

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT RANCHI

O.A. NO. 051/00084/2021
CORAM
HON'BLE SHRI M.C. Verma, MEMBER (JUDICIAL)
HON'BLE SHRI Sunil Kr. Sinha, MEMBER (ADMINISTRATIVE)



DATE OF ORDER 08.02.2021

1. Digeshwar Tiwary, aged about 60 years, s/o Ram Kumar Tiwary, R/o Geetanjail, Ram Nagar, Kadma Road P.O. Kadma, P.S. & District- Hazaribagh, Jharkhand,
2. Mukund Das, aged about 60 years, S/o Bodhi Das, R/o Ambedkar Nagar, P.O. Deoghar, P.S. & Distt. Deoghar, Jharkhand,

By Advocate : Shri Rishikesh Giri

Versus

1. The Union of India through the Secretary, Ministry of Personnel, Public Grievance & Pension, Government of India, New Delhi-110001.
2. The State of Jharkhand through the Chief Secretary, Government of Jharkhand, Project Bhavan, PO &PS Dhurwa, Ranchi..
3. The Additional Chief Secretary, Department of Personnel, Public Grievance and Rajbhasha, Government of Jharkhand, Project Bhawan, PO &PS-Dhurwa, Ranchi.
4. Union Public Service Commission through its Secretary, Dhaulpur House, Shahjahan Raod, New Dehi-110069.

By Advocate : Shri R. Krishna

ORDER (ORAL)

M.C. Verma :- The matter is at notice stage hearing. Having received advance copy of OA, Shri R. Krishna, Advocate has appeared for respondents.

2. Heard. Learned counsel, Shri R. Giri, Advocate appearing for the applicants pressed the OA. He urged that applicants are eligible to have been promoted to Indian Administrative Service for vacancies determined by the Government of India for the year 2017. That Selection Committee Meeting was schedule for 23.03.2017 but it was postponed three times, without any cogent reasons and ultimately it was held on 27.10.2020 in which applicants' names were considered and their names were recommended for promotion to the Indian Administrative Service against vacancy of year 2017. He added that selection list is not being notified and

that applicants are going to retire. He requests to allow the MA for joint application and to issue notice on OA.

3. Learned counsel for respondents submits that OA is premature he referred to Annexure-A/2 of the OA and adds that matter is under process.

4. Considered the submissions. This OA has been preferred by two applicants, with MA for joint application. As per the pleadings set out in the OA, applicants are officers of Provincial Civil Service, were appointed to Bihar Administrative Service in year 1990 and presently they are in the Cadre of Jharkhand Administrative Service. That applicants have to be considered for promotion to Indian Administrative Service against vacancy year 2017. It has been prayed for in the OA, to issue direction to appropriate authority to notify the applicants to have been appointed to the Indian Administrative Service against the vacancy determined by the Government of India for vacancy year 2017.

5. Annexure-A/2 shows that one representation of Sri P. Mohanty against Sri Bhism Kumar, one of the officers considered by the Selection Committee meeting held on 27.10.2020 for preparation of selection list of 2017-18 for promotion to Indian Administrative Service of Jharkhand Cadre, has been referred by UPSC to Jharkhand state for information whether the complaint of sexual harassment of Durgesh Nandini, CDPO has been processed through the Internal Departmental Committee and if yes what is outcome. It is obvious from Annexure-A/2 that preparation of list of 2017-18 for promotion to IAS of Jharkhand Cadre is under process. Instant OA appears to be premature and accordingly is dismissed. If selection list is not prepared or after expiry of reasonable time if it is not notified, applicants may approach to appropriate forum for appropriation relief.

(Sunil Kr. Sinha)
Member (Admn.)

(M.C. Verma)
Member (Judl.)

B/p

