

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO.532 OF 2008

Thursday, this the 20th day of November, 2008.

CORAM:

**HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER
HON'BLE Dr. K.S.SUGATHAN, ADMINISTRATIVE MEMBER**

K.V.Muraleedharan
Poomasree
Mannoothy P.O
Thrisuur

... Applicant

(By Advocate Mr. B Renjith Marar)

vs.

1. State of Kerala represented by the
Chief Secretary
Government Secretariat
Thiruvananthapuram
2. The Principal Secretary to Government
Department of Revenue
Government Secretariat
Trivandrum
3. Kerala Public Service Commission
represented by the Secretary
Thiruvananthapuram
4. Union of India represented by the
Secretary to Government
Ministry of Personnel and Civil Services
5. Union Public Service Commission
represented by the Secretary
New Delhi
6. The Selection Committee to Indian Administrative Service
Constituted under Regulation 3 of IAS (Appointment by
Promotion) Regulation, 1955 represented by
the Secretary, Union Public Service Commission
Shahjahan Road, New Delhi ... Respondents

(By Advocate Mr.R.PremSanker, GP (R1,2&3)
Advocate Mr.Thomas Mathew Nellimoottil R5 & 6))

The application having been heard on 20.11.2008, the Tribunal
on the same day delivered the following:

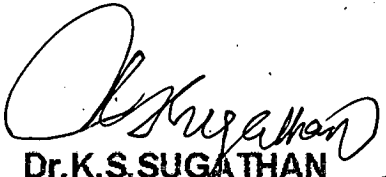
ORDER**HON'BLE Dr. K.S.SUGATHAN, ADMINISTRATIVE MEMBER**

This OA was filed seeking a direction to the Respondents 1 & 2 to include the name of the applicant in the select list for appointment to the Indian Administrative Service to be filled up from among the eligible officers of the State Civil Service pursuant to the communication addressed to officers eligible for consideration, including the applicant (Annexure A-45). Counsel for applicant has contented that he has been discriminated for the last several years. Although his name was sent for consideration but he was not selected because various disciplinary proceedings were pending against him from time to time.

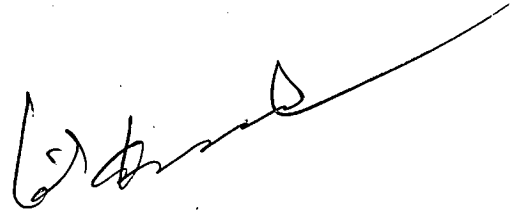
2. We have seen the reply filed by Respondent No.1 wherein it has been stated that the applicant's name was included in the zone of consideration for the year 1998, 1999, 2000, 2001, 2003, 2004, 2005, 2006 & 2007 but he was not selected by the Committee. It is further submitted in the reply that that the applicant is included in the zone of consideration for the year 2008 also by virtue of his seniority. However, his integrity certificate cannot be forwarded as disciplinary proceedings are pending. According to the Rules governing the appointment to the Indian Administrative Service by promotion, the Selection Committee shall consider the eligible officers in the zone of consideration and prepare a select list on the basis of their service record. When there is disciplinary proceedings pending against any officer, his selection is provisional. This rule position has been made clear in the reply filed by the Respondent No.5.

3. In view of the above, counsel for applicant has expressed his desire to withdraw this OA. Permission is granted. **OA is therefore dismissed as withdrawn. No costs.**

Dated, the 20th November, 2008.



Dr.K.S.SUGATHAN
ADMINISTRATIVE MEMBER



Dr.K.B.S.RAJAN
JUDICIAL MEMBER

VS