

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW**

Original Application No.488/2010

This the 23rd day of July 2012

Hon'ble Dr. K.B.S. Rajan, Member (J).

Hon'ble Mr. S.P. Singh, Member (A)

Chintamani aged about 57 years, son of Late Shri Ram Lal, resident of B-1/22, Sector G, Jankipuram Lucknow Presently working as Director, SUDA, Lucknow.

...Applicant.

By Advocate: Sri Amit Verma for Sri A. Moin.

Versus.



1. Union of India, through the Secretary, Department of Personnel & Training, North Block, New Delhi-110001.

2. Union Public Service Commission through the Secretary, Dhoolpur House, Shahjahan Road, New Delhi.

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

4. Principal Secretary Appointments, Government of U.P., Civil Secretariat, Lucknow.

.... Respondents.

By Advocate: S/Sri R. Mishra, U.N. Mishra and Pankaj Awasthi for A.K. Chaturvedi.

**Connected with
O.A.No.494 of 2010**

1. Prabhash Chandra Jain aged about 59 years, son of Late Shri Kailash Chandra Jain, resident of 12, Gulistan Colony Lucknow. Presently working as Special Secretary, Science and Technology department, Govt. of U.P., Lucknow.

2. Dr. Suresh Kumar Pande, aged 59 years, son of Late Shri A.P. Pande resident of B-1/277, Sector G, Jankipuram, Lucknow, presently posted as Special Secretary, Minor Irrigation and Ground Water department, Govt. of U.P., Lucknow.

...Applicant.

By Advocate: Sri Amit Verma for Sri A. Moin.

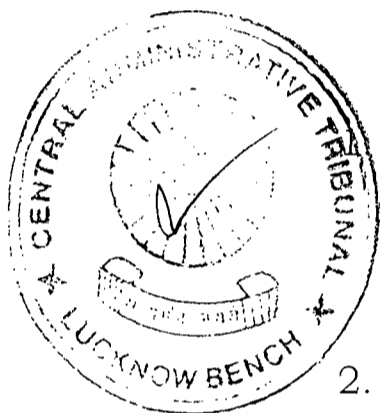
Versus.

1. Union of India, through the Secretary, Department of Personnel & Training, North Block, New Delhi-110001.
2. Union Public Service Commission through the Secretary, Dholpur House, Shahjahan Road, New Delhi.
3. State of U.P. through Chief Secretary, Government of U.P., Civil Secretariat, Lucknow.
4. Principal Secretary Appointments, Government of U.P., Civil Secretariat, Lucknow.

.... Respondents.

By Advocate: S/Sri R. Mishra, U.N. Mishra and P. Awasthi for Sri A.K. Chaturvedi.

**Connected with
O.A.No.536 of 2010**



Bihari Swarup aged about 57 years, son of Late Shri Girja Swarup, resident of B-4/201, Vishal Khand 4, Gomti Nagar, Lucknow. Presently working as Director, Women Welfare, 8th Floor, Jawahar Bhawan, Lucknow.

2. Ashok Verma, aged about 57 years, son of Shri D.P. Singh, resident of A-5, Sector 50, Noida presently posted as Additional Commissioner, Aligarh Division, Aligarh.
3. Gyanesh Kumar, aged about 56 years, son of Late Shri Bindraban, resident of A-3, Officer's Colony, Civil Lines, Mathura, presently working as Addl. District Magistrate (F/R) Mathura.

...Applicants.

By Advocate: Sri Amit Verma for Sri A. Moin.

Versus.

1. Union of India, through the Secretary, Department of Personnel & Training, North Block, New Delhi-110001.
2. Union Public Service Commission through the Secretary, Dholpur House, Shahjahan Road, New Delhi.
3. State of U.P. through Chief Secretary, Government of U.P., Civil Secretariat, Lucknow.
4. Principal Secretary Appointments, Government of U.P., Civil Secretariat, Lucknow.

.... Respondents.

By Advocate: S/Sri R. Mishra, U.N. Mishra and P. Awasthi for Sri A.K. Chaturvedi.

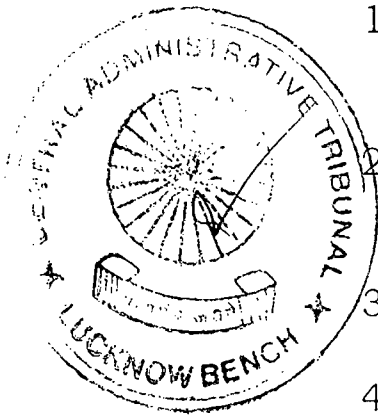
**Connected with
O.A.No.29/2011**

Vinod Kumar Panwar aged about 55 years, son of Shri Sahaj Ram Panwar, resident of Nagar Ayukt Ayas, Aligarh, Presently working as Municipal Commissioner, Aligarh.

...Applicant.

By Advocate: Sri Amit Verma for Sri A. N. Trivedi.

Versus.



1. Union of India, through the Secretary, Department of Personnel & Training, North Block, New Delhi-110001.
2. Union Public Service Commission through the Secretary, Dholpur House, Shahjahan Road, New Delhi.
3. State of U.P. through Chief Secretary, Government of U.P., Civil Secretariat, Lucknow.
4. Principal Secretary Appointments, Government of U.P., Civil Secretariat, Lucknow.

.... Respondents.

By Advocate: S/Sri U.N. Mishra and P. Awasthi for Sri A.K. Chaturvedi.

**Connected with
O.A.No.467/2010**

1. Raj Kamal Gupta aged about 58 years, S/o Sri Ram Gupta, presently posted as Special Secretary, Department of Energy, Government of U.P., Civil Secretariat, Lucknow.
2. Jagdish Chandra Adarsh aged about 58 years, S/o Shri Munishwar Ram, presently posted as Vice Chairman, Meerut Development Authority, Civil Lines, Meerut.
3. Pankaj Gangwar, aged about 57 years, S/o Late Sri Mahendra Singh, presently posted as Special Secretary, Secretariat Administration Department, Government of U.P., Civil secretariat, Lucknow.

4. Mukesh Kumar Gupta, aged about 58 years, S/o Late Sri D.C. Gupta, presently posted as Special Secretary, Back Classes Welfare Department, Government of U.P., Civil Secretariat, Lucknow.
 5. Narendra Kumar, aged about 55 years S/o Sri Vijai Pal Singh, presently posted as Secretary, Ghaziabad Development Authority, Ghaziabad.
 6. Amitabh, aged about 59 years, S/o Late Sri R. Rama, presently posted as Special Secretary, Agriculture Department, Government of U.P., Civil Secretariat, Lucknow.
 7. Himanshu Singh, aged about 58 years, W/o Late Sri Yashwant Singh Sengar, presently posted as Special Secretary, Planning Deptt., Government of U.P., Civil Secretariat, Lucknow.
 8. Isht Deo Prasad Rai aged about 57 yeas, S/o Late Sri Januna Rai, presently posted as Special Secretary, Lok Nirman Deptt., Government of U.P., Civil Secretariat, Lucknow.
- Suresh Chandra Gupta, aged about 57 years, S/o Late Sri B.P. Gupta, presently posted as Special Secretary, Information Technology Deptt., Government of U.P., Civil Secretariat, Lucknow.

...Applicants.

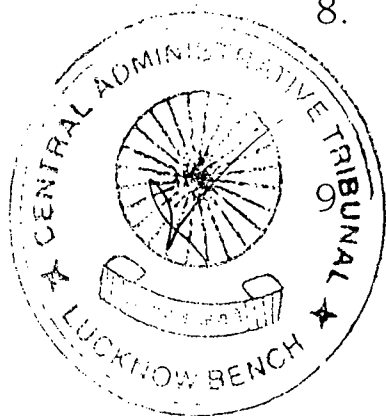
By Advocate: Sri Amit Verma for Sri A. Moin.

Versus.

1. Union of India, through the Secretary, Department of Personnel & Training, North Block, New Delh-110001.
2. Union Public Service Commission through the Secretary, Dholpur House, Shahjahan Road, New Delhi.
3. State of U.P. through Chief Secretary, Government of U.P., Civil Secretariat, Lucknow.
4. Principal Secretary Appointments, Government of U.P., Civil Secretariat, Lucknow.

.... Respondents.

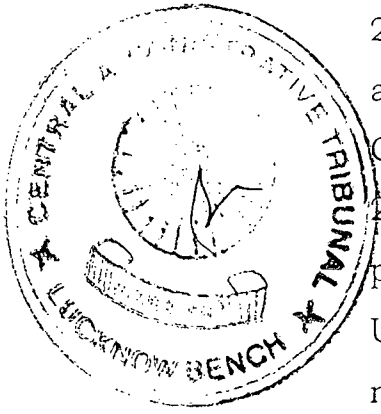
By Advocate: S/Sri R. Mishra, U.N. Mishra and P. Awasthi for Sri A.K. Chaturvedi.



ORDER (Oral)

By Dr. K.B.S. Rajan, Member (J).

These O.As have been filed challenging the provisions of rule 5(3) of IAS(appointment by promotion) regulation, 1955 in so far as restriction of 54 years on the members of the State civil service in the matter of promotion to the IAS cadre. Reliance is placed upon the order of the Bangalore bench of the tribunal in OA No. 447 of 2007. The said bench quashed, by order dated 30-11-2009, the regulation 5(3) of the IAS(appointment by promotion) Regulation 1955.



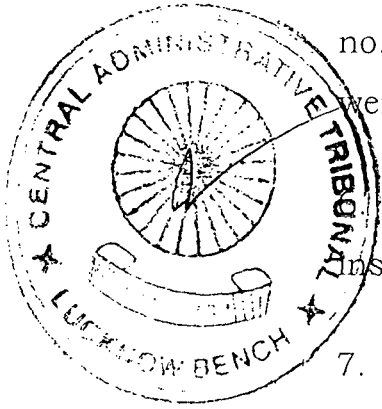
2. Writ petition No. 39137 of 2009 was filed against the aforesaid order dated 30 - 11 - 2009 before the Karnataka High Court. The High Court passed an interim order dated 11 - 02 - 2010, whereby operation of the order dated 30 - 11 - 2009 passed by Bangalore Bench of the Tribunal was stayed and the Union Public Service Commission was allowed to proceed in the matter of promotion and consider the list of eligible officers.

3. The aforesaid interim order passed by the Karnataka High Court was challenged before the Apex Court in S LP No. 7448-7460 of 2010 and the Apex Court passed the interim order dated 18-03-2010 whereby it was directed that the names of the petitioners shall also be considered but the sealed cover procedure shall be adopted.

4. OA No. 467 of 2010 was preferred before this Tribunal praying for their consideration in the DPC. This Tribunal rejected the Interim Relief prayer by order dated 29-10-2010.

5. The order dated 29.10.2010 was challenged by filing a Writ petition no. 1658 (SB) of 2010 before Lucknow Bench of Hon'ble High Court. The aforesaid Writ petition was allowed vide its judgment and order dated 2.11.2010 to the extent of providing parity with the interim order passed by the Hon'ble Supreme Court and directed the respondents that till adjudication of the controversy, the benefit of interim order of

Hon'ble Supreme Court shall be extended to the petitioners of the O.A., but it shall be subject to further order passed by Hon'ble Supreme Court or final adjudication of controversy by the CAT which ever is earlier. In the meantime, Hon'ble Karnataka High Court allowed Writ Petition no. 39137 of 2009 filed by Smt. Savithri M.V. Vs. U.O.I. and others alongwith other Writ petitions by which judgment and order dated 30.11.2009 passed by Bangalore Bench of the Tribunal was quashed and validity of Regulation 1955 was upheld. When this development was brought before the Hon'ble Supreme Court, it was pleased enough to pass a judgment and order dated 26.8.2011 in SLP no. 7448-7460 of 2010 by which these Special Leave Petitions were declared infructuous.



Learned counsel for the applicants states that he has no instructions from his clients.

7. In-view of the above on merits, no case is made out for interference.

8. All O.As are dismissed. Interim orders if any, passed earlier shall stand vacated. No costs.

Sd/-
(S.R. Singh)
Member (A)

Certified Copy

Geo Valsala
Section Officer (Judicial)

Central Administrative Tribunal
Lucknow Bench, Lucknow

Girish/-

Sd/-
(Dr. K.B.S. Rajan)
Member (J)

21-8-2012

23-7-2012
(i) Date of Order
(ii) Date of Preparation
(iii) Date of Receipt