

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

MISCELLANEOUS APPLICATION NO. 170/00269/2020

IN

ORIGINAL APPLICATION NO. 170/00378/2020

DATED THIS THE 16TH DAY OF SEPTEMBER, 2020

CORAM:

HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)

(On video conference from Central Administrative Tribunal, Bangalore Bench, Bangalore)

HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)

(On video conference from Central Administrative Tribunal, Bangalore Bench, Bangalore)

Shri M.V. Chandrakanth, K.A.S.,
S/o Late Venkatasami,
Aged about 53 years,
Working as General Manager,
Karnataka Food and Civil
Supplies Corporation Limited,
No. 16/1, Tank Bund Area,
Millers Road, Vasanth Nagar,
Bangalore 560 052

....Applicant

(By Advocate Shri M.S. Bhagwat- through video conference)

Vs.

1. Union of India
Represented by its Principal Secretary,
Department of Personnel & Training,
Central Secretariat, North Block,
New Delhi 110 001

2. Union Public Service Commission,
Represented by its Secretary,
Dholpur House, Shahjahan Road,
New Delhi 110 069

3. The State of Karnataka
Represented by its Chief Secretary,
Vidhana Soudha, Bangalore 560 001

4. The State of Karnataka,
Represented by its Principal Secretary,
Department of Personnel
Administration and Reforms
Vidhana Soudha, Bangalore 560 001

.....Respondents

(By Advocates Shri M. Rajakumar, for Respondent No. 2,
Shri M.V. Ramesh Jois, for Respondent No. 3 & 4, and
Shri Uday Holla (Proxy for Shri Basavaraj V. Sabarad), Advocate for
proposed respondents - through video conference)

ORDER (ORAL)

PER: SURESH KUMAR MONGA, MEMBER (J)

Miscellaneous Application No. 170/00269/2020 has been filed by Shri P.R. Shivaprasad, S/o M.V. Ramanna, working as Commissioner, Karnataka State Slum Development Board, Bangalore and Shri Jayavibhava Swamy, S/o C.M. Yereeseeme, working as Chief Executive Officer, Karnataka State Khadi and Village Industries Board, Bangalore for getting themselves impleaded as party respondents in the Original Application.

2. On receipt of said Miscellaneous Application, the original applicant was put to notice on 10.09.2020. Pursuant thereto, he filed his reply and opposed the prayer made in the Miscellaneous Application.

3. Learned counsel representing the proposed respondents, submitted that the names of proposed respondents are being considered for promotion for IAS from State Civil Services, Karnataka as they fulfil all the requisites under the Rules and if any order is passed in the Original Application in their absence, the same will seriously affect their prospects as the original applicant is ineligible to get promotion under the Rules. Learned counsel further submitted that the original applicant has not served as Deputy

Collector or on an equivalent post continuously for a period of 8 years and, therefore, the Union Public Service Commission vide letter dated 11.08.2020 has rightly directed the Government of Karnataka to exclude his name from the eligibility list.

4. Per contra, learned counsel representing the original applicant submitted that the original applicant is the *dominus litis* and, therefore, he cannot be compelled to implead the proposed respondents as party respondents in the original application. He further submitted that the original applicant belongs to 1999 batch of Karnataka Administrative Services and the proposed respondents were appointed to Karnataka Administrative Services (Junior Scale) only in the year 2004 and as such the original applicant's claim for promotion is required to be considered at the first instance against the claim of the proposed respondents.

5. After hearing learned counsels for the parties, we find that the Union Public Service Commission vide its letter dated 11.08.2020 has directed the State Government to exclude the applicant's name from the eligibility list as to become eligible for consideration for promotion to IAS cadre, a State Civil Service officer is required to have completed 8 years continuous service on the post of Deputy Collector or on any other post declared equivalent thereto by the State Government in terms of 3rd proviso to Regulation 5 (2) of the Indian Administrative Service (Appointment by Promotion) Regulations, 1955.

6. The proposed respondents have also pleaded in their Miscellaneous Application that the original applicant has not served as Deputy Collector or on an equivalent post continuously for a period of 8 years as required under the Regulations. The said fact as pleaded by the proposed respondents has not been disputed by the original applicant while filing his reply to Miscellaneous Application No.170/00269/2020. Rather it has been pleaded that the original applicant belongs to 1999 batch of Karnataka Administrative Services and since the proposed respondents were appointed to the Karnataka Administrative Service (Junior Scale) only in the year 2004, therefore, his case for promotion is required to be considered at the first instance against the claim of the proposed respondents.

7. In view of the original applicant's own statement that his case for promotion to IAS cadre is required to be considered at the first instance against the claim of the proposed respondents, we hold that the presence of the proposed respondents before this Tribunal is necessary enabling it to adjudicate upon the matter effectually and completely.

8. Accordingly the Miscellaneous Application No. 170/00269/2020 is hereby allowed and Shri P.R. Shivaprasad, S/o M.V. Ramanna, working as Commissioner, Karnataka State Slum Development Board, Bangalore and Shri Jayavibhava Swamy, S/o C.M. Yereeseeme, working as Chief Executive Officer, Karnataka State Khadi and Village Industries Board, Bangalore are ordered to be impleaded as Respondents No. 5 & 6 in the Original Application.

9. Learned counsel for the newly impleaded respondents is directed to place on record the amended cause title within a period of 10 days from today.

(RAKESH KUMAR GUPTA)
MEMBER (A)

(SURESH KUMAR MONGA)
MEMBER (J)

/ksk/

**Annexures referred to by the proposed respondents in MA No.
170/00269/2020**

Annexure R1: Copy of the letter dated 11.02.2020
Annexure R2: Copy of the letter dated 03.06.2020
Annexure R3: Copy of the letter dated 12.06.2020
