

1.

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

OA No.439 of 2006

Date of order : 7th August, 2006

C O R A M

Hon'ble Mr. Justice P.K.Sinha, Vice-Chairman

Hon'ble Mr.S.N.P.N.Sinha, Member[Admn.]

Prem Chand Choudahry

.....

Applicant

Vrs.

Union of India & Ors.

.....

Respondents.

Counsel for the applicant : Shri Anil Kumar Sinha

Counsel for the respondents : Shri Shekhar Singh, SC for the State of
Bihar

Shri R.K.Choubey, SC for the UPSC

Shri Budheshwar Singh, ASC for the UOI.

O R D E R [O R A L]

Justice P.K.Sinha, Vice-Chairman : -

Heard the ld. counsel for the applicant and the ld. counsels for the respondents. The applicant has grievance that though, according to the seniority list under scheduled caste category, he was fit to be considered for



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promotion to the Indian Administrative Service under I.A.S. [Appointment by Promotion] Regulation 1955 against the vacancies of the year 2005, that was not done, rather names were recommended without considering the name of the applicant, and 14 officers of the Bihar Administrative Services were so promoted to the cadre of I.A.S. vide Annexure-A/3. The argument of the ld. counsel for the applicant is that since 60 names were in consideration zone, that would denote that there were 20 vacancies to be filled up out of which only 14 vacancies have been filled up. The ld. counsel for the applicant argues that 6 vacancies are yet to be filled up.

2. Our attention also has been drawn to Annexure-A/4 which is a representation filed to the Govt. of Bihar through the Secretary, Government of Bihar, Personnel and Administrative Reforms Department, dated 22.6.2006, which is said to be pending. The learned counsel for the State of Bihar, Shri Shekhar Singh agrees that when a representation is pending for consideration of the State Govt. filed only some time back, it is desirable first to allow the State Govt. to take a decision on the representation.

3. We also consider this to be the proper proper course. Therefore, this application is disposed of by directing the Respondent No.4, the Secretary-cum- Commissioner, Department of Personnel and Administrative Reforms, Govt. of Bihar, Patna to consider the representation of the applicant at



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Annexure-A/4 and to move the State Govt. for proper decision thereupon. If the representation is rejected, the grounds for that also should be mentioned in the order. This should be done within three months of the receipt of a copy of this order along with a copy of this application with annexures.

4. The applicant is also directed to provide to the Respondent No.4 a copy of this application, with annexures, within 15 days of receipt of the certified copy of this order.

5. With the aforesaid directions, this O.A. is disposed of.



[S.N.P.N.Sinha]M[A]



[P.K.Sinha]VC

mps.