

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indirenagar
Bangalore - 560 038

Dated : 10 AUG 1988

IA I IN APPLICATION NOS. 567 & 634/87(F)

Applicant

Shri M.F. Pasha & another V/s

To

1. Shri M.G. Pasha
Deputy Commissioner of Police
Central Armed Reserve (South)
Adugodi
Bangalore
2. Shri N. Somasekhar
Deputy Commissioner of Police
(Intelligence)
Bangalore
3. Shri Ravivarma Kumar
Advocate
No. 11, Jeevan Building
Kumara Park East
Bangalore - 560 001
4. Shri U.L. Narayana Rao
Advocate
No. 581, III Main
Sadashivanagar
Bangalore - 560 080
5. The Chief Secretary
Govt. of Karnataka
Vidhana Soudha
Bangalore - 560 001
6. The Secretary
Ministry of Home Affairs
North Block
New Delhi - 110 001

Respondents

The Chief Secretary, Govt. of Karnataka
& 8 Ors

7. The Secretary
Union Public Service Commission
Dholpur House
Shahajahan Road
New Delhi - 110 011
8. Shri K.C. Ramamurthy
Additional Superintendent of Police
Hubli
Dharwad District
9. Shri G.M. Hayat
Vice Principal
Police Training College
Mysore
10. Shri B. Muralidharan
Superintendent of Police
State Intelligence
Nrupatunga Road
Bangalore - 560 002
11. Shri Shetty Sangappa
Superintendent of Police
State Intelligence
Gulbarga
12. Shri K.A. Hafeez
Superintendent of Police
Lok Ayukta
Gulbarga

13. Shri Khaleelur Rehman
Principal
Police Training School
Magodu
Sirsi Taluk
Uttara Kannada District

14. Shri S.M. Babu
State Govt. Advocate
C/o Advocate General
Karnataka Administrative Tribunal
Indiranagar
Bangalore - 560 038

15. Shri N.B. Bhat
Advocate
No- 545, 16-A Main
III Block, Koramangala
Bangalore - 560 034

16. Shri M.S. Padmarajaiah
Central Govt. Sng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER passed by this Tribunal
in the above said applications on 5-8-88.

Encl : As stated


DEPUTY REGISTRAR
(JUDICIAL)

**In the Central Administrative
Tribunal Bangalore Bench,
Bangalore**

M.F. Pasha & another

A.No. 567/87(F) & 634/87(F)

The Chief Secy, Govt. of
Karnataka & 8 Ors

Ravivarma Kumar & U.L. Narayana Rao

Order Sheet (contd)

S.M. Babu, N.B. Bhat &
M.S. Padmarejaiah

Date	Office Notes	Orders of Tribunal
3.8.1988		
5.8.1988		<p>KSPVC/PSM</p> <p><u>Orders on IA No.1 - application for extension of time:</u> In this IA the Respondent 1 has sought for extension of time by another one month for complying with the directions issued by this Tribunal on 25th May 1988. In IA No.1 - Respondent 1 - has ought set out the facts and circumstances which justify the extension.</p> <p>Applicants and their learned counsel who have been duly informed of this application and the date and time of consideration of this application are absent.</p> <p>We have perused the application. We are satisfied that the facts and EBR circumstances stated in IA No.1 justify extension of time till 31.8.1988. We therefore, allow IA No. 1 and extend time for compliance of the order of this Tribunal till 31.8.1988.</p>



Sd/- VC Sd/- M(A)
TRUE COPY

[Signature]
DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 27 MAY 1988

APPLICATION NOS. 567 & 634/87(F)

Applicant

Shri M.F. Pasha & another

V/s

Respondents

The Chief Secretary, Govt. of Karnataka
& 8 Ors

To

1. Shri M.F. Pasha
Deputy Commissioner of Police
Central Armed Reserve (South)
Adugodi
Bangalore

2. Shri N. Somasekhar
Deputy Commissioner of Police
(Intelligence)
Bangalore

3. Shri Ravivarma Kumar
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No. 11, Jeevan Buildings
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Bangalore - 560 001

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8. Shri K.C. Ramamurthy
Additional Superintendent of Police
Hubli
Dharwad District

9. Shri G.M. Hayat
Vice Principal
Police Training College
Mysore

10. Shri B. Muralidheran
Superintendent of Police
State Intelligence
Nrupatunga Road
Bangalore

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11. Shri Shetty Sangappa
Superintendent of Police
State Intelligence
Gulbarga
12. Shri K.A. Hafeez
Superintendent of Police
Lok Ayukta
Gulbarga
13. Shri Khaleelur Rehman
Principal
Police Training School
Magodu
Sirsi Taluk
Uttara Kannada District
14. Shri S.M. Babu
State Govt. Pleader
C/o Advocate General
Karnataka Administrative Tribunal
Indiranagar
Bangalore - 560 038
15. Shri N.B. Bhat
Advocate
No. 545, 16-A Main
III Block, Koramangala
Bangalore - 560 034
16. Shri M.S. Padmarajiah
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER passed by this Tribunal
in the above said applications on 25-5-88.

Encl : As above

SECTION OFFICER
(JUDICIAL)

o/c
Received 2 copies for
Sl. No 29 H.
30.5.88
S. Praveen Kumar
Divisional

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE TWENTY FIFTH DAY OF MAY, 1988

Present: Hon'ble Shri Justice K.S. Puttaswamy.... Vice-Chairman

Hon'ble Shri L.H.A. Rego....

Member (A)

APPLICATION NOS. 567 & 634 of 1987

1. M.F. Pasha,
Deputy Commissioner of
Police, Central Armed
Reserve (South)
Adugeodi, Bangalore.

Applicant in
A.No.567 of
1987(F)

2. N. Somasekhar,
S/o Late N. Narayan,
aged 34 years, Superintendent
of Police, now working as Deputy
Commissioner of Police (Intelligence)
Bangalore City.

Applicant in
A.No.634 of
1987(F)

(Sri Ravivarma Kumar.....Advocate
for applicant in A.No.567/87)

(Sri U.L. Narayana Rao.....Advocate
for applicant in A.No.634/87)

Vs.

1. State of Karnataka,
by its Chief Secretary,
Vidhana Soudha,
Bangalore.
2. Union of India,
by its Secretary,
Ministry of Home Affairs,
New Delhi.

3. Union Public Service Commission,
by its Secretary,
New Delhi.

4. K.C. Ramamurthy,
Major, Working as Additional
Superintendent of Police,
Hubli.

5. G.M. Hayat,
Major, Vice Principal,
Police Training College,
Mysore.



6. B. Muralidharan,
Major, Superintendent
of Police, State
Intelligence,
Nrupatunge Road,
Bangalore.
7. Shetty Sangappa,
Major, Superintendent
of Police, State
Intelligence, Gulbarga.
8. K.A. Hafeez,
Major, Superintendent
of Police, Lok Ayukta,
Gulbarga.
9. Khaleelur Rehman,
Major, Principal,
Police Training School,
Magodu,
Sirsi Tq. U.K.

Respondents

(Sri S.M. Babu.... Learned
Government Pleader for R-1
in A.No. 567/87 and for R-3
in A.No. 634/87)

(Sri M.S. Padmarajaiah....S-CGSC
for R-2 & 3 in A.No. 567/87 and
for R-1 & 2 in A.No. 634/87)

(Sri N.B. Bhat....Advocate
for R-4 and 8)

This application has come up for hearing before
this Tribunal to-day, Hon'ble Shri Justice K.S.
Puttaswamy, Vice-Chairman, made the following :

O R D E R

As the questions that arise for determination
in these cases are common, we propose to dispose of
them by a common order.

2. The applicants in these applications and
respondents 4 to 9 in Application No. 567/1987
and several others are members of the Karnataka

.....3/-



State Police Service in the cadre of Deputy Superintendents of Police (DSPs).

3. In accordance with the Indian Police Service (Appointment by Promotion) Regulations, 1955 ('Regulations'), corresponding to the Indian Administrative Service (Appointment by Promotion) Regulations, 1955 ('IAS Regulations'), a Selection Committee of the Union Public Service Commission ('UPSC') had selected respondents 4 to 9, to the Indian Police Service ('IPS') from the Karnataka State Police Cadre. On the basis of that selection respondent 4 has also been appointed by the Government of India to IPS. The applicants who were eligible for selection but have not been selected on the gradings made by the selection committee, have challenged their non-selections and the selection of respondents 4 to 9.

4. When these applications were pending before this Tribunal, the Karnataka Administrative Tribunal ('KAT') on 21st September, 1987, in Application Nos. 1344 to 1346 of 1986 (Bhaskar Yashwantrao Bhonsale - vs. - Union of India & others) had quashed the seniority list in the cadre of DSPs, being the very basis for selections to IPS and had directed the State Government to redo the same. In pursuance of the said order, of the KAT, the State Government had not so far drawn up the revised seniority list.

5. Sriyuths Ravivarma Kumar and U.L. Narayana Rao, learned Counsel for the applicants,



contend, that on the quashing of the seniority list in the cadre of DSPs, the very basis for selection to IPS had disappeared and therefore the selections of respondents 4 to 9 should be annulled and directions issued to make a fresh selection on the basis of the ~~fresh~~ seniority list to be redrawn by the State Government. In support of their contention, learned counsel rely on the ruling of this Tribunal in M.G.HALAPPANAVAR v. GOVT. OF INDIA & ORS., (A.T.R. 1988(1) C.A.T.298) since affirmed by the Supreme Court on 5.5.1988 in Special Leave Petition(C) Nos.3437-39, 4125-27 of 1988.

6. Sri M.S. Padmarajaiah, learned Senior Standing Counsel for Central Government appearing for respondents 2 and 3 in Application No.567/87 and respondents 1 and 2 in Application No.634/87; Shri S.M.Babu, learned Government Pleader appearing for State of Karnataka; and Shri N.B.Bhat, learned counsel for respondent-4, contend that the ratio in Halappanavar's case had no application ^{as} ~~although~~ the service was different. Learned Counsel for respondent-4 also urges that we should permit his client to continue in the IPS cadre as done by the Supreme Court in Halappanavar's case.

On the fact-situation that the seniority list drawn up in the cadre of Assistant Commissioners which was the foundation for making selections to IAS from the State cadre had disappeared, we held in Halappanavar's case that there should

be a fresh selection for the reasons elaborately discussed and stated therein, Which is also affirmed by the Supreme Court on appeals.

8. Every one of the reasons on which we took exception to the selections in Halappanavar's case, exist in these cases also. These provisions that govern IPS selections are similar to the provisions that govern the IAS selections. On this view the difference in services hardly makes any difference in following Halappanavar's case. Whatever we have stated on all other questions in Halappanavar's case equally govern these cases also.

9. In Halappanavar's case, the Supreme Court had permitted those that had already been appointed to continue to hold the posts on ad hoc basis till the matter is finalised. We consider it proper to make a similar order in the case of respondent No.4 Sri K.C. Ramamurthy, who is the only officer appointed to IPS by Government of India.

10. Learned Counsel for respondents 1 to 3 seek for six months' time to redo the matter. Learned Counsel for the applicants strongly oppose the grant of six months' time.

11. We are of the view that with due regard to all the facts and circumstances it is reasonable to grant time till 31.7.1988 for finalisation of the seniority list and for



fresh selections by the UPSC till 30.9.1988.

12. In the light of our above discussion, we make the following orders and directions:

- (i) We quash the proceedings of the Selection Committee of the UPSC in File No.F-7/8/86-AIS, Dated: 5th December,1986 to the extent they make selections of respondents 4 to 9 only from the State Police Service.
- (ii) We quash the Notification No.I-14013/12/87/IPS, dated 26th June, 1987, produced as Annexures 'A' and 'L' in Applications 567 and 634 of 1987, respectively. But notwithstanding this we permit respondent 4 to be continued to hold the post in IPS cadre on an ad hoc basis till a fresh selection is made by the UPSC.
- (iii) We direct the Government of Karnataka to prepare and publish the seniority list of DSPs updated till 31.12.1986 in accordance with law and the order of the Karnataka Administrative Tribunal in Applications Nos. 1344 to 1346 of 1986, dated 21st September, 1987, with all such expedition as is possible in the circumstances of these cases and in any event on or before 31-7-1988. As and when that is done by Government



of Karnataka and on the basis of the same, the Selection Committee constituted under the Regulations of the State of Karnataka is directed to make a fresh selection to the posts determined as on 4/5/6-12-1986 for the calendar year 1987 with all such expedition as is possible in the circumstances of the case and in any event within a period of 2 months thereafter and then submit the same to the UPSC, which is directed to deal with the same in accordance with law. ^{Y.S.P. UNIT}

- (iv) We direct the Government of India and Government of Karnataka to make appointments to IPS from the fresh selection list prepared in pursuance of the directions contained herein for the very vacancies that existed from time to time from 1-1-1987 and onwards, till that Select List was and is in operation, in accordance with the Regulations, however, denying them backwages only till they are actually posted for duties, but counting their notional appointments for all other purposes in accordance with law.



12. Applications are disposed of in the above terms. But, in the circumstances of the cases, we direct the parties to bear their own costs.

- : 8 : -

13. Let this order be communicated to all
the parties in 3 days from to-day.

Sd/-
(K.S. PUTTASWAMY)
VICE-CHAIRMAN

Sd/-
(L.H.A. REGO)
MEMBER (A) 25-5-88



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12/5/88
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL CLERK
BANGALORE