

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.44/2000

Thursday this the 13th day of January, 2000

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. J.L. NEGI, ADMINISTRATIVE MEMBER

Rani George, Assistant Commissioner (Housing)  
Commissionerate of Land Revenue  
Trivandrum,  
residing at Rasmi, T.C.14/1463, Bakery Junction,  
Trivandrum.14. ....Applicant

(By Advocate Mr. Thampan Thomas)

v.

1. Union of India, represented by the Secretary, Ministry of Home Affairs, New Delhi.
2. The Selection Committee Constituted for appointment by Promotion to the IAS for Kerala Cadre for the year 1999, represented by the Convenor, Secretariat, Trivandrum.
3. Union Public Service Commission, represented by its Secretary, New Delhi.
4. State of Kerala, represented by the Chief Secretary, Secretariat, Trivandrum.
5. Sumana N. Menon, Assistant Commissioner, (Land Acquisition) Commissionerate of Land Revenue, Trivandrum.
6. N.A.Krishnankutty, Deputy Collector, (Land Acquisition) Collectorate, Kottayam-
7. K.R.Rajan, Deputy Collector (Land Acquisition), Kerala State Electricity Board, Trivandrum.
8. Ramadas, Appellate Authority (Land Revenue), Civil Station, Kanoor.
9. E.K.Prabhakaran, Deputy Collector (On leave) through Secretary to Govt. Revenue Department, Trivandrum.
10. K. Natesan, (Under Suspension) through Secretary to Government of Kerala, Revenue Department, Trivandrum.

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11. T.C.Thankappan, Deputy Collector, Land Acquisition and Land Reforms, Collectorate, Idukki.
12. A.J.Rajan, Revenue Divisional Officer, Adoor, Pathanamthitta District.
13. P.S.Prabhkaran, Deputy Collector (Housing), Collectorate, Trichur.
14. K.V.Muraleedharan, Deputy collector (Housing) Colelctorate, Idukki.
15. S.Sathy Amma, Deputy Collector, Land Acquisition (National Highway), Public Office Building, Trivandrum.
16. K.Sasidharan, Deputy Collector, Collectorate, Kozhikode.
17. T.T.Antony, Deputy Collector, (Under suspension) through Secretary to Government of Kerala, Revenue Department, Trivandrum.
18. B.Mohan, Deputy Collector Land Tribunal, Palakkad.
19. M.Sivasankar, Deputy Collector, Administrative Reforms Committee, Housing Board Building, Trivandrum. ....Respondents

(By Advocate Mr. A.Sathianathan for R.1&3  
Mr.CA Joy Govt.Pleader for R.4)

The application having been heard on 13.1.2000, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant, Rani George working as Deputy Collector in the Kerala State Civil Service is aggrieved because the second respondent has considered the 19th respondent Shri Sivasankar, another Deputy Collector for inclusion in the select list for appointment to the Indian Administrative Service, Kerala Cadre according to the Indian Administrative Service (Appointment by Promotion) Regulations. According to the applicant the 10th respondent Shri K. Natesan ought to have been

placed in the panel going by the seniority and if that be done the name of the 19th respondent would not have come up for consideration. The non-inclusion of the name of the 10th respondent and inclusion of the name of the 19th respondent, who would not have otherwise been eligible to be included in the list for consideration, according to the applicant is out of malafides. The applicant also alleges that against many of the persons whose names are placed in the list for consideration (A2) departmental disciplinary proceedings are pending and Respondent No.17 being under suspension should not have been considered at all. Therefore, on the whole the applicant alleges that the consideration by the second respondent of the respondents 6 to 19 is not in accordance with the rules and that has resulted in the case of the applicant being not considered properly. With these allegations, the applicant has filed this application for the following reliefs:

- "(i) To call for the records in this case and declare that the applicant is entitled for selection on promotion to the I.A.S.cadre in the select list 1999;
- (ii) To declare that the consideration of names of respondents 5, 7 and 19 are illegal and against the provisions of the regulations Annexure.A1 and other rules;
- (iii) Grant such other relief which may deem fit and necessary by this Hon'ble Tribunal;

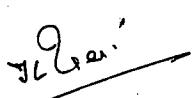
and

- (iv) To award the cost of these proceedings."

2. Shri Sathianathan, ACGSC appeared for Respondents 1&3 and Shri C.A.Joy, Govt. Pleader appeared for Respondents 2&4. Having heard the learned counsel of the applicant and the counsel for the respondents 1 to 4 and on a careful scrutiny of the application and other papers appended thereto, we do not find any legitimate grievance of the applicant which calls for admission and adjudication. Shri Joy, learned counsel for the State Government of Kerala has under instructions from the State Government stated that Shri Natesan not being confirmed in the post of Deputy Collector was ineligible for consideration for promotion to the I.A.S. and that was the reason why his name was not considered. It is also stated that the names of 15 seniormost officers of the State Civil service eligible for consideration was placed before the second respondent Committee and their cases alone have been considered.

3. If Shri Natesan, the 10th respondent has been illegally left out of consideration the person aggrieved should be Natesan and not the applicant. Shri Natesan has not come up with any application before this Tribunal. By exclusion of Natesan and inclusion of the 19th respondent the field of choice has not been enlarged. Therefore there is absolutely no basis for the grievance of the applicant. The application is, therefore, rejected under Section 19(3) of the Administrative Tribunals Act. There is no order as to costs.

Dated the 13th day of January, 2000

  
J.L. NEGI  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

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List of Annexure referred to:

Annexure.A2: True copy of the extract of the Revised Final Seniority List of Deputy Collectors for the period from 25.9.1962 to 31.12.1996.

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