2019

C O R A M

HON'BLE MR. JAYESH V. BHAIRAVIA, JUDICIAL MEMBER
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER

Radha Mohan Prasad, Son of Late Sheo Sharan Prasad, Resident of professor Colony, North Shastri Nagar, Road No. 1, PO+PS – Shastri Nagar, Distt. – Patna, at present posted at Addl. Municipal Commissioner, Patna Municipal Corporation, Patna, Bihar

.... **Applicant.**

By Advocate: - Mr. Nikesh Kumar

-Versus-

1. The Union of India through the Secretary, Govt. of India, Ministry of Personnel, Public Grievance & Pension, Department of Personnel and Training, North Block, New Delhi.
2. The Under Secretary, Govt. of India, Ministry of Personnel, Public Grievance & Pension, Department of Personnel and Training, North Block, New Delhi.
3. The Union Public Service Commissioner through its Secretary, Dholpur House, Shahjahan Road, New Delhi.
4. The Chairman, Union Public Service Commissioner through its Secretary, Dholpur House, Shahjahan Road, New Delhi.
5. The State of Bihar through its Principal Secretary, Department of General Administration Department, Govt. of Bihar, Old Secretariat, Patna, Bihar.
6. The Chief Secretary, Govt. of Bihar, having office at Old Secretariat, Patna.
7. Sri Raj Narayan Lal, son of not known to the applicant. At present posted as Chief of Administration in Transport Bhawan in Sultan Place, Beerchand Patel Marg, Patna, Bihar.

.... **Respondents.**

By Advocate: - Mr. S.N. Madhuvan, JC to Mr. Shekhar Singh, SC for State of Bihar.
None for UOI and UPSC.

ORDER

Per Dinesh Sharma, A.M:- This application is against the order dated 27.04.2015 passed by the UPSC (respondent no. 3) by F. No. 11/2/11/2013-AIS by which, following a direction by this Hon'ble Tribunal in OA 109/2013, the UPSC has, allegedly, wrongfully rejected the claim of the applicant. The applicant claims that the UPSC's decision is wrong because it is not in accordance with their own circular issued vide File No. 11/102/2010-AIS dated 25.10.2010, particularly its Clause B-2 regarding "Consistency in Assessment Matrix across successive SCMs".

2. UPSC have filed a reply statement in which they denied the claim of the applicant and stated that the UPSC have issued a very detailed and speaking order dated 27.04.2015 which is in full compliance of the order of this Tribunal passed in OA 109/2013.
3. We have gone through the pleadings and heard the learned counsels of the applicant and the State of Bihar. This Tribunal had directed the UPSC to re-examine the applicant's case since it found some substance in the plea of inconsistency in the assessment of the applicant by two SCMs (Selection Committee Meetings) held on 16.12.2008 and 31.07.2008. The order of UPSC dated 27.04.2015 does describe the case of the applicant in great detail. It also gives reasons about why there could be difference in assessment in two period and explains how Clause B-2 regarding Consistency in Assessment Matrix across successive SCMs has been adhered to. Though the applicant still insists that the change in period of assessment

should not have changed his overall assessment by the SCM (since there were no ACRs in the period by which the later differs from the earlier period), this reason, alone, cannot lead to a definitive conclusion about inconsistency in the assessment of selection committee. The overall assessment by the selection committee is not just based on an arithmetic average of gradings but after taking into account all other relevant factors. There is one rating of 'Good' in the more recent period while there are only 'outstanding/very good' ratings in the earlier periods. Thus, change in assessment in successive SCMs, if any, is not entirely unjustified. Since the UPSC has, upon a direction from this Tribunal, rechecked, applied its mind again to the facts of this case, and come to the same conclusion as before we do not see any reason for further interfering with that order. The OA is, therefore, dismissed. No order as to costs.

[Dinesh Sharma]
Administrative Member
Srk.

[Jayesh V. Bhairavia]
Judicial Member