

2

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

OA No. 774 of 2012

R.K.Patta .... Applicant  
-Vs-  
Union of India & Ors. .... Respondents  
.....

Order dated 17<sup>th</sup> October, 2012.

CORAM  
**THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDL.)**

.....  
As it appears from record Selection Committee constituted under Regulation 3 of the Indian Administrative Service (Appointment by Promotion) Regulation, 1955 met on 31<sup>st</sup> August, 2012 for preparation of a list of members of the State Civil Service for promotion to the Indian Administrative Service of Orissa cadre against the vacancies of 2011. The Committee after overall relative assessment of the service records etc. declared the applicant unsuitable for promotion to the Indian Administrative Service of Orissa Cadre against the vacancies of 2011. The competent authority of the Government of Orissa accepted the recommendation of the Selection Committee and thereafter vide letter under Annexure-5 dated 5<sup>th</sup> October, 2012 sent the same to the UPSC for taking action as per Rules. Being aggrieved by the said decision of the Committee inasmuch as exclusion of his name and inclusion of the name of his junior i.e. Respondent No.4, the Applicant has approached this Tribunal in the instant OA. *Wk*

3  
2. Having heard Mr.A.K.Hota, Learned Counsel appearing for the Applicant, Mr. U.B.Mohapatra, Learned SSC for the Union of India, Mr.G.C.Nayak, Learned GA appearing for the State of Odisha and Mr. P.R.J.Dash, Learned ASC for the UPSC perused the pleadings and the materials placed in support thereof.

3. In furtherance to the stand taken in the OA, Mr. Hota, Learned Counsel appearing for the Applicant submitted that as gross injustice was done to the Applicant in the decision making process of the matter inasmuch as while assessing the relative merit of the Applicant vis-à-vis others the matter needs to be adjudicated upon. The submission of Mr. Hota, Learned Counsel for the Applicant was strongly opposed by the Learned Counsel appearing for the Respondents and according to them this OA is not maintainable as the applicant has approached this Tribunal without exhausting the remedies available to him. Mr. Nayak, Learned GA also questioned the bona fide of the applicant in getting the letter under Annexure-5. They have also questioned the maintainability of this OA on the face of the pendency of OA No. 751 of 2012 earlier filed by the Applicant pertaining to the selection against the vacancy of the year 2010. I also find that though the applicant seeks to be included in place of Respondent No.4 no such prayer for quashing the selection of Respondent No.4 has been made by the Applicant in this OA. Be that as it may, in view of the submission of the Learned Counsel for

*Alu*

4

the applicant will be satisfied if this OA is disposed of by granting liberty to the applicant to make representations within a period of seven days hence to Respondent Nos. 1, 2 and 3 and with direction to Respondent Nos. 1, 2 and 3 to consider and dispose of the same at an early date preferably before taking a final decision on Annexure-5, without going to the controversy stated and above and expressing any opinion on the merit of this OA, this OA is disposed of at this admission stage that in the event of submission of representations by the applicant within a period of seven days hence, the Respondent Nos. 1, 2 and 3 shall do well to consider and dispose of the same in a well reasoned order, at an early date preferably within a period of 30(thirty) days and communicate the same to the Applicant and till then final Notification in pursuance of Annexure-5, in so far as Respondent No.4 is concerned, shall not be issued, if not already issued.

Send copies of this order along with Paper Book of the O.A. to Respondent Nos.1, 2 and 3 for compliance at the cost of the applicant. Shri Hota, learned counsel for the applicant undertakes to file requisites during the course of the day.

Free copies of this order be also made over to the learned counsel for the parties.

  
(A.K.Patnaik)  
Member(Judl.)