

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 30th day of December 1998

Original Application no. 1474 of 1998.

Hon'ble Mr. S. Dayal, Administrative Member.

V.K. Varshney, S/o Shri Prem Lal Varshney, R/o 21, Tilak  
Marg Riskikesh, Dehradun.

... Applicant.

C/A Shri A.N. Sinha

Versus

1. Union of India through the Secretary Govt. of India  
Department of personnel and Training, New Delhi.
2. State of U.P. through the Chief Secretary to the  
Government of U.P. Lucknow.
3. Secretary to the Government of U.P. personnel,  
Sachivalaya, Lucknow.
4. Secretary to the Government of U.P. Appointment  
Department, Sachivalaya, Lucknow.
5. Secretary, U.P. Public Service Commission.

... Respondents.

C/R .....

ORDER

Hon'ble Mr. S. Dayal, Member-A.

Shri A.N. Sinha learned counsel for the applicant. He has sought relief to restrain the Respondents from selecting/appointing any Non-SCS officer in the IAS cadre, seeks direction to fill up the entire vacancies, including last/past years, in the IAS cadre which are to be filled up by promotion, in the ensuing DPC/promotion committee meeting.

2. Learned counsel for the applicant has mentioned in para 4.4 and 4.5 that 7 out of 13 posts are going/proposed to be filled up by the State Government by promotion of Non SCS officers in the utter disregard of rule. Learned counsel for the applicant draws attention to proviso to rule 9 which restricts the number of persons to be <sup>considered</sup> under sub rule 2 of rule 8 to 15% of the total number of posts calculated in the manner laid down in Sub Rule 3 for filling up such posts by promotion/selection.

3. Learned counsel for the applicant mentions that the meeting of D.P.C. for the purpose is scheduled to take place today.

4. Learned counsel for the applicant has relied upon the news paper report which are annexed as annexure 2 and 3 to the O.A. to state that 7 out of 13 vacancies are going to be filled up by promotion of persons who are not member of State Civil Services of the State.

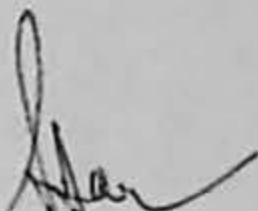
5. Present state is that the applicants do not have any knowledge from any other source except news paper, regarding the number of vacancies to be filled up and the <sup>out of that</sup> number <sub>to be</sub>  $\frac{7}{13}$  to be



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allocated to the Non SCS officer. Such officers who are going to be considered and the number which may be selected would depend on out come of deliberations of of the D.P.C. At this stage we can not bind the D.P.C. on the basis of reports published in the news papers.

6. I, therefore, hold that the O.A. is premature and dismiss the same in limine. .

  
Member-A

/pc/