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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.Nos. 574 and 967 of 1989

Date of Order: 15.1.1990

O.A.No.574/89:

R.Sunder Singh

...Applicant

Versus

1. State of Andhra Pradesh, represented by Chief Secretary to Government, Secretariat Buildings, Hyderabad.
2. Union of India, represented by its Secretary, Ministry of Home, Department of Personnel Affairs, North Block, New Delhi.
3. Union Public Service Commission, New Delhi, rep. by its Secretary.
4. Sri B.Sudhakara Rao, presently District Development Officer, Cuddapah.
5. Sri Ch.Sriramachandra Murthy, presently Assistant Secretary, Office of the Commissioner of Excise, Hyderabad (Officer included as No.8 in the select list of IAS of 1988).

...Respondents

O.A.No. 967/89:

G.Nageswara Rao

...Applicant

Versus

1. State of Andhra Pradesh, represented by Chief Secretary to Government, Secretariat Buildings, Hyderabad.
2. Union of India, represented by its Secretary, Ministry of Personnel Affairs, North Block, New Delhi.
3. Union Public Service Commission, New Delhi, represented by its Secretary.
4. Sri B.Sudhakara Rao, presently District Development Officer, Cuddapah.
5. Sri Ch.Sriramachandra Murthy, Presently Asst.Secretary, Office of the Commissioner of Excise, Hyderabad. (Officer included as No.8 in the Select List of IAS of 1988)

...Respondents

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For applicant in both the cases: Mr. I.V.S. Rao, Advocate

For Respondents 2 and 3 in both the cases: Mr. Parameshwar Rao for Mr. P. Rama Krishna Raju, Sr, CGSC.

For Respondent no.1 in both the cases: Mr. E. Dharma Rao for the Advocate General

For Respondent no.4 in O.A.574/89 Mr. P.V. Krishnaiah for Mr. G. Vedantha Rao

For Respondent no.5 in both the cases: Mr. Y. Suryanarayana, Advocate

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C O R A M:

HON'BLE SHRI D.SURYA RAO: MEMBER(JUDICIAL)

HON'BLE SHRI R.BALASUBRAMANIAN: MEMBER(ADMNV.)

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(Judgment of the Bench delivered by Hon'ble Shri D.Surya Rao, Member (Judicial))

1. In both these applications, similar contentions have been raised and have come up for orders as to admission after notice to the respondents. Office objections have also been raised as to the maintainability of these applications on the ground that there are plurality of reliefs claimed. Both the applicants are State Civil Service Officers who are aspiring for selection/appointment to the Indian Administrative Services under the IAS (Selection by Promotion) Regulations 1955. For convenience, we will recite the contentions raised in O.A.No.574/89.

2. The applicant's case is that he was selected in the year 1978 as a direct recruit Deputy Collector in the A.P. State Civil Services after selection by the State Public Service Commission. His services were

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regularised with effect from 19-01-1979. It is contended that thereafter a final seniority list of State Civil Service Officers has not been prepared. Preparation of such a list is mandatory in order to proceed with the selection and appointment by promotion of State Civil Service Officers under the IAS (Selection by Promotion) Regulations of 1955. Consequent on non-finalisation of a proper seniority list of State Civil Service Officers, an anomalous situation has arisen, in that, State Civil Service Officers who ^{have} were not put in 8 years of service as Deputy Collectors, which is a mandatory requirement under Regulation 5(2) of IAS (Selection by Promotion) Regulation 1955, were included in the Select List, from time to time. The applicant seeks to contend that G.O.No.493 Revenue (W) Department dated 8-4-1982, regularising the services of the applicant and the other direct recruits of AP Civil Services (Executive Branch) has been declared illegal by the State Tribunal; that the applicant was entitled to reckon seniority with effect from the date of his appointment and the failure on the part of the Ist respondent to give him such seniority is violative of the rights of the applicant under Articles 14, 15 and 16 of the Constitution. The applicant contends that if he is given seniority from the date of his appointment, he would have been eligible for consideration for inclusion in the Select List for promotion to the Indian Administrative Services in the year 1987. He further contends that despite the directions to the Commissioner of Land Revenue for fixation of inter-se seniority of direct recruited Deputy Collectors and Promotee Deputy Collectors from the cadre of Tahsildars, no such final seniority list of State Civil Service Officers

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has been prepared. He alleges that some vested interests in the Government appear to have succeeded in ^{seeing that} getting some State Civil Service Officers ^{were} being brought into the zone of consideration for selection to the IAS even though such State Civil Service Officers were ineligible for consideration to the IAS. He contends that in the absence of the properly finalised seniority list, the 1st respondent has been according notional seniority to certain officers and that on the basis of such a notional seniority, selections are being made to the IAS. He cites the cases of respondents 4 and 5 as instances of such officers who have been brought into the zone of consideration illegally. He further seeks to contend that he ought to have been categorised as outstanding by the Selection Committee which met and prepared a Select List for the year 1988 for appointment to the IAS. He seeks a direction that the Select List for the year 1988 be quashed. He further contends that according to what is known as Charan Singh Committee Report of 1978, there has been increase in the cadre strength of 27 posts sanctioned to the AP Cadre of Indian Administrative Service. ~~These~~ 27 posts were specifically meant to benefit State Civil Service Officers by appointment/by promotion. It is contended that respondents 2 and 3 have wrongly absorbed the said increase of adhoc/27 posts into the total strength of the State Cadre ~~instead of~~ whereas these 27 posts should have been credited only to the promotees quota. It is contended that instead of 27 posts only 7 posts have been accrued to the benefit of the promotees. This action on the part of the respondents is in violation of the rights of

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the applicant and other similarly placed persons under Articles 14 and 16 of the Constitution. Reference is made given to the decision of the Supreme Court in Gonal Bhimmappa's case reported in 1987⁴SLR 526, and a decision of the Bangalore Bench of the Tribunal in Application Nos. 252, 437 and 448 of 1987 filed by Sri M.G.Halappanavar and others, in regard to the appointment to the IAS from the Karnataka Administrative Services, in support of the proposition that in the absence of a seniority list of State Civil Service Officers, this Tribunal would have jurisdiction to entertain the application.

3. The reliefs asked for by the applicants in these two applications are identical and are as follows:

- (1) A direction to respondent no.1 to prepare and publish a State Seniority List after finalising a proper seniority list of State Civil Service Officers as per law, as the Selection Committee cannot meet or begin its proceedings to prepare a select list in the absence of such a properly finalised seniority list of State Civil Service Officers for promotion to IAS under Regulation 5 of I.A.S. Selection by Promotion Regulation 1955. There is no properly finalised seniority list of State Civil Service Officers even today;
- (2) A direction of annulment of Sri B.Sudhakar Rao's appointment on the grounds of ineligibility with a proper consequential direction to redraw the Select List of 1988.
- (3) A consequential direction to respondent no.1, 2 and 3 to make the adhoc increase of 27 posts to enure to the benefit of promotees/State Civil Service Officers.
- (4) A consequential direction to respondent nos.1, 2 and 3 to apply the principle of Periodic review of the cadre strength to the IAS cadre also.
- (5) A consequential direction to the respondents 1,2 and 3 after summoning and examining of the records of all the officers in the zone of consideration to include the applicant in the select list of 1988 at the proper position meritwise fixed.

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(6) A consequential direction to respondents 1, 2 and 3 to delete the name of the 5th respondent from the select list of 1988 on grounds of ineligibility and consequential deletion of the name of 5th respondent from the zone of consideration or in the alternative, a direction quashing the select list of 1988 and ordering redrawing of the same in strict adherence to the rule of law."

4. The office has raised an objection as to maintainability of a single application wherein the above diverse reliefs are claimed. The applicant's counsel has replied thereto stating that the main relief asked for is relief no.1. In regard to reliefs 2 to 6, he has stated as follows:

" All the reliefs prayed are consequential to the relief of the Selection Committee being bound to have a properly finalised Seniority List of State Civil Service Officers to even before its proceedings. ».

5. We have heard Sri I.V.S.Rao, learned counsel for the applicant in both the cases; Shri Parameshwar Rao, for Sri P.Ramakrishna Raju, Senior Standing Counsel for Respondents 2 and 3; Sri E.Dharma Rao for Shri Venugopal Reddy, Advocate General of Andhra Pradesh for Respondent no.1; Shri Y.Suryanarayana, Senior advocate for Respondent no.5 in both the cases and Shri P.V. Krishnaiah for Sri G.Vedantha Rao, for Respondent no.4 in O.A.No.574 of 1989.

6. The main question that arises for determination at the stage of admission is whether it is open to the applicant to file an application claiming relief no.1 viz., to prepare and publish a State Seniority List after finalising a proper seniority list of State Civil Service Officers, before this Tribunal or whether he has to be directed to approach the Andhra Pradesh Administrative Tribunal for this relief.

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7. As already stated earlier, notice has been given before admission to the respondents in both the cases. A counter has been filed in O.A.No.967/89 by the 5th respondent represented by Shri Y.Suryanarayana, Senior Advocate. The main objection raised is that this Tribunal has no jurisdiction to entertain the relief that is claimed viz., preparation of a proper seniority list in the category of Deputy Collectors and that such a relief is entertainable only by the Andhra Pradesh Administrative Tribunal. In so far as the factual position is concerned, he states that as there was some litigation before the AP Administrative Tribunal, he was included in the panel of Tahsildars for the year 1973 and given ranking between S/sri KVR Narasimha Chari and Sri K.Rama Murthy. He states that he was included in the Deputy Collectors category in the year 1981 and subsequently his services were regularised retrospectively with effect from 13-12-1977. This was done after relaxing Rule 33-A of the General Rules contained in the A.P. State and Subordinate Rules. He is, therefore, entitled to count service rendered in the category of Deputy Collectors with effect from 23-11-1977 for all purposes including for the purpose of eligibility for being considered for inclusion in the Select List in 1987 for appointment to the Indian Administrative Service. Other respondents have not filed a counter, but they are duly represented by their counsels who oppose the application.

8. Section 14 of the ~~Central~~ Administrative Tribunals Act confers jurisdiction on this Tribunal in relation to recruitment and matters concerning recruitment to any All India Service. On the basis of this provision,

it is contended by learned counsel for the applicant that for appointment to the Indian Administrative Services by promotion under the IAS (Selection by promotion) Regulations 1955, there must be a properly finalised Seniority List showing the inter se seniority of State Civil Service Officers before the Selection Committee can proceed to make the selection. In the instant cases there is no proper seniority list of State Civil Service Officers and that persons like respondents 4 and 5 who have been inducted as Deputy Collectors as late as 1981 are being shown as seniors to the applicants who have been regularised as Deputy Collectors by Direct Recruitment much earlier in the year 1978. This in substance is the basis of the claim or representation before this Tribunal. It is clear from this contention that what the applicants are seeking is that they must be shown as seniors to respondents 4 and 5 in the seniority list of Dy. Collectors and that the latter cannot count the date of notional regularisation given to them in the year 1977 for purpose of seniority in the category of Deputy Collectors in the State Civil Services. In our view, this is a matter which comes wholly within the jurisdiction of A.P. Administrative Tribunal. Section 15 of the Administrative Tribunals Act, 1985 provides for the constitution of State Administrative Tribunals with jurisdiction in relation to recruitment and matters concerning recruitment to any Civil Service of the State or a Civil post of the State and all service matters concerning such persons. Admittedly, determination of seniority inter se between members of the State Civil Services is a service matter pertaining to or relating to employees of the State Government. It is, therefore, only the AP Administrative Tribunal vested with jurisdiction under Section 15 of the Administrative Tribunals Act, which

has to be approached when rival claims are made in regard to seniority in the category of Deputy Collectors which is State Civil Service. In an analogous matter reported in ATR 1987 (2) CAT 317 (SPJ Vijaya Rao and others Vs. Chief Secretary to Government, AP and ors.), some State Civil Officers filed an application before this Tribunal seeking that a direction be given to the State of AP to finalise and include them in the panel of Deputy Collectors in the year 1975-76 and on the basis of such inclusion they claimed that they were entitled to be considered for a selection under the Indian Administrative Services (Selection by Promotion) Regulations, 1955, for selection to the IAS. That case is different from the present cases in that the applicants therein were seeking inclusion in a panel of Deputy Collectors from a retrospective date whereas the applicants herein are seeking to question a panel giving retrospective appointment to certain Deputy Collectors viz., Respondents 4 and 5. The fact, however, remains that in both the cases direction sought from the Tribunal is to direct the State of Andhra Pradesh to prepare proper list of Deputy Collectors according to law. This Tribunal after considering various contentions held that the matter relating to fixation of seniority among the cadre of Deputy Collectors and connected matters are matters falling solely within the jurisdiction of the A.P. Administrative Tribunal. This Tribunal, therefore, declined to set-aside the list already prepared and placed before the Selection Committee and refused to admit the application. The said decision would be applicable to the present cases also. We, therefore, do not find ourselves in a position to admit the present applications in so far as relief no.1 is concerned and we reject the same. It is



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open to the applicants to approach this Tribunal if and when the seniority list is questioned before the A.P. Administrative Tribunal and revised in so far as respondents 4 and 5 are concerned.

9. The next question is whether the applications are maintainable independent of relief no.1. The learned counsel for the applicants himself stated that the reliefs 2 to 6 are consequential to relief no.1. In that event, it automatically follows that if relief No.1 is not maintainable, he cannot agitate or press for the other reliefs before this Tribunal. The learned counsel for the applicants had sought to contend at the time of arguments that relief can be given in regard to the other reliefs independent of relief no.1. However, a perusal of the said reliefs disclose that they are all distinct and separate reliefs and cannot be clubbed together with in one common application. Rule 10 of the Central Administrative Tribunal (Procedure) Rules, 1987, specifically lays down that an application shall be based upon a single cause of action and that an applicant may seek one or more reliefs provided that they are consequential to one another. A bare reading of reliefs clearly show that none of them are consequential to one another and that if the applicants are aggrieved, they have to file independent applications for each of the said reliefs. The applications in the present form for these plural reliefs are not maintainable and are liable to be dismissed. Dismissal of these applications of the applicants would, however, not

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preclude the applicants from filing independent applications if maintainable and so advised. The applications of the applicants are dismissed with these observations. No order as to costs.

D. Surya Rao
(D. SURYA RAO)
MEMBER (JUDL.)

R. Balasubramanian
(R. BALASUBRAMANIAN)
MEMBER (ADMN.)

DATED 15 JANUARY: 1989.

S. Venkay
DEPUTY REGISTRAR (J)
(C.I.Q)

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TO:

1. The Chief Secretary to Government, (State of Andhra Pradesh) Secretariat Buildings, Hyderabad.
2. The Secretary (Union of India), Ministry of Home, Department of personnel affairs, North Block, New Delhi.
3. The Secretary, Union public service commission, New Delhi.
4. Two copies to Mr. I.V.S. Rao, Advocate, Plot No.15, Aravinda Nagar, Hyderabad.
5. Sri C. B. Ramachandran, Advocate, for the Advocate General, Hyderabad, for R-1.
6. One copy to Mr. E. Dharma Rao, for the Advocate General, Hyderabad, for R-1.
7. One copy to Mr. P. Ramakrishna Raju, Sr. CGSC, CAT, Hyderabad for RR 2 & 3.
8. One copy to Mr. G. V. Vedantha Rao, Advocate, 4-3-410, Bank Street, Hyderabad-500 001. for R4.
9. One copy to Mr. Y. Suryanarayana, Advocate, 40 MIGH, Housing board Colony, Mehdipatnam, Hyderabad-500 028.

10. Two spare copies.

11. One copy to Mr. S. R. Rao, Advocate, Plot No. 18,

12. One copy to P.R. (J); CAT, Hyderabad

Draft by: Checked by: Approved by
D.R.(J)

Typed by: Compared by:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

HON'BLE MR. B. N. JAYASIMHA: (V.C.)
AND

HON'BLE MR. D. SURYA RAO: MEMBER (JUDL)

HON'BLE MR. D. K. CHAKRAVORTY: MEMBER: (A)
AND

HON'BLE MR. J. NARASIMHA MURTHY: MEMBER (J)

DATED: 15.1.90

ORDER/JUDGMENT

M.A./R.A./C.A./No. in

T.A. No. (W.P. No.)

O.A. No. 574 & 967/89.

Admitted and Interim directions
issued.

Allowed.

Dismissed.

Disposed of with direction.

M.A. Ordered.

No order as to costs.

Sent to Xerox on:

