GURDAYAL SINGH FIJI

v.

THE STATE OF PUNJAB AND ORS.

October 14, 1981

[Y.V. CHANDRACHUD, C.J., A. VARADARAJAN AND AMARENDRA NATH SEN, JJ.]

Constitution of India 1950, Article 32 and Indian Administrative Service (Appointment by Promotion) Regulation 1955—Member of State Civil Service Cadre—Adverse remarks in confidential roll—Certificate of intergity not granted—I.A.S. Select List—Claim for inclusion—Whether maintainable.

The petitioner, a member of the State Provincial Civil Service, in his writ petition to this Court contended that he was one of the senior most persons in the service, with a consistently good record, but because of two adverse remarks by two officers, certificate of integrity had not been given to him, and that the adverse remarks made against him were *mala fide* and unjustified and the refusal to grant him a certificate of integrity and to include his name in the I.A.S. Select List was wrongful and illegal.

Dismissing the writ petition,

HELD : 1. The I.A.S. Selection Committee which prepares the Select List is an independent body, The petitioner cannot claim to be included in the Select List as a matter of right. The Select List is prepared by the Selection Committee on consideration of the merits on the basis of the suitability of the officer concerned and the recommendations made by the Selection Committee have to be approved by the Union Public Service Commission. [906 C-D]

In the instant case the Selection Committee has not considered the petitioner to be suitable to be included in the Select List and the Union Public Service Commission has agreed with the recommendation of the Selection Committee. The claim of the petitioner for inclusion in the Select List must, therefore, fail. [906 E]

2. The petitioner is now 55 years of age and the age bar in the matter of inclusion in the Select List deprives the petitioner from being included in the Select List. [906 F]

ORIGINAL JURISDICTION : Writ Petition No. 4533 of 1980.

(Under article 32 of the Constitution of India)

Petitioner *in person*

Hardayal Hardy and *M.S. Dhillon*, for Respondent No. 1.

P.A. Francis, N. Nettar and *R.N. Poddar* for Respondent No. 15. A

Jitendra Sharma and *P. Gaur* for Respondents Nos. 25-31, 33-38, 41-43, 46-48 and 51-55.

Respondent No. 58 *in person.* B

The Judgment of the Court was delivered by

AMARENDRA NATH SEN, J. Gurdayal Singh Fiji, a member of the Punjab Provincial Civil Service, has presented this writ petition in person and he has argued his own case in person. C

The main grievance of the Petitioner in this writ petition appears to be against the non-inclusion of his name in the I.A.S. Select List.

It is the case of the petitioner that he is one of the senior-most persons in the service with a consistently good record of service on the whole, but because of two adverse remarks by two officers, certificate of integrity has not been given to him. The Petitioner submits that the adverse remarks made against him were mala fide and unjustified and the refusal to grant him a certificate of integrity and not to include his name in the I.A.S. Select List is wrongful and illegal. D E

As this writ petition may be disposed of on a short point, it does not become necessary for us to set out at length the various facts and circumstances of this case. The Petitioner has taken us through the records and the various documents filed in support of his case made in the writ petition. F

In view of the grievance made by the Petitioner as to non-inclusion of his name in the Select List, this Court by an order(1) passed on 9.3.1979 directed the I. A. S. Selection Committee to hold a special meeting to consider the question of inclusion of the name of the Petitioner in the Select List. Pursuant to the order passed by this Court, I.A.S. Selection Committee held a speci meeting on the 21.7.1979 and the Selection Committee found the Petitioner to be unsuitable for inclusion in the Select List. It may be noted that the I.A.S. Selection Committee which prepares the Select List is an independent body and recommendations of the G H

(1) [1979] 3 S.C.R. 518.

I.A.S. Selection Committee further require to be approved by the Union Public Service Commission. The decision taken by the I.A.S. Selection Committee at the meeting held on 21.7.1979 pursuant to the order of this Court refusing to include the Petitioner in the Select List was approved by the Union Public Service Commission which agreed with the recommendation. An affidavit has also been filed by Shri D.C. Mishra, Director, Department of Personnel and Administrative Reforms, Ministry of Home Affairs, New Delhi. The averments made in this affidavit go to establish that the case of the Petitioner for inclusion in the Select List was properly considered by the Selection Committee on merits. As we have earlier noticed, the Selection Committee is an independent body and there is nothing on record to pursuade us to hold that the decision of the Selection Committee was not properly arrived at on consideration of the merits of the case and was, in any way, otherwise motivated. The Petitioner cannot claim to be included in the Select List as a matter of right. The Select List is prepared by the Selection Committee on consideration of the merits on the basis of suitability of the officer concerned and recommendations made by the Selection Committee have to be approved by the Union Public Service Commission.

As the Selection Committee has not considered the Petitioner to be suitable to be included in Select List and the Union Public Service Commission has agreed with the recommendation of the Selection Committee, the claim of the Petitioner for inclusion in the Select List must fail.

There is another aspect of the matter which goes to establish that the case of the Petitioner for inclusion in the Select List cannot now be considered. The Petitioner is now 55 years of age and the age bar in the matter of inclusion in the Select List debars the Petitioner from being included in the Select List. In the result this petition fails and is, therefore, dismissed. There will, however, be no order as to costs.

N.V.K. *Petition dismissed.*