
(1992) 10 SC CK 0070

In the Supreme Court Of India

Case No : Civil Appeal No. 4082 Of 1992

State of Rajasthan and Another

APPELLANT

Vs

Roop Chand Shah and Others

RESPONDENT

Date of Decision : 07-10-1992

Acts Referred:

Citation : (1995) 4 SCC 461 Supp

Hon'ble Judges : M. M. Punchhi, J;A. M. Ahmadii, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. WE have perused the Office Report dated 9/07/1992. The service to the respondents is complete. None has entered an appearance even though the notice mentioned that the matter will be finally disposed of as covered by S.S. Moghe v. Union of India. We, therefore, heard the learned counsel for the petitioners and perused the decision referred to. Leave granted. The relevant observations on which the learned counsel relies are as follows :

"The next point urged by the petitioners is that the Screening Committee had acted in violation of the principles of natural justice inasmuch as it had not afforded to the petitioners an opportunity to make their representations before the Committee. The function entrusted to the Committee was to adjudge the suitability of persons who were holding posts in the different grades in the temporary ARC Organisation for permanent appointment in the newly constituted ARC (Technical) Service on the basis of the records relating to their past performance in ARC Organisation, etc. We do not see how the principles of natural justice can get attracted in such a context. The law does not cast any obligation on a Committee discharging such a function to invite representations from the persons in the eligible categories and consider those representations while adjudging their suitability for appointment into the new service. Hence we do not find any substance in the argument advanced on behalf of the petitioners that there was a violation of principles of natural justice by the Screening

Committee."

2. APPLYING the above principle, we are of the opinion that the Division Bench was in error in reversing the view taken by the learned Single Judge. The Screening Committee was under no obligation to afford a hearing before making its recommendation. The respondent was merely officiating in the promotion post and on being found unsuitable for the said post by the Screening Committee he was reverted to his substantive post. There was no question of hearing him on his suitability by the Screening Committee. We, therefore, set aside the impugned order of the division bench and restore the order of the learned Single Judge. The appeal is allowed accordingly with no order as to costs.