

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.184/2007

Thursday this the 24 th day of July, 2008.

CORAM:

**HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Dr.K.S. SUGATHAN, ADMINISTRATIVE MEMBER**

B.Mohanan,
S/o late K O.Bhaskaran,
Deputy Collector (General) &
Additional District Magistrate (ADM),
Pathanamthitta, residing at G O (Quarters) No.C-8,
Thevally, Kollam.Applicant

(By Advocate Shri P.Santhalingam)

Vs.

1. Union of India, rep. by its
Secretary to Govt. of India,
Ministry of Personnel and Administration
New Delhi.
2. State of Kerala,
rep. by Chief Secretary to Government,
Secretariat, Thiruvananthapuram.
3. Union Public Service Commission ,
O/o. Union Public Service Commission ,
New Delhi.
4. Selection Committee constituted for selection
to Indian Administrative Service,
rep. by the Convene (Chief Secretary),
Govt.of Kerala, Thiruvananthapuram. ... Respondents

(By Advocate Shri TPM Ibrahim Khan, SCGSC(R.1&3)

(By Advocate Shri R Premsankar, G.P.(R.2&4)

The Application having been heard on 24.7.2008
the Tribunal on the same day delivered the following.

ORDER

HON'BLE Mr.GEORGE PARACKEN , JUDICIAL MEMBER

The applicant through this O.A. has sought a direction to the 3rd
respondent (Union Public Service Commission) and the 4th respondent (Selection

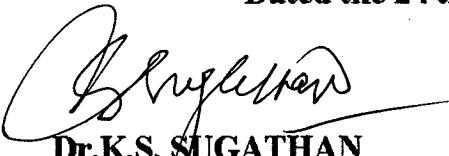
Committee constituted for selection to Indian Administrative Service) respectively, to include his name in the Select List for selection to IAS from Kerala Cadre. According to the applicant the impediment for non-inclusion of his name in the Select List is the adverse remarks recorded in the ACR for the period from 1.1.2004 to 15.3.2004. On an Appeal Memorandum submitted by the applicant the aforesaid adverse remarks were expunged by the Government of Kerala vide its order No.G. O (Rt) No.433/2007/RD dated 01/02/2007. However, vide order dated 20.2.2007 (Annexure A-5) the said expunction order was later on kept in abeyance by the State Government and subsequently by order dated 21.6.2008 it was revoked (Annexure A/7). Against the said revocation of the expunction the applicant has approached the Hon'ble High Court of Kerala in W.P. (c) No.20002/08(F) and vide order dated 7.7.08 the Hon'ble High Court has stayed the operation of Annexure A7 order for a period of two months.

2. The applicant has produced a copy of the Circular No.19402/C1/08/R.D. dated 10.4.2008 issued by the Government of Kerala informing him that his name is in the field of choice for appointment to the IAS for the year 2008 by virtue of his seniority. The State Government has also advised him to verify as to whether his complete ACRs upto 31.12.2007 is available and, if not, to take appropriate necessary steps to get it completed.

3. We have heard the counsel for the parties. The learned counsel for the applicant submitted that as the matter regarding adverse remarks is pending consideration of the Hon'ble High Court she seeks permission to withdraw the O.A. so as to pursue the W.P.(c) in the Hon'ble High Court.

4. Accordingly, this O.A. is dismissed as withdrawn with liberty to the applicant to approach the Tribunal again, if so advised. There shall be no order as to costs.

Dated the 24 th July 2008.



Dr.K.S. SUGATHAN
ADMINISTRATIVE MEMBER



Mr.GEORGE PARACKEN
JUDICIAL MEMBER

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