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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.1185/2002

New Delhi this the 6th day of May, 2002

Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri Govindan S.Tampi, Member (A)

S.N.Panigrahi,
S/O Padmanabha Panigrahi,
214, Lakshmibai Nagar,
New Delhi-110023

..Applicant

(Applicant present in person)

VERSUS

1. Union of India through the
Secretary, Ministry of
Information and Broadcasting,
Shastri Bhawan, New Delhi-1
2. The Secretary
Ministry of Personnel, Public
Grievances and Pensions,
North Block, New Delhi-1

..Respondents

O R D E R (ORAL)

(Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman(J)

We have heard applicant, Shri S.N.Panigrahi, present in person. He has prayed the following reliefs in the OA.

"(a) That this OA be allowed with costs.

(b) That every kind of discrimination including the prescription of "benchmark" and "supersession" with regard to promotion in Central Civil Services vis-a-vis the IAS be declared as ab initio null and void and parity may be ordered.

(c) That this Hon'ble Tribunal may be pleased to declare the relevant discriminatory provisions in the Deptt.of Per.& Trg. O.M. No.22011/5/86-Estt.(D) dated the 10th April, 1989 and any subsequent amendment thereto as ab initio ultra vires the Constitution, as far as promotion in Central Services Group 'A' and 'B' recruited through the Combined Civil Services Examination, is concerned.

(d) That this Hon'ble Tribunal may be pleased to declare that the Central Services Group 'A' and 'B' are more qualified to head the Ministries dealing with the relevant areas of

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Q their specialisation; like the Ministries of Railways and Science and Technology etc. which are headed by specialists/scientists.

(e) That this Hon'ble Tribunal may be pleased to order the respondents to promote the applicant to the Junior Administrative Grade of the IIS with effect from 21.1.1995 and the Director's level with effect from 21.1.1999 at par with the IAS".

2. From a perusal of the reliefs prayed for by the applicant, it is clear that his claims for promotion to Junior Administrative Grade (JAG) and Director's level are highly time barred. The other claims are that certain OMs issued by the Govt. of India, Department of Personnel and Training dated 10.4.1989 and subsequent amendment thereto be declared ab initio ultra vires. The applicant submits that although the Group 'A', Group 'B' and IAS Officers have all come through the combined Civil Services Examination (CSE), they have different channels of promotions which can hardly be accepted as discriminatory or arbitrary under Article 14 of the Constitution of India. Based on the results of the Civil Services Examination, the candidates are allotted to various services depending on their merit position and in accordance with the relevant Rules and Regulations. In the circumstances, prescribing different criteria or channels of promotions to Group 'A' and 'B' who are governed by separate Rules cannot be held to be illegal, as contended by the applicant. It is settled law that under Article 14 of the Constitution, there can be reasonable classification and the classification should be founded on ^{or as} an intelligible differentia, which has a rational ₂ relation to the object sought to be achieved. A classification can also be founded on different basis and, therefore, there is no illegality where the IAS and other officers are governed by separate

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Recruitment Rules with regard to service conditions and promotions etc. The applicant has submitted that he had appeared in CSE held in 1985 and allotted to Information Service. In the circumstances of the case, we find no merit in this application to justify any interference in the matter. Apart from that, the nature of the claims reproduced above also shows that the OA is in the nature of a public interest litigation (PIL) against Government policy which has made provisions for recruits to IAS and other Central Services and is, therefore, not maintainable in the Tribunal.

3. In the result, for the reasons given above, we find the OA without merit and is also not maintainable. OA is accordingly dismissed in limine. No costs.

(Govindan S. Tampi.)
Member (A)

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Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Vice Chairman (J)