

A-16

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BRANCH

Original Application No. 169 of 1992.
this the day of 31st May, 1996,

HON'BLE MR. JUSTICE B.C. SAXENA, V.C.
HON'BLE MR. V.K. SETH, A.M.

U.P. Civil Service (Executive Branch)
Association through its President Shri.
R.A. Prasad, son of Shri, Raja Ram, Presently,
posted as Executive Director, U.P. State,
Employees Welfare Corporation, Lucknow.

2. Ram Swaroop Saxena, aged about 49 years,
son of Shri. Anand Behari Lal, Presently,
posted as Regional Food Controller, Lucknow
r/o 14, Gulistan Colony, Lucknow.

3. Sri Prakash Singh aged about 38 years,
son of Shri Ram Murti Singh, Presently,
posted as Dy. Labour Commissioner, Lucknow
Division, U.P., resident of 4/6, Kaiserbagh
Colony, Lucknow

... Applicants.

By Advocate : None.

Versus.

Union of India through Secretary, Department,
in the Ministry of Personnel, Public Grievances,
& Education, North Block, Central Secretariat,
New-Delhi.

2. State of U.P. through Chief Secretary,
Government of U.P., Secretariat, Lucknow.

3. Union Public Service commission, New Delhi,
through its Chairman.

... Respondents.

By Advocate : Sri V.S. Verma,
Sri A.K. Chaturvadi.

(A.17)

ORDER (Oral)

By Hon. Mr. Justice B.C. Saksena, V.C.

When the case was called out none responded on behalf of the applicants. The O.A. appears to have been filed on the basis of a decision given by the New Bombay Bench of the Tribunal involving interpretation of Rule - 8 of the Indian Administrative Services (Recruitment) Rules, 1954 Read with Sub-Rule (1) of Regulation - 9 of the I.A.S. (Appointment by Promotion Regulations 1955) . The decision of the New Bombay Bench was challenged through S.L.P. No. 1441 of 1993 and Civil Appeal No. 1415 of 1993. The said Civil Appeals have been decided by the Hon'ble Supreme Court by an order passed on 23rd March, 1993 , copy of the same has been Annexed as Annexure - A-5 alongwith Counter-Affidavit.

2. In the light of Principles of law and the interpretation of the said regulation from the rules the applicant do not have a case. The respondent have also filed a copy of an order passed by this Tribunal in O.A. No. 263 of 1991 which has been annexed as Annexure -A-7 . The said decision also is against the applicant. Perhaps the applicant are no longer interested to pursue the case. No R.A has been filed.

3. The O.A. is accordingly dismissed.
No order as to costs.

LK

MEMBER - (A)

Boel

VICE CHAIRMAN

Dated : 31-5-1996
Lucknow,
A.K.