

Central Administrative Tribunal
Principal Bench: New Delhi

OA No. 881/94

New Delhi, this the 2nd day of June, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)
Hon'ble Shri S.P. Biswas, Member (A)

Raj Kishore Khaware,
s/o Sh. P.R. Khaware,
R/o 255, Kaveri,
Jawaharlal Nehru University,
New Delhi.Applicant
(By Advocate: Shri A.K.Behra)

Versus

1. Union of India through
Secretary,
Ministry of Personnel,
Public Grievances and Pensions,
North Block,
New Delhi.
2. The Secretary,
Ministry of Home Affairs,
North Block,
New Delhi.
3. The Secretary,
Ministry of Finance,
Department of Revenue,
North Block,
New Delhi.Respondents
(By Advocate: Shri VSR Krishna)

O R D E R (ORAL)
(Dr. Jose P. Verghese, Vice-Chairman (J))

The case of the applicant is that he had appeared in the Civil Services Examination 1991 and had obtained a rank of 644. Before he was allocated to any service, 1992 examination had already started and he applied for the same and succeeded improving his rank to 285. It is an admitted fact that no allocation was forthcoming before the last date of application for the subsequent year. The claim of the applicant is that he may be now allocated to the Indian Revenue Service.

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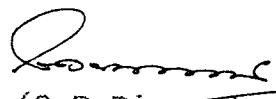
Respondents have filed the reply and it was brought to our notice by the respondents' counsel that the respondents had treated the petitioner as one under Rule 18 which on the face of it seems to be, *prima facie*, wrong. The applicant should have been treated as a general candidate and the three preferences given initially by the applicant shall not be now confined to, since he is not to be treated as a rule-18- candidates, in view of the decision of the Hon'ble Supreme Court in Pratap Singh's case. In view of the said decision and our finding in this case, the petitioner will have to be treated as a general candidate and the preference will be under the rules and the same shall not be confined to the three preferred allocations initially requested for. The respondents may assign the appropriate service in accordance with the improved rank available to him in a comparable position available to the petitioner for the same year, in accordance with the rules.

This court had passed a similar order on 21.5.1997 and the respondents were given some more time to find out what service applicant could be allocated on the basis of improved rank i.e. 285 in the year 1992. Learned counsel for the respondents appearing today, states that he has not been able to find out the appropriate service to which the applicant could be now accommodated in accordance with rules. For this purpose, OA need not to be retained on Board. We declare that the petitioner is entitled to be considered to be allocated to an appropriate service in accordance with his improved rank in the light of the decision of the Hon'ble Supreme Court in Pratap Singh's case. Applicant shall also be entitled to all the

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consequential benefits, except the arrears of salary, and these benefits will be, with reference to what has been given to the colleagues of the same batch.

With these directions this OA is finally disposed of with no order as to costs.



(S.P. Biwas)
Member (A)

NA



(Dr. Jose P. Verghese)
Vice Chairman (J)a