

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 20 FEB 1995

APPLICATION NO: 1128 of 1994.

APPLICANTS:- Mr. B. Kamalanabhan, Marwar,

V/S.

RESPONDENTS:- Secretary, Ministry of Home Affairs, DPAR, N Delhi,
and five others.,

T.

1. Sri. M. Narayanaswamy, Advocate,
No. 844, Upstairs, Fifth Block,
Rajajinagar, Bangalore-560 010.
2. Sri. M. S. Padmarajaiah, Senior
Central Govt. Stng. Counsel,
High Court Bldg, Bangalore-1.
3. Sri. D. Rajashekarappa,
Government Advocate,
Advocate General's Office,
K.A.T. Unit, BDA Commercial Complex,
Indiranagar, Bangalore-560 038.

Received
20/2/95

Subject:- Forwarding of copies of the Order passed by the
Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 10-02-1995.

Issued on
20/2/95

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

ORIGINAL APPLICATION NO. 1128/1994

DATED THIS THE TENTH DAY OF FEBRUARY, 1995

Mr. Justice P.K. Shyamsundar, Vice Chairman

Mr. T.V. Ramanan, Member (A)

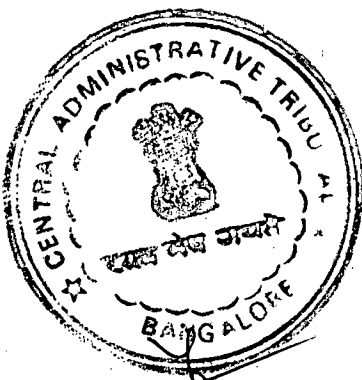
Mr. B. Kamalanabhan
Aged about 48 years
Deputy Superintendent of Police
Uttara Kannada District
Karwar. Applicant

(By Advocate Shri M.Narayanaswamy, Advocate)

Vs.

1. The Union of India
rep. by its Secretary to Govt.
Ministry of Home Affairs
D.P.A.R., New Delhi.
2. The Chairman
Union Public Service Commission
Shahajahan Road, New Delhi.
3. The State of Karnataka
rep. by its Chief Secretary
Government of Karnataka
Vidhana Soudha, Bangalore-1.
4. Sri T.G. Doreswamy Naik, IPS
Superintendent of Police
(Dy. Commissioner of Police
Bangalore North, I Block
Rajajinagar, Bangalore-10)
5. Sri S.K. Venugopal, IPS
Superintendent of Police
State Intelligence, IGP's Office
Nrupathunga Road, Bangalore-1.
6. Sri N.R. Nadamani, IPS
Superintendent of Police
Hassan Dist. Hassan. Respondents

(By Shri M.S. Padmarajaiah, S.C.G.S.C.,
for R-1 & R-2. Shri D. Rajasekharappa
for R-3.)



O R D E R

Mr. T.V. Ramanan, Member(A):

The applicant, an officer of the Karnataka State Police Service, working as a Deputy Superintendent of Police, has sought the following reliefs:-

- a) Declare by the issue of an appropriate order or direction as the case may be, the reply of the Government of India contained in their letter No. I.14011/32/94-IPS-I dated 26.5.1994 (vide Ann.A.9) in rejecting the representation of the applicant as arbitrary, illegal, void and discriminatory as being violative of Art.16(1) of the Constitution of India, with a further direction directing the Govt. of India to consider the case of the applicant for promotion to Indian Police Service according to I.P.S.(Appointment by promotion) Regulations, 1955, with effect from the date the case of respondent no.4 is considered and promoted vide order dated 26.2.1991 (Ann. A4), with a further direction directing the respondents-1 to 3 to grant all consequential benefits flowing from such consideration with financial benefits due to him consequent on such consideration with interest to be determined by this Hon'ble Tribunal at the time of final hearing of the above application including seniority in the cadre of I.P.S. over and above respondent no.4, etc. in the interest of justice and equity;
- b) Pass such other orders just & expedient in the circumstances of the case including the award of costs, in the interest of justice and equity.

2. The applicant's case is that he is a direct recruit to the cadre of Deputy Superintendents of Police

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in the Karnataka State Police Service, having been selected by the State Public Service Commission and appointed by the State Government on 10.7.1978.

In terms of the provisions contained in the Indian Police Service (Appointment by Promotion) Regulations, 1955 (hereinafter referred to as the Promotion Regulations), being a substantive member of the Karnataka State Police Service and having put in 8 years of service as Deputy Superintendent, he became eligible for being considered for promotion to the Indian Police Service (IPS for short) against the vacancies available in IPS cadre of Karnataka in the year 1987-88 and thereafter. There existed in the service records of the officer adverse entries relating to the years 1980-81 and 1981-82. The representation submitted by the applicant for expunction of the adverse remarks relating to the year 1980-81 was rejected by the State Government by an order dated 26.8.1983 (Annexure-A2). Therefore, these remarks did remain in his service records. The representation submitted by him for expunction of the adverse remarks contained in his Annual Confidential Report (ACR for short) for the year 1981-82 was still pending consideration before the State Government when the selection committee constituted under the Promotion Regulations considered the case of respondent (R for short) no.4 Shri T.G. Doraswamy Naik, his immediate junior in the State Police Service cadre of Deputy Superintendents. R-4, who was considered by the selection committee referred to supra for promotion to IPS

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was promoted subsequently to IPS (Annexure-A4) whereas the applicant was not considered by the selection committee as a result of which he was not promoted. Non-consideration of his case, when his junior was considered and promoted to IPS was arbitrary and illegal. According to the applicant the selection committee took into account the confidential reports of those considered by it relating to 8 years immediately preceding the date of consideration. The adverse remarks contained in his ACR for the year 1980-81 which stood on record should not have been taken into account by the selection committee as they related to a year not within 8 years from the date on which the selection committee had met. Secondly, the adverse remarks relating to the year 1981-82 should have been ignored by the selection committee when it met in view of the pendency of his representation before the State Government which had not taken a decision on it when the committee met to consider eligible officers for promotion to IPS of the Karnataka cadre and when Shri T.G. Doreswamy Naik, R-4 was considered and cleared for such promotion. Further, despite existence of the adverse remarks in his ACR for the year 1980-81, the applicant was found fit for promotion to the cadre of Superintendent of Police (Non-IPS) as per State Government order dated 7.1.1986 (Annexure-A3) revealing thereby that the State Government did not take into account the adverse remarks relating to the year 1980-81 and also that the State Government

.....5/-

had ignored the adverse remarks relating to the year 1981-82 because of the pendency of the representation submitted by the applicant for expunction of the said adverse remarks. In this view of the matter when the State Government had promoted him as Superintendent of Police (Non-IPS) in 1986, the selection committee constituted under the Promotion Regulations while considering the cases of the State Police Officers to IPS ought not to have taken into account the adverse remarks contained in his ACRs for the years 1980-81 and 1981-82 in which case he would not have been superseded by his junior in the matter of promotion to IPS. Subsequently, the State Government by an order dated 23.10.1991 (Annexure-A5) had expunged the adverse remarks contained in his ACR for the year 1980-81. By another order dated 24.2.1992 (Annexure-A6) the State Government had expunged the adverse remarks contained in his ACR for the year 1981-82. Thus, according to the applicant, the adverse remarks that had existed in his service records having finally been expunged on 24.2.1992, cause of action arose for asserting his rights for consideration of his case for promotion to IPS with effect from the date R-4 came to be promoted, viz., 26.2.1991. Finding that by notification dated 24.11.1992 issued by the Central Government (Annexure-A8), 2 more juniors of his in the State Police Service were appointed to IPS superseding him, particularly when the adverse remarks in his ACRs for the years 1980-81 and 1981-82 had been expunged,

....6/-



the applicant approached this Tribunal in Application No.19/1993. Later, the applicant was allowed to withdraw the application reserving liberty to approach the Tribunal as and when it became necessary since he had not presented a comprehensive representation before the Central Government for seeking review and reconsideration of his case for promotion to IPS with effect from the date R-4 was promoted to IPS. The applicant then submitted a detailed representation before the Government of India but by a letter dated 26.4.1994 (Annexure-A9) the Government of India rejected his representation. Aggrieved by this decision of the Government of India rejecting his representation the applicant has sought the reliefs aforementioned.

3. We have heard the learned counsel for the applicant, learned Senior Central Government Standing Counsel for R-1 and R-2 and the Counsel for R-3 and perused the record of the case. R-4 to R-6, though served, did not present themselves before us either in person or through counsel and so they have been placed ex-parte.

4. On the basis of the proceedings of the selection Committee meetings held for the years 1989-90, 1990-91 and 1991-92 produced by counsel for R-3 as also on the basis of the uncontroverted reply statements filed on behalf of R-1 and R-3, the following facts come to notice:-

- (i) R-4 was appointed to IPS on the basis of inclusion of his name for the first time in the select list of 1989-90 (selection committee had met on 16.2.1990).

- (ii) The selection committee which met on 16.2.1990^{had} considered the cases of the applicant, who is senior to R-4, and others at the aforesaid meeting, and classified them individually in accordance with the provision contained in Regulation 5(4) of the Promotion Regulations which provides that the selection committee shall classify eligible officers as 'outstanding', 'very good', 'good' and 'unfit', as the case may be, on an overall relative assessment of their service records. The applicant was, however, not included in the list prepared by the committee which later became the select list for 1989-90.
- (iii) At the next meeting of the selection committee for the year 1990-91 which took place on 26.3.1991, the case of the applicant was again considered along with those of others eligible. The committee classified them individually in accordance with law as stated in (ii) above. As the number of persons to be included in the select list was only 3, those who had secured higher gradings were included in the list in preference to the applicant in accordance with Regulation 5(5) of the Promotion Regulations which reads as follows:

"The list shall be prepared by including the required number of names, first from amongst the officers finally classified as 'Outstanding', then from amongst those similarly classified as 'Very Good' and thereafter from amongst those similarly classified as 'Good' and the order of name inter-se within each category shall be in the order of their seniority in the State Police Service."



(iv) In the next selection committee meeting which took place on 28.3.1992 for 1991-92, the case of the applicant was again considered by the selection committee along with those of others in the zone of consideration. Classification as stated in (ii) above was done individually. However, the applicant was not included in the list prepared by the committee which later became the select list for 1991-92.

(v) R-5 and R-6, also juniors to the applicant in the State Police Service, were appointed to IPS on 24.11.1992 on the basis of their inclusion in the select list of 1991-92 due to the higher gradings secured by them.

(vi) It is evident from the reply statement filed on behalf of R-1 that the case of the applicant was considered by the selection committee which met subsequently for the years 1992-93 and 1993-94 but still he could not make it to the select list for those years.

5. The contention of the learned counsel for the applicant that 8 years service records (ACRs) alone are taken into consideration by the select committee constituted under the Promotion Regulations and so when the committee met on 16.2.1990 it should not have taken into consideration the confirmed adverse remarks retained in the ACR of the applicant for 1980-81 is not tenable. As already stated, what Regulation 5(4) of the Promotion Regulations provides for is that the selection

committee shall classify eligible officers as 'outstanding', 'very good', 'good' and 'unfit', as the case may be, on an overall relative assessment of their service records. (emphasis ours) There is no restriction on the powers of the selection committee that it shall consider only service records relating to the previous 8 years with reference to the dates of its meetings. Similarly, a perusal of the proceedings of the selection committees which met for the years 1989-90, 1990-91 and 1991-92 do not show that the selection committees assessed relative merit of those considered for promotion only with reference to their service records relating to the previous 8 years. This argument is, therefore, rejected.

6. The contention of the applicant that the applicant had been appointed as a Superintendent of Police (Non-IPS) by the State Government in 1986 ignoring the adverse remarks in his ACRs for 1980-81 and 1981-82 and as such the selection committee constituted under the Promotion Regulations which met on 16.2.1990 should also have ignored those adverse remarks is quite irrelevant. Promotion within the State Service Cadre while being a State Police Service Officer is different from appointment by promotion to IPS under the Promotion Regulations. The criterion for promotion to IPS which is an All India Service is merit. Further, as averred by R-3 in its written statement, "the criteria for promotion in the State cadre is seniority-cum-merit and the merit is considered on the basis of ACRs of the previous five years. On the other hand,

...10/-



the selection of State Police Service Officers to IPS is entirely on merit, based on the overall relative assessment of their service records". Thus, this argument also fails.

7. Learned counsel for the applicant then argued that since the adverse remarks contained in the applicant's ACRs for 1980-81 and 1981-82 had been expunged by the State Government's orders referred to supra, it was but necessary that the selection committee should meet to review the case of the applicant as on 16.2.1990. Learned counsel contended that while it was true that when the selection committee had met on 16.2.1990, the ACR for 1980-81 contained adverse remarks but those very adverse remarks were expunged by the State Government by an order dated 23.10.1991 which is at Annexure-A5. Hence, such a review is justified. As regards the adverse remarks in the ACR of the applicant for 1981-82, the learned counsel contended, although the applicant had made a representation against them in July 1982 itself, it came to be disposed of by the State Government only on 24.2.1992 vide Annexure-A6 by which the adverse remarks were ordered to be expunged. These adverse remarks which were taken into account by the selection committee when it met on 16.2.1990 in arriving at the decision of not including the applicant in the select list no longer exist and as such a review is justified. Learned Senior Central Government Standing Counsel appearing for respondents 1 & 2 opposed this argument and contended that the Promotion Regulations do not provide for such a review. He also pointed out that having rejected

the representation of the applicant seeking expunction of the adverse remarks for the year 1980-81 in 1983 itself the State Government had no authority to review the same and expunge them as recently as 1991.

8. It is evident that the State Government having rejected the representation of the applicant for expunction of the adverse remarks in the ACR for 1980-81 by a communication dated 26.8.1993 had proceeded to examine those remarks in 1991 and decided to expunge them by the order at Annexure-A5. In this regard the order of this Bench of the Tribunal dated 12.1.1993 in a case involving a similar situation in O.A. No.157/1990 (N. Somasekhar Vs. The Chief Secretary, State of Karnataka, Bangalore and 6 Others) appears to be material. The relevant portion from the said order is extracted below:-

" The Karnataka Civil Services (Confidential Reports) Rules 1976 by way of Rule 9 provides that every officer to whom adverse remarks are communicated under sub-rule (1) of Rule 8 may, within six weeks from the date of receipt by him of such communication, submit his representation, if any against the said remarks to the officer mentioned in sub rule (4) of Rule 8 and sub rule (2) of Rule 9 provided that the decision on such representation shall be taken expeditiously and communicated to the officer concerned. These rules do not provide that once the State Govt. rejected the representation after due consideration, it is within the power of the State Govt. to reconsider or review the earlier order on a fresh representation. These rules were repealed by the Karnataka Civil Services (Confidential Reports) Rule 1985. Rule 10(2) of the 1985 rules states thus:

'Decision on such representation shall be taken expeditiously by the authority referred to in sub rule (1) and communicated to the Govt. servant or retired Govt. servant concerned. The decision of the said authority shall be final' (emphasis supplied).

.....12/-



Rule 12(3) of the 1985 rules further states that "All proceedings commenced under the rules repealed by sub-rule (1) and pending on the date of commencement of these rules shall be continued and disposed of in accordance with the provisions of these rules."

Reading these provisions in the 1976 and 1985 rules it appears to us that when once the State Govt. had considered the representation of the applicant and had rejected it in 1983 itself it had no authority or power to entertain another representation from the applicant in 1990 long after the meeting of the selection committee

We abide by the above observations and hold that the order of the State Government dated 23.10.1991 (Annexure-A5) expunging the adverse remarks contained in the ACR of the applicant for the year 1980-81 is a nullity because when once the State Government had duly considered the representation and rejected it, it was not within the competence of the State Government under the relevant rules to review or reconsider the matter. In view of the foregoing it cannot be contended that the selection committee committed a grave illegality in taking into consideration the adverse entries contained in the ACR of the applicant for the year 1980-81. We, therefore, reject this argument.

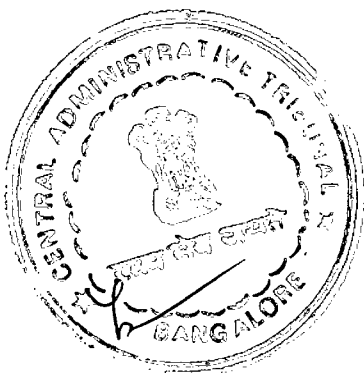
9. As regards the argument advanced by the applicant's counsel that the selection committee which met on 16.2.1990 should not have taken into consideration the adverse entries contained in the ACR of the applicant for the year 1981-82 as the representation for expunction of those remarks was still pending before the State Government, we have perused the records made available by R-3, the State Government, in respect of the meetings of the selection committee which took place on 16.2.1990 (1989-90), 26 & 27.3.1991 (1990-91) and 28.3.1992 (1991-92). It is seen from a perusal of the

proceedings of the selection committee for 1989-90 which met on 16.2.1990 that the committee did not take into consideration only the adverse remarks in the ACRs of the officers considered by it which were not communicated to them while assessing their suitability. Similar is the position as regards the proceedings of the selection committee which met for the year 1990-91 on 26 & 27.3.1991. The proceedings of the meetings of the committee for both the years referred to supra do not, however, state that the committee did not take into consideration the adverse remarks in the ACR of the applicant for 1981-82 against which the applicant had represented to the State Government and on which the State Government had not passed any final orders. ^{is} The omission/significant because as per the records made available to us the committee had been informed by the State Government at the time it had met on 16.2.1990 and again on 26 & 27.3.1991 about the pendency of the representation of the applicant against the above remarks in his ACR for 1981-82 in accordance with the instructions contained in the Deptt. of Personnel & Administrative Reforms, Govt. of India, letter no. 14015/14/81-AIS-(I) dated 7.7.1981 which reads as follows:-

" (1) It has been brought to the notice of the Government of India by the Commission that the State Governments do not bring out specifically to the notice of the Selection Committee/Commission cases where decisions on representations made against adverse entries are yet to be taken by the State Government. According to the Commission, this results in the officers who are not included in the Select List filing writ petitions against the selections made by the Selection Committees and in some cases the courts passing orders accepting the writ petitions and directing the respondents to review the proceedings of the Selection Committee ignoring the adverse entries.

(2) The State Govts. have been requested that while furnishing the material/information to the Union Public Commission for holding the meetings of the Selection Committees, the State Governments should invariably furnish the following certificates:-

(a) Adverse remarks in the character rolls of the following eligible officers have not been communicated by the State Government to the officers concerned.



(b) Adverse entries in respect of the following eligible officers have been communicated but no representations have been so far received from the officers concerned but the time limit to represent is not yet over.

(c) Representations against adverse entries in respect of the following officers have been received within the stipulated time but the decisions of the State Government, is yet to be taken. "

Obviously, therefore, the committee had taken into consideration the adverse remarks contained in the ACR of the applicant for the year 1981-82 against which a representation was pending before the State Government on the dates the committee considered the applicant's case under the Promotion Regulations. In Gurudial Singh Fijji Vs. State of Punjab and Others (1979 SCC (L&S) 197), Hon'ble Supreme Court has laid the rule which reads as follows:-

" The principle is well-settled that in accordance with the rules of natural justice, an adverse report in a confidential roll cannot be acted upon to deny promotional opportunities unless it is communicated to the person concerned so that he has an opportunity to improve his work and conduct or to explain the circumstances leading to the report. Such an opportunity is not an empty formality, its object, partially, being to enable the superior authorities to decide on a consideration of the explanation offered by the person concerned, whether the adverse report is justified. Unfortunately, for one reason or another, not arising out of any fault on the part of the appellant, though the adverse report was communicated to him, the Government has not been able to consider his explanation and decide whether the report was justified. In these circumstances, it is difficult to support the non-issuance of the integrity certificate to the appellant. The chain of reaction began with the adverse report and the infirmity in the link of causation is that no one has yet decided whether that report was justified. We cannot speculate, in the absence of a proper pleading,

whether the appellant was not found suitable otherwise, that is to say, for reasons other than those connected with the non-issuance of an integrity certificate to him. "

In *Amar Kant Choudry V. State of Bihar and Others* reported in 1984 SCC (L&S) 173 it was found that the selection committee at its meeting held on 22.12.1976 took the decision to supersede the applicant in view of adverse entries earlier which had not been either communicated to the applicant or against which he had made representation which had remained undisposed of and which had been subsequently expunged. On the facts brought out in that case their Lordships held that the case of the applicant for promotion to IPS had not been considered by the committee in a just and fair way and his case had been disposed of contrary to the principles laid down in *Gurdial Singh Fijji's case*. In the instant case owing to the adverse remarks contained in the ACR of the applicant for the year 1981-82, which include remarks which impinge upon his integrity, the integrity certificate of the applicant was withheld and the fact of withholding of the integrity certificate was before the selection committee which met on 16.2.1990. Thus, the case of the applicant for promotion to the IPS was not considered by the selection committee when it met on 16.2.1990 in a just and fair way as his case for promotion to IPS was disposed of contrary to the rule laid down by the Supreme Court in *Gurudial Singh Fijji's case*. Thus, the proceedings of not only that meeting but those of the selection committee meeting which followed for the year 1990-91 on 26 & 27.3.1991 (integrity certificate not withheld



for 1990-91 despite the presence of the adverse remarks in ACR for 1981-82) also stand vitiated.

10. It is however, a fact that when the selection committee for 1991-92 met on 28.3.1992 to consider the case of the applicant alongwith ^{other eligible} officers for promotion to I.P.S., the fact of expunction of the adverse remarks for the year 1981-82 was known to it. Even then the committee did not find him suitable for being included in the list prepared by it which later became the select list of 1991-92. The position is the same when the selection committee met for the years 1992-93 and 1993-94.

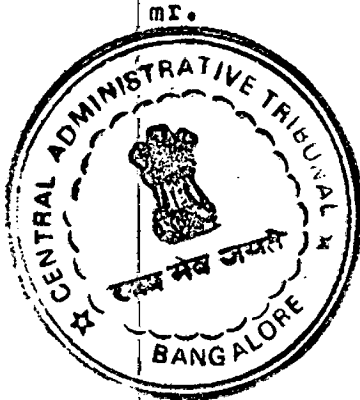
11. In view of the foregoing, we hold that the proceedings of the selection committee for 1989-90 which met on 16.2.1990 and the selection committee which met on 26 & 27.3.1991 in which the case of the applicant was considered are vitiated by reason of reliance being placed on the adverse remarks in the ACR of the applicant for 1981-82 which were later on expunged. We hold that the applicant has made out a case for reconsideration of the question of his promotion to the IPS cadre of the State of Karnataka as on 16.2.1990 and if he is not selected as on that date for being considered again as on 26 & 27.3.1991. The selection committee has now to reconsider the case of the applicant accordingly. If on such reconsideration the applicant is selected, he shall be entitled to the seniority and all other consequential benefits flowing therefrom. We, therefore, issue a direction to the respondents to reconsider the case of

the applicant as stated above within a period of
6 months from the date of receipt of a copy of
this order.

12. This application is accordingly disposed
of with no order as to costs.

Sd/-
mca
(T.V. RAMANAN)
MEMBER(A)

Sd/-
(P.K. SHYAMSUNDAR)
VICE CHAIRMAN



TRUE COPY
[Signature]
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore
20/02/95

GENERAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

B 784

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Contempt Petition No.110 of 1995 in Dated **23 FEB 1996**

Application No. 1128 of 1994.

Applicant(s) : Sri.B.Kamalanabhan,
V/s.

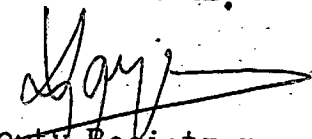
Respondents : Sri.Padmanabhaiah, Secretary,
M/o.Home Affairs, New Delhi & another.

To

1. Sri.M.Narayana Swamy, Advocate,
No.844, Upstairs, Fifth Block,
17th-G-Main, Rajajinagar,
Bangalore-560 010.
2. Sri.M.S.Padmarajaiah, Sr.CGSC,
High Court Bldg, Bangalore-1.
3. Sri.B.B.Mandappa, Standing Counsel for
Govt.of Karnataka, Advocate General's Office,
K.A.T.Unit, Commercial Complex, BDA, Bangalore-38.

Subject:- Forwarding of copies of the Orders passed by
Central Administrative Tribunal, Bangalore-33
-x-x-x-

A copy of the Order/Stay Order/Interim Order,
passed by this Tribunal in the above mentioned application(s)
is enclosed for information and further necessary action.
The Order was pronounced on- 20th February, 1996.

For 
Deputy Registrar
Judicial Branches.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE

CONTEMPT PETITION No.110/1995 IN
ORIGINAL APPLICATION No.1128/1994

TUESDAY, THIS THE 20TH DAY OF FEBRUARY, 1996

SHRI T.V. RAMANAN .. MEMBER (A)

B. Kamalanabhan, 50 years,
Superintendent of Police,
Anti-Dacoity Squad,
Gulbarga.

Contempt Petitioner

(By Advocate Shri M. Narayana Swamy)

Vs.

1. Sri Padmanabhaiah,
Union of India, rep. by its
Secretary to Govt., Ministry
of Home Affairs, DPAR,
New Delhi.
2. Sri S.B. Muddappa,
The State of Karnataka, rep. by
its Chief Secretary to Govt.,
Vidhana Soudha, Vidhana Veedhi,
Bangalore-1. .. Alleged Contempts/
Respondents
(By Advocates Shri M.S. Padmarajaiah,
Senior Central Govt. Stg. Counsel for
R-1 and Shri B.B. Mandappa, Standing
Counsel for the State Government-R2)

ORDER

Counsel for the contempt petitioner files memo seeking withdrawal of the contempt petition since the applicant has received, during the pendency of these proceedings, a communication dated 12.1.1996, from the State Government informing the applicant that his case for promotion to the IPS was considered by the Review Selection Committee. and he had not been included in the select list prepared for selection to IPS as on 10.2.1990 and 26/27.3.1991 Counsel says that the applicant might consider challenging the aforesaid decision.

Shri M.S. Padmarajaiah, learned Senior Central Standing Counsel, appearing on behalf of Union of



India, non-petitioner, files a reply statement in the form of an affidavit by Under Secretary to the Govt. of India in the Ministry of Home Affairs. It is stated therein that compliance has been made of the order of this Tribunal in O.A. No.1128/94 and the decision taken in the matter was communicated to the State Government on 5.1.1996.

4. Be that as it may, the applicant himself wishes to withdraw the contempt petition as he has received a communication conveying the decision taken in compliance with the order of this Tribunal in the O.A. referred to supra. In that view of the matter, the request for withdrawing this contempt petition as infructuous is allowed. As a result, this petition is dismissed and the proceedings initiated against the non-petitioners dropped.



TRUE COPY

(T.V. RAMANAN)
MEMBER (A)

psp.

[Signature]
23/2/96
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore