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R. TAMILMANI

v.

UNION OF INDIA AND ANR.

FEBRUARY 26, 1992

B

[M.H. KANIA, CJ, R.M. SAHAI AND G.N. RAY, JJ.].

*Indian Administrative Service (Appointment by Selection) Regulations 1956.*

C

*Indian Administrative Service—Selection from amongst Non-State Civil Service Officers—Selection Committee—Assessment of merit and ability—Rating process—Three members of Selection Committee rating a 'candidate 'Outstanding' while other two rating him as 'very good'—Held there was consensus regarding ability of candidate—Candidate held eligible for consideration.*

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The appellant was interviewed for selection to the Indian Administrative Service for the year 1990 from amongst the Non-State Civil Service Officers in the State of Tamil Nadu. Three of the members of the Selection Committee rated him as 'outstanding' whereas the other two members rated him as 'very good'. But his name was not recommended for consideration by the Union Public Service Commission on the ground that there was no 'consensus' regarding his ability. The appellant filed an application before the Central Administrative Tribunal, Madras for a direction that he should be considered and appointed to the Indian Administrative Service. His application was dismissed. He filed an appeal in this Court.

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Allowing the appeal, this Court,

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HELD : The Central Administrative Tribunal was in error in dismissing the application of the appellant. If out of five committee members three ranked the appellant as 'outstanding' and two as 'very good', the result would be that there was definitely consensus that he was at least 'very good' and in fact a little better. Therefore, there was no reason why his case could not have been put up for consideration by the Union Public Service Commission. Accordingly, it is directed that his case be put up for consideration by the Union Public Service Commission for appointment in the vacancy of 1990. [1073H, 1074A-B]

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CIVIL APPELLATE JURISDICTION : Civil Appeal No. 3145 of 1991. A

From the Judgement and Order dated 8.4.1991 of the Central Administrative Tribunal, Madras in Original Application No. 810 of 1990. B

T.S. Krishnamurthy Iyer, S. Sivasubramaniam, R.A. Perumal and R. Mohan for the Appellants.

V.C. Mahajan, S.N. Sikka and V.K. Verma for the Respondents.

The Judgment of Court was delivered by C

KANIA, C.J. This appeal arises out of an order of a Bench of Central Administrative Tribunal, Madras, dismissing an application filed by the appellant herein. The prayer in the application was to consider and appoint the appellant to the Indian Administrative Service (hereinafter referred to as 'IAS') for the year 1990. It appears that for the year 1990 the appellant was one of the five candidates called for interview for selection to the I.A.S. from among the Non-State Civil Service Officers in the State of Tamil Nadu. It seems to be common ground that under the Indian Administrative Service (Appointment by Selection) Regulations, 1956, read with similar Regulations, namely, Indian Administrative Service (Appointment by Promotion), Regulations, 1955 persons not belonging to the State Civil Service, who are of outstanding merit and ability and who have completed not less than eight years of service, can be considered for appointment to the I.A.S. by selection. In the case of the appellant the Selection Committee interviewed the appellant along with four other candidates recommending their names to the Union Public Service Commission for approval. In this rating process three of the members of the Select Committee rated the appellant as "outstanding" whereas the other two members rated him as "very good". By curious process of logic, which we find a little difficult to understand, the Selection Committee declined to recommend his name for consideration on the ground that there was no 'consensus' regarding his ability. D E F G

In our view it is clear that if out of five committee members three ranked the appellant as "outstanding" and two as 'very good', the result would be that there was definitely consensus that he was at least "very H

- A good" and in fact a little better. Therefore, in our opinion, there was no reason why his case could not have been put up for consideration by the Union Public Service Commission. The Central Administrative Tribunal, with respect, was in error in dismissing the application of the appellant as it did. We direct the case of the appellant to be put up for consideration by the Union Public Service Commission for appointment in the vacancy of 1990 on the footing of the consensus as we have set out earlier.
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The appeal is allowed as aforesaid. There will, however, be no order as to costs.

T.N.A.

Appeal allowed.