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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

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Date of Decision: 14.7.98

OA 21/97 with MA 108/98

Ashok Kumar Bhandari, Deputy Commissioner (Adm.), Commercial Taxes Department,  
Udaipur.

... Applicant

Versus

1. Union of India through the Secretary, Department of Personnel & Training, Ministry of Personnel, Public Grievances & Pensions, North Block, Central Secretariat, New Delhi.
2. The State of Rajasthan through the Secretary, Department of Personnel, Govt. of Rajasthan, Jaipur.
3. Union Public Service Commission through its Secretary, Dholpur House, New Delhi.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.M.R.Singhvi

For Respondent No.2

... Mr.Kamal Dave

For Respondents No.1 & 3

... None

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Ashok Kumar Bhandari, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, mainly praying for a direction to the respondents to convene a Review Selection Committee against the vacancies of the year 1993 and of 1995 and consider the candidature of the applicant for appointment by way of promotion to the Indian Administrative Service from the date persons junior to him have been appointed by way of promotion, with all consequential benefits.

2. We have heard Mr.M.R.Singhvi, counsel for the applicant, and Mr.Kamal Dave, counsel for respondent No.2 namely the State of Rajasthan. We have carefully perused the records of the case. Counsel for the parties have agreed to this matter being disposed of at the stage of admission.

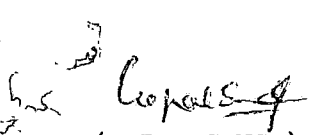
3. Respondent No.2 has filed a Misc. Application stating therein that the applicant was considered for appointment by way of promotion to the Indian Administrative Service (for short, IAS) by the Selection Committee against the vacancy for the year 1993 but due to his lower placement in the select list he could not be given appointment by way of promotion to the IAS in the year 1993.

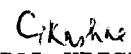
C.K. Singh

The name of the applicant was included in the select list for the year 1994-95. It is further stated by respondent No.2 that consequent on the decision of Hon'ble the Supreme Court, a review DPC had been convened for the purpose of giving promotion to the Selection Scale of the Rajasthan Administrative Service (for short, RAS) for the year 1981-82 to 1995-96 and such orders had been issued by the State Government on 23.2.96. Consequent on the revision of the seniority list of the Selection Scale of the RAS, vide order dated 23.2.96, the applicant filed the present OA praying for a direction to the respondents to include his name in the select list for the year 1993 for promotion to the IAS and also for assignment of an year of allotment to him on the basis of such appointment in 1993, with all consequential benefits. In the present OA, respondent No.2 had taken a stand that subsequent change in the seniority does not affect appointment to the IAS, which was made on the basis of the then existing seniority list. However, the matter has been reconsidered by the State Government in consultation with the Government of India and the Union Public Service Commission and it has since been decided to convene a meeting of the Review Selection Committee with a view to reconsidering the cases of the RAS Officers for appointment to IAS by promotion on the basis of the revised seniority list issued on 23.2.96 and also on 4.4.98.

4. In view of the facts stated by respondent No.2, we dispose of the present application with a direction to the respondents to convene a meeting of the Review Selection Committee for reconsideration of the case of the applicant for appointment by promotion to the IAS on the basis of the revised seniority list issued on 23.2.96 and 4.4.98, as expeditiously as possible. No order as to costs.

5. Connected MA (No.108/98) also stands disposed of accordingly.

  
(GOPAL SINGH)  
ADM.MEMBER

  
(GOPAL KRISHNA)  
VICE CHAIRMAN

VK