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Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 173 of 1990

Date of Decision : 19.9.1991.

~~Exhibit~~

Mr. K. Rushya Rao and another

Petitioner.

Mr. Vaada Rajagopala Reddy

Advocate for the
petitioner (s)

Versus

Union of India and 25 others

Respondent.

Mr. N.R. Devaraj, Addl. CGSC

Advocate for the

Mr. D. Panduranga Reddy, Spl. Counsel for A.P.
Govt.

Respondent (s)

CORAM :

THE HON'BLE MR. J. Narasimha Murthy, Member (Judl.)

THE HON'BLE MR. R. Balasubramanian, Member (Admn.)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ? *yes*
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ? *yes*
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)


HJNM
M(J)


HRBS
M(A)

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S/Shri

9. Alok Srivastava
10. A. Shiva Shankar
11. M. Bhaskarish
12. M. Alagar
13. S.K. Jayachandra
14. M. Babu Rao
15. M. Ratan
16. Syed Anwarul Huda
17. Smt. C. Aruna Bahuguna
18. T.P. Dass
19. Ashok Prasad
20. M. Lakshminarayana
21. B. Prasada Rao
22. D.T. Naik
23. Syed Mazharull Haq
24. V. Bhaskara Reddy
25. K. Balakondayya
26. D. Narayana Rao

Respondents

(Respondent No. 26 was impleaded as one of the respondents as per orders of the Court in M.A.No.278/91, dated 1.3.1991)

COUNSEL FOR THE APPLICANTS: Mr. V. Rajagopala Reddy

COUNSEL FOR THE RESPONDENTS: Mr. N.R. Devaraj, Addl. CGSC

Mr. D. Panduranga Reddy,
Spl. Counsel for A.P. State

CORAM:

Hon'ble Shri J. Narasimha Murthy, Member (Judl.)

Hon'ble Shri R. Balasubramanian, Member (Admn.)

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI J. NARASIMHA MURTHY, MEMBER (JUDL.)

This petition is filed for a relief to quash the proceedings No. 1-15011/1/85-IPS., Govt. of India.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.173 of 1990

DATE OF JUDGMENT: 19.9.1991.

BETWEEN:

Mr. K. Rushya Rao

Mr. R.C. Venkateswarlu

Applicants

AND

1. Union of India, represented by
the Secretary,
Ministry of Home Affairs,
New Delhi.
2. The State of Andhra Pradesh
rep. by the Chief Secretary,
General Administration (S.C.C) Dept.,
Secretariate,
Hyderabad.
3. Union of Public Service Commission,
rep. by its Secretary,
New Delhi.
4. Mr. R.R. Girish Kumar
5. Mr. Balwinder Singh
6. Mr. K. Aravinda Rao
7. Mr. V. Dinesh Reddy
8. Mr. Umesh Kumar

of State Police Service in the order of seniority. The applicants though they were eligible for inclusion in select list after 8 years of continuous service, they were not included in the select list till the year 1979 i.e., for a period of 15 years. The claims of the applicants with meritorious service and who have earned the appreciation of several senior IAS officers were totally ignored. The applicants aggrieved by their lower ranking in the select list of 1979, ^{ed} question/the validity of the same in Writ Petition No.7617/79 before the Hon'ble High Court on the ground that the classification of the eligible candidates was improper and the select list is void. Pending the writ petition, the Government of India annulled the said select list by an order dated 22.4.1980 on the ground that the selection committee which drew-up the list was not properly constituted. In the result, the writ petition filed by the applicants was disposed of as unnecessary. Aggrieved by the annulment of the select list, two select list officers filed writ petition No.2826/80 for the issuance of writ of mandamus to set-aside the orders of annulment of the select list of Union Government dated 22.4.1980 and to direct the respondents therein to give effect to the select list finalised by the selection committee in its meeting held on 6.12.1979. The High Court allowed the writ

Ministry of Home Affairs, dated 23.7.1986, communicated to the applicants through the 2nd respondent in Memo No.1259/SCC/84-15, dated 11.8.1986 and to direct the respondents 1 to 3 to allot 1975 as the year of allotment in respect of the applicants and place the applicants immediately below Shri H.R.Kataria, IPS or to place them below Shri M.Bhaskaraiah, IPS and allot 1977 as their year of allotment or to place the 2nd applicant below Shri M.Ratan, IPS and allot 1978 as the year of allotment, as per Rule 3(3)(b) of the Indian Police Service (Regulation of Seniority) Rules, 1954 and to grant the applicants all consequential benefits arising therefrom. The brief facts of the case are as follows:-

The applicants first entered service in the Government of Andhra Pradesh as Deputy Superintendents of Police in the State Police Service by direct recruitment by the Andhra Pradesh Public Service Commission in the year 1964. The Deputy Superintendent of Police can be recruited to the Indian Police Service by promotion after completion of 8 years of service continuously. A Committee shall be constituted under Regulation 3 of IPS (Appointment by Promotion) Regulations, 1955, for preparation of a list of suitable officers for promotion to the Indian Police Service. Such Committee shall ordinarily meet every year and prepare a list, considering the cases of the members

the Director General and Inspector General of Police, Andhra Pradesh, Hyderabad. The applicants aggrieved by the fixation of the year of allotment and their seniority, made a representation to the 1st respondent and he rejected their request for refixation of seniority vide reply dated 7.11.1989. The applicants are therefore constrained to approach this Tribunal and filed this application for the above said relief.

4. The 1st respondent filed a counter with the following contentions:-

The seniority and the year of allotment of the IPS officers who were appointed to IPS before 27th July, 1988 are governed by IPS (Regulation of Seniority) Rules, 1954. The applicants were included in the select list on 4.11.1981 and continued to be so included till their appointment to the IPS on 17.10.1984. As there was no period of continuous officiation to the credit of the applicants, the date of their appointment to the IPS i.e., 17.10.1984 was taken as the crucial dates for determination of their seniority in the IPS. According to the information furnished by the State Government, late Shri Suresh C. Bahuguna, IPS was the junior most direct recruit who started officiating continuously in a senior post from 17.9.1984, i.e., a date earlier than the date of appointment of the

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petition on 1.7.1981 and held that the orders of annulment are invalid inasmuch as the selection committee was not improperly constituted. But there was no direction by the Hon'ble Court to give effect to the said select list prepared on 6.12.1979 for the subsequent years. The applicants had no opportunity to canvass the other aspects raised by them in W.P. No.7617/79 including the relative merits of the candidates included in the select list.

2. The first applicant has been continuously working in the senior scale post since 21.8.1981 and the 2nd applicant since 9.6.1983. They were included in the select list in 1979 and were appointed to the IPS on 17.10.1984. The respondents 4 to 25 are directly recruited as IPS officers. They were shown as seniors to the applicants. The applicants are claiming seniority over them in this application.

3. The 1st respondent in its proceedings dated 23.7.1986 issued orders allotting 1979 as the year of in respect of the applicants allotment in the IPS i.e., the year of allotment of Shri Suresh C. Bahuguna, a direct recruit, ~~xxxxxxxx~~ ~~xxxxxxxx~~ The said proceedings were communicated to the applicants through the memorandum of the 2nd respondent No.1250/SCC/84-15, dated 11.8.1986 and endorsement R.Dis.No.2964/G1/83, dated 26.8.1986 of

6. The 2nd respondent filed a counter with the following contentions:-

The applicants were first included in the select list of 1979, but they could not be appointed to the senior time scale of IPS as the list was questioned in the Court and was finally approved on 4.11.1981. No select lists were prepared for 1980 and 1981. In the select list prepared for 1982, the applicants were included again. Consequent on their inclusion in the select list of 1982 and as no suitable cadre officer was available, they were appointed to senior scale of IPS and they assumed the ~~senior~~ senior time scale post on 15.5.1983 and 9.6.1983 respectively. But the applicants were not appointed to IPS immediately for want of substantive vacancies. The applicants were appointed to IPS on 17.10.1984 based on their inclusion in the select list of 1983.

7. The respondents 4 to 22 are ~~only~~ recruited directly to the IPS of various years of allotment varying from 1976 to 1979. The respondents 23 to 25 are State Police Service officers appointed to IPS having 1979 year of allotment. In the select list of 1983 they were seniors to the applicants and they were appointed to IPS earlier than the applicants. The other aspects of the counter are similar to that of the counter filed by the 1st respondent.

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applicants to the IPS. The applicants were assigned the year of 1979 in the IPS under Rule 3(3)(b) of the IPS (Regulation of Seniority) Rules, 1954. In accordance with Rule 4(4) of the IPS (Regulation of Seniority) Rules, 1954, the applicants were placed below Shri K.Balakondaiah (SPS-79) in the gradation list of IPS officers of Andhra Pradesh.

5. The applicants have been continuously working in senior scale posts since 21.8.1981 and 9.6.1983 respectively. However, the Union of India have ignored their periods of continuous officiation in senior scale posts and their dates of appointment to the IPS have been chosen as crucial dates for determination of their seniority in IPS. The applicants claim seniority over the respondents No.4 to 25 who are directly recruited IPS officers. Since no period of cadre officiation of the applicants was approved as the State deputation reserve was over-utilised by the State Government, their dates of appointment to the IPS were taken as the crucial dates for determination of seniority in the IPS. The allocation of the year of allotment and the placement below late Suresh C. Bahuguna in respect of the applicants is not violative of Rule 3(3)(b) of the IPS (Regulation of Seniority) Rules, 1954 and Regulation 3 of IPS (Appointment by Promotion) Regulations, 1955 and Article 14 and 16 of the Constitution of India. Hence, the application is devoid of merits and liable to be dismissed.

applicants, aggrieved by their lower ranking in the select list of 1979, questioned the validity of the same in Writ Petition No. 7617/79 before the Hon'ble High Court. Afterwards, 1979 select list was cancelled by the Government. Thereafter, two select list officers filed W.P. No. 2826/80 for issue of a writ of mandamus to set-aside the orders of annulment of the select list ~~finalised by the selection committee~~ of Union Government dated 22.4.1980 and to direct the respondents therein to give effect to the select list finalised by the selection committee in its meeting held on 6.12.1979. That writ petition was allowed and the petitioners therein were benefited by that judgment. There was no direction by the Hon'ble High Court to give effect to the said select list prepared on 6.12.1979 for the subsequent years.

10 ⑧ The first applicant has been continuously working in the senior scale post since 21.8.1981 and the 2nd applicant has been working continuously in the senior scale post since 9.6.1983. They were included in the select list in 1979 and were appointed to IPS on 17.10.1984. Their year of allotment was given as 1979 as the year of allotment. Aggrieved by this, they filed this application.

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8. In this case, the learned counsel for the applicants, Shri Vaada Rajagopala Reddy; the learned Additional Standing Counsel for the Central Government/ Respondent No.1 and 3, Shri N.R.Devaraj; and the learned Special Counsel for the State of Andhra Pradesh/ Respondent No.2, Shri D.Panduranga Reddy, argued the matter.

9. The applicants entered service in the Govt. of Andhra Pradesh as Deputy Superintendents of Police in the State Police Service by direct recruitment by the Andhra Pradesh Public Service Commission, ^{in 1964} A Deputy Superintendent of Police can be recruited in the IPS by promotion after completion of not less than 8 years of continuous service. The Indian Police Service (Recruitment) Rules, 1954 provides for initial appointment of a person recruited to IPS by promotion who shall be in the senior ~~maxx~~ scale post. A committee shall be constituted and it shall ordinarily meet every year and prepare a list, considering the State Police Service officers in the order of seniority. The applicants though eligible for inclusion in the select list after 8 years of continuous service, they were not included in the select list till 1979 i.e., for a period of 15 years. The claim of the applicants is that they have done meritorious service and earned appreciation of several ^{senior} officers of Indian Administrative Service and their claim was totally ignored, while fixing the year of allotment. The

Districts. After extracting the work of a senior scale officer, by following the trivial technicalities, if the respondents deny the benefit of their continuous officiation in the senior time scale posts, it is contrary to the principles of natural justice. Moreover, when an officer is posted in a senior scale post like Additional Superintendent of Police, it is the duty of the State Government to report the same to the Central Government and the Central Government in turn to report the same to the UPSC. If the Governments did not discharge their duties as per the rules, that should not cause any hindrance or loss to the service of the officers. Moreover, if a direct recruit IPS officer after completion of his four years training is posted in a District as Addl. Superintendent of Police, the Department calls him as a cadre officer and if a State Police Service officer recruited directly as Deputy Superintendent of Police, after completion of more than 15 years of service, is posted in the same District as Additional Superintendent of Police, he was not called as a cadre officer though he discharges his duties more meritoriously as Additional Superintendent of Police. It is really unjust ~~and~~ ^{discriminatory} and violative of Articles 14 and 16 of the Constitution of India.

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119. The respondents while fixing the year of allotment and also in seniority, relied upon the Rule 3(3)(b) read ~~in~~ with Explanation-I of the IPS (Regulation of Seniority) Rules, 1954. Their further contention is that though the applicants officiated as Additional Superintendents of Police or in the senior posts, that officiation was only for three months or less which cannot be considered at all as officiated in the senior scale post and if continuous officiation was for a period of six months or more, the State Government must bring the same to the notice of the Central Government and the Central Government in turn should place it before the Union Public Service Commission and the UPSC has to approve the same. Then only their officiation in the senior post will have recognition. Otherwise, it cannot be treated as their officiation in the senior scale posts. It is a fact that the applicants officiated in the senior scale posts for a long time because they have put up meritorious service for more than 15 years in the State ~~XXXXXX~~ ~~XXXXXX~~ Police Service and also because they have got appreciation from the Department as well as from the senior IAS officers. Basing on their meritorious service, they were put incharge of the District as Additional Superintendents of Police in various

13. The Additional Superintendent of Police is incharge of the District next to the Superintendent of Police whereas the Assistant Superintendent of Police Grade-I is only incharge of a Division. The Assistant Superintendent of Police Grade-I has to submit his reports to the Addl. Superintendent of Police and if for any reason in the absence of the Superintendent of Police of the District, the Addl. Superintendent of Police has to act in his place. In any view of the matter, Additional Superintendent of Police of a District is superior in rank than the Assistant Superintendent of Police Grade-I. The applicants discharged their duties efficiently as Additional Superintendents of Police in the District which shall be treated as senior posts and in determining the seniority, this aspect also has to be taken into consideration.

14. The respondents admitted that the applicants were included in the select list in 1982 but they were appointed to IPS on 17.10.1984 based on their inclusion in the select list of 1982. By the time when they were included in the select list of 1982, the 1st applicant Mr. Rushya Rao was working in the cadre post in West Godavari District from 21.8.81 and the 2nd applicant was working in the senior cadre post from 9.6.83. The applicant was included in the select list on 4.11.82. By that time the 1st petitioner was working in the cadre post as Additional Superintendent of Police, West Godavari from 21.8.81. Because he is holding cadre post from 21.8.81 he is entitled to get his seniority in appointment to I.P.S. from 4.11.81 but not from 17.10.84.

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10. The applicants worked as Additional Superintendents of Police after completion of more than 15 years of service and by that time a direct recruit IPS officer may be in training or at the most he must be acting as Assistant Superintendent of Police Grade-I. Additional Superintendent of Police is higher post than the Assistant Superintendent of Police Grade-I. In this connection, it is necessary to cite a Judgment of the High Court of Andhra Pradesh in Writ Petition No.6648 of 1979 (K.R.Nandan and another Vs. Union of India and others) wherein their lordships held as follows:-

"We have no doubt that having regard to the functions, duties and responsibilities of the Additional Superintendent of Police and ASP Grade-I, the post of Additional Superintendent of Police is clearly superior to that of ASP Grade-I and the two posts cannot be considered equal in status and responsibility. It may be that the post of ASP Grade-I carries greater emoluments than a non-cadre Additional Superintendent of Police, but that is of no relevance in considering whether the two posts are equal in status and responsibility. In E.P.Royappa Vs. State of Tamil Nadu (AIR 1974 SC p.555 at p.580), it was pointed out that in considering whether two posts are equivalent the Government must apply its mind to the nature and responsibilities of the functions and duties attached to the post. The pay attached to the post is not material."

others) wherein their lordships held that "for the purpose of assigning the year of allotment, the date of continuous officiation in a senior post is the only relevant factor."

16. The respondents in support of their contentions cited a Judgment of the Patna High Court in CWJC No.3332 of 1984, dated 16.8.1985 (D.C.Sinha's case) which was ^{Confirmed} ~~approved~~ by the Supreme Court, in which their lordships held that "the period of officiation in a cadre post from 18.5.1973 to 8.8.1973 rendered by Shri Sinha was not approved, as during that period Shri Sinha was a non-select list officer and while appointing him to the cadre post, the interse seniority in the State Police Service was not maintained by the Government of Bihar. The period of officiation from 1.7.74 to 25.4.75 could not have been approved as one of Shri Sinha's seniors in the select list was not holding a cadre post and no certificate could have been issued by the State Government in his favour under Explanation-4 of R-3(3)(b) of the IPS (Regulation of Seniority) Rules, 1954 as some of the conditions laid down therein were not fulfilled, that the appointment of Shri Sinha to cadre post in preference to his seniors was in contravention of Regulation 8 of the IPS (Appointment by Promotion) Regulation, 1955. Therefore, 26.4.1975 was taken to be the crucial date for determination of seniority of Shri Sinha in

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~~promotion to IPS from 1982 but not from 17.10.1984 as per Rule 3(3)(b) of the IPS (Regulation of Seniority) Rules, 1954.~~

15. The applicants are claiming their year of allotment to be fixed as 1975 and to place them below Shri H.R.Kataria, IPS or to place them below Shri M.Bhaskaraiah, IPS and allot 1977 as their year of allotment or to place the 2nd applicant below Shri M.Ratan, IPS and allot 1978 as the year of allotment. The Government allotted 1979 as their year of allotment basing on Rule 3(3)(b) of the IPS (Regulation of Seniority) Rules, 1954. The applicants contend that Explanation-I was relaxed by the Supreme Court in its various Judgments and they stated that the continuous officiation in the senior posts must be given weight and the applicants should be given that benefit while fixing their year of allotment. In support of their contention, the applicants cited a Judgment of the Supreme Court reported in AIR 1986 SC 348 (Union of India Vs. G.N. Tewari and others) wherein their lordships held that "continuous period of officiation in a senior post has to be taken into consideration in reckoning the year of allotment." The applicants also cited another Judgment of the Supreme Court reported in AIR 1980 SC 1275 (B.R.Kapur Vs. Union of India and

of preparing the select list by the Government. Hence, the question of the period of officiation of the petitioners therein in senior posts ^{even} prior to inclusion of their names in the select list was required to be considered for assigning the year of allotment to them by excluding Explanation-I to Rule 3(3)(b) of the IPS (Regulation of Seniority) Rules, 1954. Since the Explanation-I to the above rule was allowed to stand, the Allahabad Bench considered application of Rule 3 of All India Services (Conditions of Service - Residuary Matters) Rules, 1960 which runs as below:

- (i) any rule made or deemed to have been made for the All India Services Act, 1951, (61 of 1951), or
- (ii) any regulation made under any such rule, regulating the conditions of service of persons appointed to an All India Service causes undue hardship in any particular case, it may, by order, dispense with or relax the requirements of that rule or regulation, as the case may be, to such extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable manner.

The Allahabad Bench by a majority decision, therefore, decided that the officiation in cadre posts ^{even} prior to inclusion of their names in the select list has to be counted for assigning the year of allotment to them ~~in view~~ ^{applying} of the relaxation provided for. But, in the case before us there has been no violent departure from the rules and, therefore, the application of the Bhupendra Singh's case does not arise here.

18. The 1st applicant has been officiating in the senior time scale post since 21.8.1981 till he was promoted to Indian Police Service. From 21.8.1981 to 28.11.1982, he worked as Additional Superintendent of Police, Eluru, West Godavari District; from 29.11.1982 to 5.5.1983, he worked as Additional Superintendent of Police, Kurnool; from 9.11.1983 to 17.10.1984, he worked as Deputy Commissioner of Police, Administration, Hyderabad, when he was posted as Superintendent of Police, Nalgonda. All the above promotion and posting orders are at Annexures-I, II and III of the application. The entire period from

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the IPS under Rule 3(3)(b) of the IPS (Regulation of Seniority) Rules, 1954. Shri Sinha was, therefore, assigned 1971 as the year of allotment. The High Court of Judicature at Patna directed that 18.5.1973 has to be taken as the date of commencement of continuous officiation of Shri Sinha in a senior cadre post for determining the seniority of Shri Sinha. Consequently, the Central Government refixed the seniority of Shri Sinha as the year 1969."

18. The applicants also cited a Judgment in O.A.No.583 of 1986 (Reference No.1 of 1987) "Bhupendra Singh and 11 others Vs. Union of India and 49 others", wherein the Central Administrative Tribunal, Allahabad Bench observed that-

"So, on the facts and in the circumstances of the case, we take cognizance of it that by conduct the Government has relaxed the requirement of Explanation 1 to Rule 3(3)(b) of the Indian Police Service (Regulation of Seniority) Rules. To my mind, this view will not only conform to the mandate of the Hon'ble Supreme Court but would also be just and equitable."

The situation obtaining in the case before us is entirely different. In the case of Bhupendra Singh & 11 others Vs Union of India & 49 others, referred to above, the situation was that there was a violent departure from the rule

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posts in 1980. But the applicants who were also included in the select list of 1979 were not posted to cadre posts in 1980 though there were vacancies of cadre posts of Additional Superintendents of Police. The above action of the respondents is against the rules and detrimental to the seniority of the applicants.

11. Salient particulars about the applicants:

	<u>Shri K.Rushya Rao. (A1)</u>	<u>Shri R.C.Venkateswarlu. (A2)</u>
Continuous officiation in Senior Post.	21.8.81	9.6.83
Date of inclusion in Select List.	4.11.81	4.11.81
Appointed to I.P.S.	17.10.84	17.10.84

Following a majority judgment of this Bench delivered on 5.9.91 in O.A.No.214/88 in a similar case, Shri K.Rushya Rao (A1) is entitled to 4.11.81 as the date for reckoning his year of allotment because even prior to that he had been officiating continuously in a senior post. However, in the case of Shri R.C.Venkateswarlu (A2), a strict application of Explanation-I to Rule 3(3)(b) of the IPS (Regulation of Seniority) Rules, 1954 would be harsh. While Shri R.C.Venkateswarlu was included in the 4.11.81 list itself he got officiating chance in senior post only from 9.6.83. Against this, at least one of his juniors Shri G.Ramachandra Reddy who was not included in this list but was included in the subsequent list was given the benefit of 28.12.82 for purpose of year of allotment.

✓ If Explanation-I is to be applied strictly, then Shri R.C.Venkateswarlu can only get 9.6.83 as the date for reckoning the year of allotment. This is an anomalous situation and causes undue hardship to Shri R.C.Venkateswarlu.

21.8.1981 till 17.10.1984 he was officiating continuously in senior time scale cadre posts and therefore he is entitled to count the said period for fixation of his seniority.

19. The 2nd applicant had been officiating continuously in senior time scale cadre posts from 9.6.1983 till he was promoted to Indian Police Service. He worked in the post of Commandant-V Battalion, Andhra Pradesh Special Police, Vizianagaram from 9.6.1983 to 9.9.1983; in the post of Superintendent of Police, Chittoor from 11.9.1983; in the post of Superintendent of Police, Khammam from 5.9.1984; again as Superintendent of Police, Chittoor from 8.10.1984 till he was promoted to Indian Police Service. Thus, the 2nd applicant is entitled to count the entire period from 9.6.1983 to 17.10.1984 for fixing his seniority.

20. The applicants contend that their juniors viz., S/ Shri Anandaiah, V. Ramachandriah and P.V.V. Satyanarayana and who were also not included in the select list, were posted to the senior scale cadre posts since 1977. Again, the officers who were included in the select list of 1979, viz., S/ Shri T. Ramaiah, G.A. Rahim, G. Pulla Reddy, M.V. Ramachandra Rao, Seshagiri Rao and D. Narayana Rao were posted to cadre

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Hence, to neutralise this anomaly the relaxation clause has to be resorted to. We, therefore, direct the respondents to apply the relaxation clause referred to in para 15 and take 4.11.1981 as the date in this case also for reckoning the year of allotment. Hence, we direct that in the cases of both the applicants, 4.11.1981 should be taken as the date for purpose of year of allotment. While reckoning the continuous officiation vis-a-vis direct recruits, senior posts would cover both Additional Superintendent of Police and Assistant Superintendent of Police Grade-I. We direct the respondents to refix the year of allotment based on the above directions within 3 months of receipt of this Judgment.

29. We dispose of the application thus with no order as to costs.

M.S
(J. Narasimha Murthy)
Member (Judl.)

R.Balasubramanian
(R. Balasubramanian)
Member (Admn.)

Dated: 19th September, 1991. *8239/91* Registrar.

To

1. The Secretary, Union of India, Ministry of Home Affairs, New Delhi
2. The Chief Secretary, State of A.P. General Administration (S.C.C) Dept., Secretariat, Hyderabad.
3. The Secretary, U.P S.C. New Delhi.
4. One copy to Mr. V. Rajagopala Reddy, Advocate, CAT.Hyd.
5. One copy to Mr. N.R. Devraj, Addl. CGSC. CAT.Hyd.
6. One copy to Mr. D. Panduranga Reddy, Asst. Counsel for State of A.P.
7. One copy to Mr. Alok Sinha, Assistant Director, Subsidary Intelligence Bureau, Ministry of Home Affairs, CAT.Hyd.
8. One copy to Hon'ble Mr. J. Narasimha Murthy, Member (J) CAT.Hyd.
9. One spare copy. *Copy*
10. Copy to all Benchers and Reporters as per standard list of CAT.Hyd.
11. One copy to Mr. Umesh Kumar, I.P.S. Central Intelligence Officer, Ministry of Home Affairs, Government of India, Varanasi.

21-11-1991