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Central Administrative Tribunal, Principal Bench

Original Application No.843 of 2002

New Delhi, this the 1st day of April, 2002

**Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. S.A.T. Rizvi, Member (A)**

J.D. Naharwal, HCS
son of Shri Sarupa Ram
permanent resident of
Flat No.109, HOPE Apartments, Sector-15
Part-II, Gurgaon, Haryana
and presently posted as Managing Director,
Bhuna Cooperative Sugar Mills, Bhuna
Distt. Fatehabad, Haryana

- Applicant

(By Advocate: Shri G.D.Gupta with Shri S.D.Raturi)

Versus

1. Union of India through
The Secretary to Government of India
Ministry of Personnel, Public Grievances &
Pensions, Department of Personnel & Training
New Delhi
2. Union Public Service Commission
Dholpur House, Shahjahan Road
New Delhi through its Secretary
3. State of Haryana through Chief Secretary to
Government of Haryana,
Chandigarh
4. Shri Yudhvir Singh, Khyalia
HCS (Under suspension)
C/o Chief Secretary to Govt. of Haryana
Chandigarh
5. Smt. Neelam P. Kasni, HCS
Secretary Haryana Agro Industries
Corporation Ltd.
SCO No. 811-812, Sector 22-A
Chandigarh

- Respondents

O R D E R (ORAL)

By Hon'ble Mr. S.A.T. Rizvi, Member (A)

Against the total cadre strength of the Indian Administrative Service in respect of Haryana State, 64 posts are required to be filled in accordance with the relevant rules by promotion/selection. This was the position as on 1.1.2001 (Annexure A-8). The aforesaid posts were to be filled partly by promotion of the SCS

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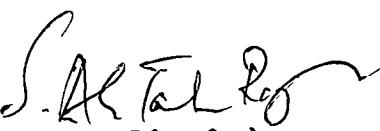
officers to the extent of 55 and partly by selection from amongst the Non-SCS officers to the extent of 9. Four vacancies arose to be filled by promotion/selection during the year 2001. Of these, two were earmarked for being filled by selection from amongst the Non-SCS officers. The remaining two were to be filled by promotion from amongst the SCS officers. Accordingly the State Govt. undertook a detailed exercise to list out ^{of the eligible} Non-SCS officers. The lists prepared and supplied by the State Govt. to the Union Public Service Commission (in short 'UPSC') were found to be incomplete and enough number of candidates had also not been sponsored, consistently with the relevant rules. Some effort was made by the State Govt. to rectify the deficiency and to provide further names but they did not succeed in doing so by December, 2001 end. On this basis, the UPSC came to the conclusion that it would not be possible to hold a meeting of the DPC in respect of Non-SCS candidates. The Ministry of Personnel, Public Grievances and Pensions (in short 'DOP&T') vide their letter of 13.12.2000 (Annexure A-18) clarified that no provision existed for carry-over of vacancies or preparation of yearwise select lists in the subsequent year. The learned counsel appearing on behalf of the applicant submits that in view of this clarification given by the DOP&T ~~and~~ State Govt., the two posts earlier earmarked for being filled by selecting Non-SCS officers would stand included in the promotion quota. Thus as against the two posts earlier notified, all the four posts/vacancies arising in 2001 will have to be filled, according to the learned counsel, by promoting SCS officers. The State of Haryana has on the

other hand, moved the respondent no.1 (DOP&T) by a letter of 29.1.2002 to carry-over the aforesaid two vacancies for being filled by ^{the} selection of Non-SCS officers. This step, according to the learned counsel, is in violation of regulation 5 (1) (c) of IAS (Selection Regulations), 1997 read with the DOP&T clarifications dated 13.12.2000 (Annexure A-18).

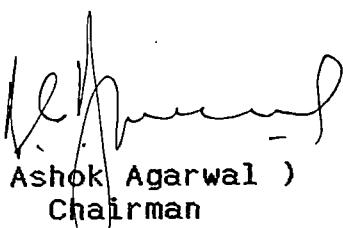
2. The applicant's case is that if all the four vacancies in question are earmarked for being filled by promotion of SCS officers, the applicant will be included in the zone of consideration and will stand a good chance for securing promotion to the IAS. Based on the aforesaid considerations, the applicant has filed several representations before the respondents. The latest representation filed by him is dated 14.1.2002. There has been no response to these representations so far.

3. In the circumstances, we find that interests of justice will be duly met in the present OA by disposing it of at this very stage with a direction to the respondents to consider the aforesaid representation dated 14.1.2002 and to pass a reasoned and speaking order thereon as expeditiously as possible and until an order as directed is passed, the aforesaid two vacancies initially earmarked for Non-SCS, shall not be carried forward and filled by the Non-SCS/SCS. OA stands disposed of in the aforesated terms.

Issue DASTI.


(S.A.T. Rizvi)
Member (A)

/dkm/


(Ashok Agarwal)
Chairman