

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/00314/2015

HYDERABAD, this the 30th day of March, 2021

**Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member**



K. Krishna Reddy, S/o.K.Sathaiah,
Aged about 54 years, Occ: Special Grade Deputy Collector /
Additional Joint Collector, O/o. Principal Secretary to Govt.,
Revenue Department, State of Telangana at Hyderabad.

...Applicant

(By Advocate: Mr. Ch. Jagannatha Rao)

Vs.

1. The State of Andhra Pradesh represented by its
Chief Secretary to Government, A.P Secretariat,
Hyderabad - 500 022.
2. The State of Telangana represented by its Chief Secretary
To Government, Telangana Secretariat, Hyderabad - 500 022.
3. The State of Andhra Pradesh represented by its
Principal Secretary to Government, Revenue Department,
Secretariat, Hyderabad - 500 022.
4. The State of Telangana represented by its
Principal Secretary to Government, Revenue Department,
Secretariat, Hyderabad - 500 022.
5. The Chief Commissioner of Land Administration,
Nampally, Telangana State at Hyderabad - 500 001.
6. The Union Public Service Commission represented by its
Secretary, Dholpur House, Shahijahan Road,
New Delhi-110001.
7. The Union of India represented by its Secretary (Personnel),
Department of Personnel and Training, Government of India,
North Block, New Delhi-110001.Respondents

(By Advocate: Mrs. K.Rajitha, Sr. CGSC,
Mr. P.Ravinder Reddy, SC for State of Telangana,
Mr. M. Balraj, GP for State of AP,
Mr. B.N.Sharma, SC for UPSC)

ORAL ORDER
(As per Hon'ble Mr. B.V. Sudhakar, Administrative Member)

Through Video Conferencing:

2. The OA is filed in regard to the appointment of the applicant to the IAS as per relevant rules.



3. Brief facts of the case are that the applicant, who is physically challenged (PH) was promoted as Dy. Collector in 2003 and therefore, is eligible to be considered for appointment by promotion to IAS after rendering 8 years service from 2011-12 panel. Further, being physically challenged, there is 3% reservation as per G.O.Ms.No.42, dated 19.10.2011 and the roster points have been fixed vide G.O. Ms. No 23 dated 26.5.2011 for the PH. Despite submitting a representation for the appointment to IAS by promotion, it was not considered and hence, the OA.

4. The contentions of the applicant are that he is eligible to be promoted as per Rule 8 of IAS (Rect.) Rules, 1954, IAS (Appt. By Promotion) Regulations, 1955 and Section 33 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (for short “**PWD Act**”). The OA 1552 of 2013 filed by a similarly placed officer was favourably disposed on 1.10.2014. It is the fundamental right of the applicant to be considered for promotion. Respondents are supposed to prepare the panel every year, but they did not do so for many years.



5. Respondents state that it is the Central Government which decides the vacancies in consultation with the State Govt. The final appointment is done by the Central Govt. The IAS (Appt. by Promotion) Regulations, 1955 and IAS (Appointment by Selection) Regulations, 1997 do not provide for any reservation while promoting officers to the cadre of IAS. The Cadre Control Authority has not recommended the name of the officer. The order in OA 1552 of 2013 was stayed by the Hon'ble High Court on 22.1.2015. The OM dated 3.12.2013 deals with reservation in Group 'A'/Group 'B' for PWD on direct recruitment basis and the said OM is not applicable for appointment by promotion to the IAS cadre. State Govt. is not competent provide for reservation and it is the Central Government, which is competent to do so.

6. Heard both the counsel and perused the pleadings on record.

7. The grievance is about the applicant not being appointed by promotion to Indian Administrative Service (IAS). The applicant after rendering 8 years of service as Dy. Collector was to be considered for appointment by promotion to IAS for the panel 2011 -2012. The important element to be considered for promotion is that the State Govt. has to recommend the name of the applicant for consideration. In regard to the applicant, the Chief Commissioner of Land Administration is the cadre control authority, who did not recommend the case of the applicant. Further, the IAS (Recruitment) Rules, 1954; IAS (Appointment by Promotion) Regulations, 1955 & IAS (Appointment by Selection) Regulations, 1997 regulate the promotion to the IAS cadre. Respondents

asserted that there is no provision for reservation in appointment by promotion, which was not refuted by the applicant by filing a rejoinder. The Tribunal Order in OA 1552 of 2013 dated 1.10.2014 relied upon by the applicant was stayed by the Hon'ble High Court on 22.1.2015 in WPMP No.42860 of 2014 in WP No.34273 of 2014. The Ld. Counsel for the respondents has also submitted that the applicant has retired from service and therefore, nothing survives in the OA to adjudicate. There is no contention in the OA that any junior to the Applicant was promoted before his retirement.

Therefore, in view of the above, we do not find any merit in the OA and hence, the same is dismissed, with no order as to costs.



(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

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