

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 410/97

THURSDAY, THE 19TH DAY OF JUNE, 1997

C O R A M:

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

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

C. Anirudhan

Additional Secretary to Government of Kerala,
Irrigation Department, Secretariat,
Thiruvananthapuram.
now residing at T.C. 31/634, Mani Deepam, Pettah,
Thiruvananthapuram.

..Applicant

By Advocate Mr. B. Suresh Kumar

Vs.

1. State of Kerala represented by the
Chief Secretary to the Government of Kerala,
Secretariat, Thiruvananthapuram.
2. Union of India represented by the
Secretary to the Government of India
Department of Personnel & Training
New Delhi.
3. Union Public Service Commission,
represented by its Secretary,
Union Public Service Commission,
Shajahan Road, New Delhi.
4. K. Chandrasekhara Babu,
Additional Secretary to the Government of Kerala,
Secretariat, Thiruvananthapuram.
5. T.K. Prabhakaran,
Additional Secretary to the Govt. of Kerala,
Secretariat, Thiruvananthapuram.
6. P.P. Gopi,
Additional Secretary to the Govt. of Kerala,
Secretariat, Thiruvananthapuram.
7. S. Girijathmajan,
Additional Secretary to the Govt. of Kerala,
on other duty Secretary, Kerala State Electricity Board,
Pattam, Thiruvananthapuram-4.
8. K. Surendran,
Secretary, Kerala Public Service Commission,
Pattam, Thiruvananthapuram.

..Respondents.

By Advocate Mr. C. A. Joy, Gp for R-1

Advocate Mr. T.P.M. Ibrahim Khan, SCGSC for R 2 & 3

The application having been heard on 19.6.97, the Tribunal
on the same day delivered the following:

O R D E R

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


Applicant who was working as an Additional Secretary to the Government of Kerala when he filed this application, (since retired), is aggrieved that his name has not been considered for induction into the Indian Administrative Service in accordance with the provisions of IAS (Appointment by Selection) Regulation 1956. The applicant has alleged in the application that he was appointed on 29.9.88 as Under Secretary and has been holding very important posts, much more important in status than the State Civil Service Officers and therefore there is no justification in not considering his name for inclusion in the panel. The applicant is also aggrieved by the inclusion of names of respondents 4 to 8 in the panel. According to the applicant, the eighth respondent who is not an officer coming in the State Civil Service Officers/^{cadre,} should not have been considered at all. With the above allegations, the applicant has filed this application with the following reliefs:

- "i) To direct respondents 1 to 3 to include the name of the applicant also in the panel of non State Civil Service Officers of Kerala for consideration and to interview for selection to IAS in the selection meeting to be convened on 26.3.97;
- ii) Grant such other reliefs as may be prayed for and the Tribunal may deem fit to grant;
- iii) Grant the costs of this Original Application;
- iv) To direct respondent 1 to 3 to include the name of the applicant in the panel of Non State Civil Service Officers of Kerala for consideration and to interview for selection to IAS in the selection meeting to be convened on 26.3.97 to the exclusion of the 8th respondent.

v). To declare that the 8th respondent is not an officer serving in connection with the affairs of the State and therefore not eligible to be considered for IAS from the quota for the Non State Civil Service Officers of Kerala."

2. The first respondent, the State Government of Kerala contends that as the applicant has completed 8 years of service in a post involving duties comparable in importance and responsibility to that of State Civil Service Officer only on 29.9.96 in accordance with the provisions contained in IAS (Appointment by Selection) 1956, the applicant is not entitled to be considered.

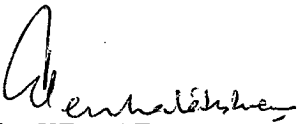
3. The fact that the applicant completed 8 years of service in a post equivalent in status and responsibility to that of a State Civil Service Officer only on 29.9.96 is not disputed. But the case of the applicant is that the said provision in the Regulation is repugnant to the provisions contained in Rule 8(2) of the IAS (Recruitment) Rules 1954. Under the provisions contained in the IAS (Recruitment) Rules 1954, the Government is empowered to frame regulations. The Regulations are framed to work out the details and modalities. The argument that the Regulations framed should not be repugnant provisions of the Rule is undoubtedly a sound argument, but the question is whether the regulation is repugnant or not. Experience for a period of a particular level is a relevant qualification, to be prescribed for elevation to a higher post. If the Recruitment Rules do not provide for any specific period, in the Regulations the same can be incorporated. We are therefore of the considered view that the prescription ^{of} 8 years service on a post equivalent to that of State Civil Service is perfectly valid and unexceptionable. Further, the applicant has not sought to have the Regulation quashed. In accordance with the Rules and the Regulations, the applicant would have become eligible for consideration only on 29.9.96 if he had not crossed the age of 54. The applicant had crossed the age of 54 on 29.9.96. On 1.4.96, the relevant date, the applicant did not have the requisite length of service in a post equivalent in responsibility and status to that of a post in the State Civil Service and was ineligible to be




considered for selection. Therefore, the applicant has no legitimate grievance which needs redressal. In view of this position, it is unnecessary to go into the other contentions.

4. In the result, the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985. No costs.

Dated the 19th June, 1997.


P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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