

60

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD.

R.P.No.105/92 in
O.A.No.173/90.

Date of Judgement 7th April 1993

1. K.Rushya Rao, I.P.S.
2. R.C.Venkateswarlu .. Applicants/Applicants

Vs.

1. Union of India, Rep. by the Secretary, Min. of Home Affairs, New Delhi.
2. State of A.P. Rep. by the Chief Secretary, GAD(SC.C) Dept., Secretariat, Hyderabad.
3. Union Public Service Commission, Rep. by its Secretary, Dholpur House, New Delhi.. Respondents/Respondents

Counsel for the Applicants : Shri M.R.K.Choudary

Counsel for the Respondents : Shri N.R.Devaraj, Sr. CGSC & Shri A.Pandu Ranga Reddy, Spl. Counsel for the State of A.

CORAM:

Hon'ble Shri R.Balasubramanian : Member (A)

Hon'ble Shri T.Chandrasekhara Reddy : Member (J)

I Judgement as per Hon'ble Shri R.Balasubramanian, Member (A) I

The applicants herein seek a review of the judgement dt. 19.11.91 in O.A.No.173/90 on the ground that an error had crept in, in the judgement.

2. There was a delay of over 320 days in filing this review petition. However, after considering the points raised by the learned counsel for the applicants, the Bench condoned the delay and heard Shri M.R.K.Choudary for the applicants and S/Shri N.R.Devaraj and A.Pandu Ranga Reddy for the respondents
3. The contention of the applicants is that the date of inclusion of the applicants in the select list should be 6.12.79 instead of 4.11.81 as held by the Tribunal. In support of their contention our attention was drawn to the judgement dt. 5.9.91 in O.A.No.214/88 which was followed in judging

(71)

O.A.No.173/90 now sought to be reviewed. In that case, the date on which the Selection Committee placed the name of the applicant therein in the list (28.12.82) as the date of inclusion in the select list though the list was approved by the Union Public Service Commission (U.P.S.C. for short) later, on 9.3.83. In O.A.No.173/90 now considered, the select list was prepared on 6.12.79 but after protracted litigation was approved only on 4.11.81. It is the case of the learned counsel for the applicants that like in the case of the O.A. which was followed, this Bench ought to have treated the date of preparation of the list (6.12.79) as the date of inclusion of the applicant in the select list without any regard to the date of approval of the list (4.11.81). In-as-much as this was not done, an error is said to have crept in.

4. That the select list containing the names of the applicants was finally approved on 4.11.81 is not disputed. Whether the Tribunal erred in taking this as the date of inclusion in the select list is what is to be examined. According to Sub Regulation 3 of Regulation 7 of the I.A.S. (Appointment by Promotion) Regulations, 1955 the list (prepared by the Select Committee) as finally approved by the U.P.S.C. shall form the select list. It is also seen from item 16.1 of the Guidelines on Departmental Promotion Committee issued by the Dept. of Personnel, that the recommendations of the D.P.C. are advisory in nature and should be duly approved by the appointing authority. The rule position is thus clear. A list containing the names of persons selected becomes a select list ONLY when approved. Hence the earliest when a person can be considered to have been 'included' in the select list, is the date of approval of the list by the competent authority (4.11.81 in this case). This being the considered view of the Bench, there is no error apparent

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(24)

in the judgement in O.A.No.173/90. The review petition is liable to be dismissed and accordingly dismissed with no order as to costs.

R.Balasubramanian

(R.Balasubramanian)
Member (A).

T.Chandrasekhara Reddy

(T.Chandrasekhara Reddy)
Member (J).

Dated: 7th April, 1993.

Deputy Registrar (Judl.)

Copy to:-

1. Secretary, Ministry of Home Affairs, Union of India, New-Delhi.
2. Chief Secretary, GAD(SC.C) Department, State of A.P. Secretariat, Hyd.
3. Secretary, Union Public Service Commission, Dholpur House, New Delhi.
4. One copy to Sri. M.R.K.Choudhary, advocate, CAT, Hyd.
5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Sri. D.Panduranga Reddy, Spl. counsel for the State of A.P.
7. One spare copy.

Rsm/-

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P.M.

20/10/92

in

O.A.173/90

TYPED BY

COMPARED BY

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR.R.BALASUBRAMANIAN
MEMBER(ADMN)

AND

THE HON'BLE MR.T.CHANDRASEKHAR
REDDY : MEMBER(JUL)

DATED: 7/4/1993

ORDER/JUDGMENT

R.P./ C.P/M.A.No. 105792

in

O.A.No. 173/90

T.A.NO.

(W.P.NO)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions
Dismissed as withdrawn

Central Administrative Tribunal
DESPATCH

Dismissed

Dismissed for default.

Ordered/Rejected.

16 APR 1993

HYDERABAD BENCH.

No Order as to costs.

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7/4/93