

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 041/00171/2020

Date of Order: This, the 09th Day of April, 2021

THE HON'BLE SMT. MANJULA DAS, MEMBER (J)

THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)



Sri Korak Baran Choudhury
 S/o Lt. Ajit Ranjan Chowdhury
 Prantik, Old Kalibari Road
 Krishnanagar, P.O. – Agartala
 Pin – 799001, District – West Tripura.

... Applicant

- Versus -

1. The Union of India
 Represented by the Secretary
 To Government of India
 Ministry of Personnel, Public Grievance &
 Pension, Department of Personnel & Training
 Govt. of India, Central Secretariat
 New Delhi – 110001.
2. The Union Public Service Commission
 Dholpur House, Shahjahan Road
 New Delhi – 110001, represented by its Secretary.
3. The Chairman
 Selection Committee for Selection to the
 Indian Administrative Service
 Constituted under Regulations 3 of the
 IAS (appointed by promotion)
 Regulations, 1955

O.A. No. 040/171/2020

Represented by its Chairman
 Union Public Service Commission
 Dholpur House, Shahjahan Road
 New Delhi – 110069.

4. The State of Tripura
 Represented by the Secretary
 GA (P&T) Department
 Government of Tripura
 New Secretariat, Pin – 799010
 Agartala, Tripura.

...Respondents.



For the Applicant : Sri C.S. Sinha

For the Respondents : Sri S.K. Ghosh for resp. No. 1
 Sri D.C. Roy for res. No. 4.

Date of Hearing: 12.03.2021

Date of Order: 09.04.2021

O R D E R

NEKKHOMANG NEIHSIAL, MEMBER (A):-

After repeated adjournments due to non-filing of written statement by respondent Nos. 1, 2 & 3, the case was finally taken up on 12.03.2021 in Circuit Court at Agartala. Sri C.S. Sinha, learned counsel for the applicant, Sri S.K. Ghosh, learned Addl. CGSC for respondent No. 1 and Sri D.C. Roy, learned counsel for respondent No. 4 were present.

O.A. No. 040/171/2020

2. In this O.A., applicant is asking for the following reliefs:-

"8.1 That, the Hon'ble Tribunal be pleased to direct the respondents to consider promotion/appointment to IAS against the vacancies of IAS Tripura cadre for the Year 2015 as per the Select List recommended by the Select Committee with all consequential service benefits.

8.2 That, the Hon'ble Tribunal be pleased to declare the decision in letter No. 22012/1A/2020-AIS(1) dated 7th February, 2020 and Note sheet in F.N. 14015/29/2017-AIS(1) issued by the Ministry of Personnel, Public Grievances & Pension, Department of Personnel & Training, Government of Tripura, is unjustified, unreasonable and bad in law.

8.3 The Hon'ble Tribunal would be pleased to pass any other relief (s) which may deem fit and proper in the instant case.

8.4. Any other relief entitled to the applicant."



3. The respondent No. 4 had filed his written statement on 12.01.2021. Sri D.C. Roy, learned counsel appearing for respondent No. 4 submitted that the duty of State Govt. of Tripura is only to send proposal to the Union Public Service Commission through the Govt. Selection Committee Meeting and the Minutes of the Selection Committee Meeting held on 29.10.2019 is enclosed herewith for perusal. The decision to promote or not to promote the applicant is of the Govt. of India,

Department of Personnel and Training and respondent No. 4 does not have any comment to offer.

4. Facts of the case are that – Selection Committee for promotion to Indian Administrative Service (IAS) from Tripura State Civil Services (TSCS) was held on 29.10.2019. In the Minutes of the Selection Committee, name of the applicant has been indicated and found suitable for promotion to IAS. The vacancy year under consideration was of 2015. However, the applicant had retired on 30.06.2019 and subsequently, he has not been promoted to IAS. The date of birth of the applicant be 25.06.1959. Through RTI query, the applicant has been informed through the Govt. of India, Ministry of Personnel, Public Grievances & Pensions vide its letter dated 7th February 2020 that the applicant could not be promoted to IAS as he had ceased to be member of State Civil Service on the date of issuing Notification.

5. The plea of the applicant is that since the vacancy year for which he was selected pertains to



2015 and vacancies were available in that year and also since he has been found fit for promotion to IAS, he could not be denied the promotion to IAS from that year. He also enclosed a copy of adjudication of **Ernakulam Bench of Central Administrative Tribunal** in **O.A. No. 153 of 2011 (Saramma K.S. Vs. Union of India & Ors.)** dated 04.04.2011 wherein it was observed as under:-



"Since the very relief sought for in the OA is for a direction to issue notification which has been done by the Government, there is no lis pending between the parties for adjudication as of now. All that is required is to clarify that since the claim for consideration arose during the period when the applicant was in service the retirement of the applicant will not adversely affect such claim for consideration. Hence, the interim order is only to that effect and we make the interim order absolute."

6. Keeping in view of the above similar case, we deem it fit and proper to direct the respondent authorities particularly respondent No. 1 (Secretary to Government of India, Ministry of Personnel, Public Grievance & Pension) to examine the case of the applicant and consider him and issue details speaking

order within a period of three months from the date of receipt copy of this order.

7. With the above directions, O.A. stands disposed of.
8. No order as to costs.



(NEKKHOMANG NEHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)

PB

O.A. No. 040/171/2020