

**Central Administrative Tribunal  
Madras Bench**

**OA/310/00533/2012 & OA/310/00553/2012**

**Dated the 30<sup>th</sup> day of January Two Thousand Twenty**

**P R E S E N T**

**Hon'ble Mr. P.Madhavan, Member(J)  
&  
Hon'ble Mr.T.Jacob, Member(A)**

**OA 533/2012**

1. V.Nandakumari,
2. K.Pramila
3. Dr.A.D.Baskaran
4. G.Ravi Kumar
5. Ms.V.Devaki
6. G.Senthil Kumar
7. S.Subramanian
8. M.Murugan
9. P.Loganathan
- 10.M.Palanivelu
- 11.Dr.K.V.S.Kumar
- 12.Mrs.N.Mirunalini
- 13.C.Srinivasan
- 14.K.C.Ravishandran
- 15.S.Muthukumarasamy
- 16.S.Babu
- 17.K.Renuka
- 18.S.Gurumurthy
- 19.A.Balakrishnan
- 20.S.Ramadas
- 21.Tmt.R.Vanitha
- 22.S.Ramakrishnan
- 23.T.Arogaya Sugumar
- 24.Tmt. T.Kamakshi
- 25.Tmt. K.P.Thenmozhi
- 26.D.Jawahar Prasad Raj
- 27.M.Kulandaivelu

28.M.Anthonysamy John Peter

29.R.Brindha

30.Dr.D.Amaladas

.. Applicants

By Advocate **M/s.C.S.K.Sathish**

**Vs.**

1. Union of India, rep. by  
The Secretary to Government,  
M/o Personnel, Public Grievance & Pensions,  
Department of Personnel & Training,  
New Delhi.
2. Union Public Service Commission,  
rep. by its Secretary,  
Shajahan Road, New Delhi.
3. The State of Tamil Nadu,  
rep. by Secretary to Government,  
Public Department,  
Fort St. George, Secretariat,  
Chennai-9.
4. P.Senthilkumar, IAS,  
Chief Administrative Officer,  
Market Management Committee, CMDA,  
Koyambedu, Chennai.
5. V.Kalaiarasi, IAS,  
Special D.R.O.,  
LA-NH-68, Salem.
6. G.Govindaraj, IAS,  
General Manager,  
Tamil Nadu Wharehousing Corporation,  
Chennai-32.
7. N.Venkatachalam, IAS,  
D.R.O.,  
Villupuram.
8. C.Manoharan, IAS,  
Senior Regional Manager (North),  
Tamil Nadu Civil Supplies Corporation Ltd.,  
Chennai.
9. S.Jayandhi IAS,  
Chief Executive,  
Perambalur Sugar Mills,  
Eraiyr, Perambalur District.
- 10.Dr.P.Shankar, IAS,

Director of Information & Public Relation,  
Chennai-5.

11. V.Mohan Raj, IAS,  
Special Officer, Tirupottur Co-Op. Sugar Mills,  
Vellore District.

12. The Secretary,  
Tamil Nadu Public Service Commission,  
Frazer Bridge Road,  
VOC Nagar, Park Town,  
Chennai 600 003.

.. Respondents

By Advocate **Mr.C.Kulanthaivel (R1), Mr.P.Deivendra (R2), M/s.V.Vijay Shankar (R5-7), Ms.C.K.Chandra, M/s. Niraimathi, Mr.K.V.Dhanapalan**

**OA 553/2012**

1. B.Devendhira Poopathy
2. D.Sugumaran
3. B.Suseel Kumar
4. P.Sakthivel
5. B.Sivaharini
6. M.Raji
7. K.M.Karthikeyani
8. M.Raji
9. S.Kurunjiselvan
10. M.Ravi
11. P.Narayanan
12. S.Razeya
13. B.Vimala
14. T.Indira
15. S.Subash Chandra Bose
16. T.Isaivani
17. N.Rajasekar
18. S.M.Saraswathy
19. K.Latha
20. K.Shanthi
21. E.Vennila
22. A.Anbukani
23. D.Ramadevi
24. B.Geetha Bharathy
25. E.Muniyaswamy
26. A.Valli
27. K.Chandrasekaran
28. V.Radha
29. B.Kanchana

30.K.Arunkumar  
 31.S.Thenmozhi  
 32.C.Palani  
 33.M.S.Ponmala  
 34.A.Shanthakumari  
 35.N.Usha  
 36.M.Jeyaraman  
 37.M.Shanthi  
 38.P.Maheshwaran  
 39.M.Maheshwari  
 40.P.Deepa  
 41.K.Suganthi  
 42.S.Gnanakumar  
 43.M.Sarojini  
 44.D.Shankaramoorthy  
 45.P.Sudha  
 46.R.Shankaranarayanan  
 47.P.Murugakumar  
 48.S.Mariappan  
 49.T.Padmavathy  
 50.K.Kayalvizhi  
 51.V.Deepa  
 52.Ka.Veeramani  
 53.K.C.S.Aruna Bharathi  
 54.A.Arunachalam  
 55.B.Subashini

.. Applicants

By Advocate **M/s.C.S.K.Sathish**

**Vs.**

1. Union of India, rep. by  
The Secretary to Government,  
M/o Personnel, Public Grievance & Pensions,  
Department of Personnel & Training,  
New Delhi.
2. Union Public Service Commission,  
rep. by its Secretary,  
Shajahan Road, New Delhi.
3. The State of Tamil Nadu,  
rep. by Secretary to Government,  
Public Department,  
Fort St. George, Secretariat,  
Chennai-9.

4. P.Senthilkumar, IAS,  
Chief Administrative Officer,  
Market Management Committee, CMDA,  
Koyambedu, Chennai.
5. V.Kalaiarasi, IAS,  
Special D.R.O.,  
LA-NH-68, Salem.
6. G.Govindaraj, IAS,  
General Manager,  
Tamil Nadu Wharehousing Corporation,  
Chennai-32.
7. N.Venkatachalam, IAS,  
D.R.O.,  
Villupuram.
8. C.Manoharan, IAS,  
Senior Regional Manager (North),  
Tamil Nadu Civil Supplies Corporation Ltd.,  
Chennai.
9. S.Jayandhi IAS,  
Chief Executive,  
Perambalur Sugar Mills,  
Eraiur, Perambalur District.
10. Dr.P.Shankar, IAS,  
Director of Information & Public Relation,  
Chennai-5.
11. V.Mohan Raj, IAS,  
Special Officer, Tirupottur Co-Op. Sugar Mills,  
Vellore District. .. Respondents

By Advocate **Mr.K.Rajendran (R1), Mr.P.Deivendra, UPSC (R2),  
Mr.K.V.Dhanapalan (R3), M/s.V.Vijay Shankar (R5,7,9&10),  
Mr.C.K.Chandrasekar (R8),**

**ORDER**

[Pronounced by Hon'ble Mr.P.Madhavan, Member(J)]

The applicants have filed these OAs seeking the following relief:-

OA 533/2012:

“(a) Declaring that the post of Deputy Registrar of Co-operative societies and above in the Co-operative department as a post under State Civil services as defined in Rule 2(g)(ii) of The Indian Administrative Service (Recruitment) Rules, 1954 and Rule 2(j)(ii) of The Indian Administrative Service (Appointment by Promotion) Regulations, 1955.

(b) Consequently direct the 1<sup>st</sup> respondent in consultation with the 3<sup>rd</sup> respondent to notify that the posts of Deputy Registrar of co-operative societies and above in the Co-operative department as a post under state Civil services as defined in Rule 2(g)(ii) of The Indian Administrative Service (recruitment) Rules, 1954 and Rule 2(j)(ii) of The Indian Administrative Service (Appointment by Promotion) Regulations, 1955.

(c) Consequently to consider persons holding the post of Deputy registrar of Co-operative societies and above in the Co-operative department for the appointment to Indian Administrative Service under the provisions of The Indian Administrative Service (Appointment by Promotion) Regulations, 1955.

(d) Consequently to set aside the appointments of respondents 4 to 11 passed by the first respondent vide its letter No.14015/21/2010-AIS(I)-B dt. 10.2.2012 and republished by the 3<sup>rd</sup> respondent in G.O.Ms.No.151 Public (Special-A) Department dated 16.2.2012.

(e) Cost and Pass such or other further orders as this court may deem fit and proper in the facts and circumstances of the case and thus render justice.”

OA 553/2012:

“(a) Declaring that the post of Deputy Commissioner and above in the Commercial Tax department as a post under State Civil Services as defined in Rule 2(g)(ii) of The Indian Administrative Service (recruitment) Rules, 1954 and Rule 2(j)(ii) of The Indian Administrative Service (Appointment by Promotion) Regulations, 1955.

(b) Consequently direct the 1<sup>st</sup> respondent in consultation with the 3<sup>rd</sup> respondent to approve and notify that the post of Deputy Commissioner and above in the Commercial Tax Department as a post under State Civil Services as defined in Rule 2(g)(ii) of The Indian Administrative Service (Recruitment) Rules, 1954 and Rule 2(j)(ii) of The Indian Administrative Service (Appointment by Promotion) regulations, 1955.

(c) Consequently to consider persons holding the post of Deputy Commissioner of Commercial taxes and above in the Commercial Taxes Department for the appointment to Indian Administrative Service under the provisions of The Indian Administrative Service (Appointment by Promotion) regulations, 1955.

(d) Consequently to set aside the appointments of respondents 4 to 11 passed by the first respondent vide its letter No.14015/21/2010-AIS(I)-B dt. 10.2.2012 and republished by the 3<sup>rd</sup> respondent in G.O.Ms.No.151 Public (Special-A) Department dated 16.2.2017.

(e) Cost and pass such or other further orders as this Court may deem fit and proper in the facts and circumstances of the case and thus render justice.”

As the issue involved in all these applications is identical and the relief sought for also is similar, these applications have been heard together and are being disposed off by this common order.

2. The applicants' in these two OAs seeks to quash the G.O.Ms.No.151 Public

(Special-A) Department dt. 16.2.12 as illegal, arbitrary and contrary to Indian Administrative Service (recruitment) Rules, 1954 and Indian Administrative Service (Appointment by Promotion) Regulations, 1955; and to direct the respondents to consider the applicants in these two OAs as Members of “State Civil Service” for the purpose of promotion to the post of IAS and other consequential benefits.

3. As per Rule 4(1)(a) of the Indian Administrative Service (Recruitment) Rules, 1954, the recruitment to the cadre is done in 3 modes as follows:-

- a) By Competitive exams;
- b) By promotion of a substantive member of a State Civil Service, who normally holds charge of a sub-division of a district for purposes of revenue and general administration or posts of higher responsibility;
- c) By selection, in special cases from among persons, who hold in a substantive capacity gazetted posts in connection with the affairs of a State and who are not members of a State Civil Service.

4. The “State Civil Service” is defined in IAS (Recruitment) Rules, 1954 in Rule 2(g) as follows:-

2(g) “State Civil Service” means:-

4 (i) for the purpose of filling up the vacancies in the Indian Administrative Service Cadre for the Arunachal Pradesh Goa, Mizoram, Union Territories under rule 9, any of the following services, namely:-

- A. the Delhi and Andaman and Nicobar Islands Civil Service;
- B. the Goa Civil Service;
- C. the Pondicherry Civil Service;
- D. the Mizoram Civil Service
- E. the Arunchal Pradesh Civil Service

(ii) in all other cases, any service or services approved for the purpose of these rules by the Central Government, in consultation with the



State Government, a member of which normally holds charge of a sub-division of a district for purposes of revenue and general administration or posts of higher responsibility;

4 Substituted vide DP & T Notification No.13013/1/89-AIS (I) dated 24.1.72.”

5. The State Civil Service is defined in IAS (Appointment by Promotion) Regulations also in a similar manner. On a reading of the above, it can be seen that the State Government is given the discretion to declare any post as equivalent to that of Dy. Collector for the purposes of determining the eligibility of an officer for consideration for inclusion in the Select List.

6. According to the applicants, as per Rule 2(g)(ii) and Rule 8(1) of IAS (Recruitment Rules) and Regulation 2(j)(ii) of IAS (Appointment by Promotion) Regulations, the criteria is that *“an officer should normally be in-charge of a sub-division of a District for the purposes of revenue and general administration of a post of higher responsibility”*.

7. The respondents had taken an illogical interpretation and are discriminating officers in other departments, who are otherwise qualified by virtue of their duties and functions from those who are serving in the Revenue Department. Now only those who are fortunate and opted to be posted in the Revenue Department are given promotions.

8. The 3<sup>rd</sup> respondent had issued impugned Government Order G.O.Ms.No.151 Public (Special-A) Department dt. 16.2.12 promoting Respondents 4 to 12 as IAS Officers for the vacancies that arose in 2009 and 2010.

9. The action of the 3<sup>rd</sup> respondent is arbitrary and discriminative to the “SCS” Officers.

10. The respondents appeared and filed a detailed reply. They contend that the applicants had not challenged Rule 4(1)(b) & (c) and 2(g)(ii) of the IAS (Recruitment) Rules and Rule 2(j)(ii) of the IAS (Appointment by Promotion) Regulations, 1955 and hence applicants are not entitled to get any relief. The wordings “a member of service who holds a charge of sub-division of a district for purposes of revenue and general administration posts or posts of higher authority” clearly points to the fact that the officer should have dealt with revenue matters and general administration matters. The Dy. Collectors are Sub-Divisional magistrates and carry out functions under the Criminal Procedure Code. The Dy. Collectors and District Revenue Officers are also posted in a number of departments, Board and Corporations and they have to administer about 61 Acts and Rules and regulations. They have wide ranging experience in administration. On the other hand, the applicants, officers of the Co-operative Department, Sales Tax Department etc. discharge duties relevant to their department alone. So, the applicants cannot be treated on par with State Civil Service (SCS). The SCS Officer holds charge of a Sub-Division for the purposes of revenue and also for the purposes of general administration. Regulation 5(2) of IAS (Appointment by Promotion) Regulations states that 8 years of service in the post of Dy. Collector is required for promotion to the IAS cadre.

11. Earlier, the applicants belonging to Tamilnadu Commercial Taxes Service had

filed an OA 1078/2000 challenging Rule 2(g) of IAS (recruitment) Rules and Rule 2(f) of the IAS (Appointment by Promotion) regulations, 1955. The Tribunal had upheld the above rules as per order dt. 28.9.00.

12. We have carefully perused the pleadings and documents produced. We have also gone through the written submissions made by the applicants as well as respondents. The counsel for the applicants had put forward the same contention raised in the OA. The respondents' counsel also raised arguments based on their reply filed.

13. The IAS Recruitment Rules, 1954, Rule 2(g)(ii) states “in all other States – any service or services approved for the purpose of these rules by Central Government, in consultation with State Government, a member of which normally holds the charge of a Sub-Division of a District for purposes of revenue and general administration or posts of higher responsibility. On a perusal of the pleadings, it can be seen that none of the applicants holds the charge of a Sub-Division of a District for the purpose of revenue and general administration together. Doing the work of collection of revenue and administration of the works of that department is not sufficient to bring the applicants under the above Rule 2(g)(ii). We are not impressed with the arguments advanced by the counsel for the applicants in these cases. It has come to our notice that this Tribunal had dealt with a similar case wherein the Rule 2(g)(ii) itself was challenged (OA 1078/2000 dt. 28.9.2000). The said OA was dismissed by this Tribunal holding that the rules does not violate Article 14 or 16. it seems that nobody had challenged the above order of this Tribunal.

14. In view of the above facts and circumstances, we find that there is no merit in these OAs and they are liable to be dismissed.

15. Accordingly, we hereby dismiss OAs 533 and 553 of 2012. No costs.

(T.Jacob)  
Member(A)

(P.Madhavan)  
Member(J)

30.01.2020

/G/