

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 22nd day of December, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.
HON. MR. D. R. TIWARI, A.M.

CCA No. 70 of 2004

in

O.A. No. 706 of 2002

Praveen Kumar, aged about 30 years, son of Sri S.K. Tripathi
R/o 71/F/1A, Kamla Nagar, Stanley Road, Allahabad.

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.....Applicant.

Counsel for applicant : Sri S. Agarwal.

Versus

1. Anil Baijal, Secretary, Ministry of Home Affairs, Govt. of India, New Delhi.
2. Atanupurukayastha, Director of Police, Ministry of Home Affairs, Govt. of India, New Delhi.
3. Sri Dhirendra Singh, Secretary, Ministry of Home Affairs, Govt. of India, New Delhi.
4. Sri Jishnu Barua, Director (Police), Ministry of Home Affairs, Govt. of India, New Delhi.

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.....Respondents.

Counsel for respondents : Sri S. Singh.

ORDER

BY HON. MR. JUSTICE S.R. SINGH, V.C.

O.A. No. 706/02 Praveen Kumar Vs. Union of India & others, preferred by the applicant, was allowed in terms of the following order :-

"In the aforesaid facts and circumstances of the case present Original Application succeeds and is allowed. The impugned order dated 7th May, 2002 is quashed. Since the matter has already been delayed a lot, we direct the Respondent Nos. 1 & 2 to issue necessary orders allocating U.P. Cadre of IPS to the applicant in pursuance to his selection in Civil Services Examination, 2000 without any further delay and the applicant would also be entitled for the benefits of seniority and all other consequential benefits. The

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respondents are directed to issue necessary orders, as directed aforesaid, within one month from the date of communication of this order. No order as to costs."

2. The instant contempt application has been instituted with the allegation that the directions to the respondents have not been complied with. The respondents were directed to appear in person but in view of the averments made in the short Counter Affidavit filed by Sri Jishnu Barua, Respondent No.2, the personal appearance was ordered to be dispensed with till further order vide order dated 14.12.2004. Annexure-2 is the notification dated 6.12.2004, notified by the Respondent in purported compliance of the direction given by the Tribunal vide order dated 31.3.2003. The notification reads as under :-

"Pursuant to the directions dated 31.3.2003, of hon'ble Central Administrative Tribunal, Allahabad Bench in O.A.No.706 of 2002, directing the Union of India to allocate IFS cadre of Uttar Pradesh to Shri Praveen Kumar, a candidate selected for appointment to Indian Police Service on the basis of his qualifying Civil Services Examination - 2002, which have become final when Writ Petition No.22868/2003 and SLP(C) No.3004/2004, filed against the said order, have been dismissed by hon'ble High Court of Allahabad & hon'ble Supreme Court of India vide their orders dated 22.5.2003 & 29.11.2004, respectively, the Central Government in exercise of powers conferred under Rule 5(1) of Indian Police Service (Cadre) Rules, 1954, hereby allocate IFS cadre of Uttar Pradesh to Shri Praveen Kumar.

2. This supersedes this Ministry's Notification No. I-12015/1/99-IPS-IV dated 24.9.2001 & Order No. I-14012/20/2001-IPS-IV, dated 7.5.2002, so far as they relate to allocation of cadre to Shri Praveen Kumar."

3. Sri S. Agarwal did not dispute that applicant has now been allotted U.P. cadre pursuant to the direction given to the respondents. He, however, submits that his seniority

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has not yet been determined and further that the applicant has wrongly been described as IPS Probationer "56RR (2001 batch)". We are of the view that in view of what has been stated by the respondents in para 9 of the short C.A., the seniority of the applicant would be determined along with his batchmates after he has undergone Foundational Course at LBSNAA, Mussoorie.

4. So far as the grievance of the applicant that he has been wrongly described as "56RR", suffice it to say that the Tribunal has already passed order for determining his seniority along with his batchmates and the batch of the applicant has been rightly noted as 2001 batch. The error in describing the applicant as Probationer of 56RR will not affect the applicant's seniority vis-a-vis his batchmates as referred to in para 9 of the short counter affidavit.

The contempt petition is disposed in terms of the above discussions and the notices stands discharged.

Asthana
A.M.

Par
V.C.

Asthana/