



FORM No. - 4

See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORDER SHEET

Original

Application No. 1083 (1083) of 2003

Applicant(s) Rabendra Kumar Mohapatra Respondent(s) Union of India & Ors.

Advocate for Applicant(s) M/s. S. K. Nayak-I. Advocate for Respondent(s)

B. K. Saha, M. K. Saha

S. Nayak, Ms. M. Bhattacharya

Ms. D. Nayak

NOTES OF THE REGISTRY

g.p.o. for Rs. 50/- for
for consideration pt.

AB
27.11.03

Defect removed
for Registration pt.

AB
27.11.03

ORDERS OF THE TRIBUNAL

REGISTER

27/11/03
Registrar

1. ORDER DATED 4-12-2003.

This matter has been taken up today
on being mentioned by the learned counsel
for the Applicant.

Heard Shri S.K.Nayak-I, learned
counsel appearing for the Applicant, Mr.K.C.
Mohanty, Learned Government Advocate for the
State of Orissa and Mr.S.B.Jena, Learned Addl.
Standing Counsel for the Union of India (on
whom copies of this OA had been served).

DR
Registration 28/11/03

DR
28/11/03

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

For Admission of
per Memo.

3/12/03

Bench

The Applicant, by filing this Original Application, has prayed for a direction to the Respondents to enhance the age of eligibility of Orissa State Service Officers for promotion from State Civil Service to Indian Administrative Service from 54 years to 56 years by appropriate amendment to the Indian Administrative Service (Appointment by promotion) Regulations, 1955; consequent upon enhancing the age of retirement of All India Service Officers from 58 to 60 years w.e.f. June, 2000. It has also been urged by the learned Counsel for the Applicant that unless the proposed amendment is carried out in the All India Service Regulations, as referred to earlier, that would be serious detriment to the career interest of the State Service Officers aspiring promotion to All India Service. He, along with his other colleagues had submitted representation on 26.6.2001 to prime Minister of India who is incharge of Ministry of Personnel, Government of India but they have not been apprised of the final outcome of the said representation.

Fixing the conditions of eligibility for recruitment/promotion from one service to another etc. as also the determination of age of retirement/superannuation, are policy matters of the executive. The Courts/Tribunals have got limited scope to subject such matters to judicial review; the scope being limited to the cases of discrimination,

3

arbitrariness or apparent mala fide. In this case also whether the Union Government would prefer infusion of young blood or old blood by way of promotion of the officers to All India Services like Indian Administrative Service is purely a question of executive decision; where the Courts/Tribunals should not intervene. However, in the instant case, as the Applicant alongwith his other colleagues in Orissa Administrative Service has submitted representation on 26.6.2001 for consideration of Union of India, we would dispose of this O.A. by directing the Respondents to consider the representation so submitted by the Applicant, as expeditiously as possible and intimate the result thereof, to the Applicant in the matter. Accordingly this O.A. is disposed of at the admission stage with the directions made above.

We would also direct that copies of this order be sent to the Respondents, alongwith copies of the Original Application, who should treat the averments made in this Original Application as a part of the representation submitted by the Applicant earlier. Free copies of this order be also given to learned counsel for both sides.

On 26.6.2001
Copies of order
prepared for
Counsel to both
sides.

Dated
26/6/2001
Secty

Abh
Vice-Chairman
Member (Judicial)