

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD
BENCH AT : HYDERABAD

O.A. No.80/90

Date of order: 19th Sep. '90

BETWEEN

M. Ramakrishna Sarma

.. Applicant

1. The Union of India represented
by its Secretary, Dept. of
Personnel & Training,
Central Secretariat, North Block,
New Delhi.

2. The Secretary,
Union Public Service Commission,
Dholpur House, New Delhi.

3. Chief Secretary,
Govt. of Andhra Pradesh,
Secretariat, Hyderabad.

4. The Principal Secretary,
Govt. of A.P., Revenue Dept.,
Hyderabad.

.. Respondents

APPEARANCE

For the Applicant : Sri Y. Suryanarayana, Advocate

For the Respondents : Sri E. Madan Mohan Rao, Addl.
No.1 & 2 Standing Counsel for Central Govt.

No.3 & 4 : Sri D. Pandu Ranga Reddy, Standing
Counsel for R 3 & 4.

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

THE HON'BLE SHRI R. BALASUBRAMANIAN, MEMBER (ADMN)

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

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The applicant herein is an employee of the Andhra Pradesh State Civil Services working as Special Grade Deputy Collector. He had earlier filed O. A.No.362/89 for inclusion in the select list for 1988. The facts giving rise to this as briefly stated by the applicant are as follows:

The applicant states that he was initially sought to be regularised as Deputy Collector in the A.P.Revenue Service w.e.f.31.8.1978 which was the date shown in the Provisional list published in G.O.Ms. No.1129, Revenue Dept. dt.2.12.1987. Subsequently by G.O.Ms. No. 550 Revenue Dept., dt.1.8.1988 the date of regularisation was altered to 7.2.1979. Due to the alteration irreparable damage caused to him by loss of seniority. He lost an opportunity for inclusion in the select list by the Committee which met in 1987. He seeks to contend that retrospective regularisation gave him a right for being considered for inclusion in the select list for appointment to the I.A.S., by the Committee which met in 1987. He has referred to the decision of the Madras Bench of the Tribunal in P.V. Subramanyam Vs. Union of India and another (1987) 3 ATC 598: 1987 (3)SLJ (CAT)97. The applicant also refers to the Selection Committee meeting which took place on 26.12.1988 for making selections to fill up vacancies in the I.A.S., in the year 1989. He ~~also~~ contends that the selection Committee again met on 6.1.1990 and that he reliably understands that his name was not included in the select list prepared as a consequent thereto for promotion to the I.A.S., to vacancies

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of the year 1990. He contends that his junior Shri K. Ram Reddy who is 10 places junior to the applicant in the category of Deputy Collectors has been included in the select list by the Committee which met on 6.1.1990 and that in selecting this officer the Committee had acted arbitrarily. He further goes on to contend that under the regulations viz., I.A.S (Appointment by Promotion) Regulations selection to the I.A.S., should be based on merit assessed on overall record and annual C.Rs., that this procedure was not followed in the instant case. The applicant seeks to contend that his record of service was meritorious and outstanding and that there is no reason as to why his name has not been included in the select list for the years 1988 and 1990. He further seeks a direction from the Tribunal to summon the annual C.Rs and to make its own assessment in regard to whether his record was meritorious and outstanding.

2. On behalf of the State Govt. a counter has been filed explaining the circumstances under which the applicant's date of regularisation was provisionally fixed as 31.8.1978 and later altered to 7.2.1979 and it is contended that there was no illegality or irregularity in regard to his regularisation in the category of Deputy Collectors. In so far as Shri Ram Reddy is concerned the counter states that Shri Ram Reddy ^{was} originally included in the panel of Deputy Collectors for the year 1977-78 at S.No.21 of the list approved in G.O. Ms.No.1095 dt. 20.11.1987 wherein the applicant was placed at S.No.9, that due to revision of seniority in the cadre of Tahsildars,

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the seniority of Sri Rami Reddy was revised in the cadre of Deputy Collectors by G.O.Ms. No.1062 Revenue Department dated 24.10.1989 and his name was placed at S.No.3/1 instead of at S.No.21. By virtue of this revision of seniority Sri K. Ram Reddy, Deputy Collector became senior to the applicant in the cadre of Deputy Collectors. It is stated that the Selection Committee which met on 6.1.1990 made the selection on the basis of overall assessment of relative record of service and assigned a grading to each officer including the applicant. However, the applicant's name could not be included in the list because he was junior to those who were included in the select list. Both Shri K. Ram Reddy and the applicant were assigned the same grading by the Selection Committee in accordance with the Sub-Regulation 5(5) of Promotion Regulations and the former by virtue of his seniority got included in the select list.

3. On behalf of the Union Public Service Commission no counter has been filed but Sri Madan Mohan relies on the parawise remarks furnished. Copies of the remarks have been served upon the applicant and also furnished to the Court. It is contended therein that the Selection Committee which met on 26.12.1988 for preparing the select list for filling up of vacancies in the year 1988 and the Selection Committee which met on 6.1.1990 prepared the select list in accordance with the procedure laid down in Regulation 5(5) for filling up vacancies for the years 1989 and 1990. It is also stated that record of the applicant and other officers who were considered for selection

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were duly assessed in accordance with the sub-regulation 5(4) and 5(5) and grading given on the basis of overall assessment of service record. In so far as the list is concerned, it is stated that the select list for 1990 was determined to be 7 in accordance with sub-regulation 5(1) of the Promotion Regulations^{1st P} and the zone of consideration was restricted to 21 officers and on the basis of overall assessment the committee assigned the grading to all officers including the applicant. The applicant's name could not be included in the select list because the applicant is junior to those who were included in the list and also because of the statutory limit on the size of the Select list. In so far as Mr. K. Rami Reddy is concerned it is stated that though the applicant and Shri Rami Reddy were assigned the same grading, the latter was included in the select list as he is senior to the applicant. It is contended that the^{applicant R} cannot substitute his own judgement for that of the Selection Committee.

4. We have heard Shri Y. Suryanarayana, learned counsel for the applicant, Shri E. Madan Mohan Rao, Addl. Standing Counsel for the Central Govt., and Shri D. Panduranga Reddy, Standing Counsel for the Respondent No.3 and 4. Regarding the pleas of the applicant that he should have been assigned 7.2.1979 as retrospective date of regularisation instead of 31.8.1978 and that Shri K. Rami Reddy should not have been shown as senior to the applicant in the cadre of Deputy Collectors, we are of the view that^{these R} they are not the matters which can be agitated before this Tribunal. The question

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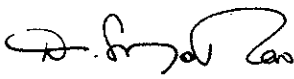
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of rights in regard to his conditions of service as Deputy Collector in the A.P. State Civil Service and whether he is senior to Shri Rami Reddy or not are ^{and come only within the purview of the A.P. State Administrative Tribunal} beyond scope and jurisdiction of this Tribunal. In regard to the averments of the applicant that he was entitled to inclusion in the select list prepared by the Committee which met on 26.12.1988 the applicant ^{viz O.A. 362/1989} has filed a separate application which we have disposed of today and so we are limiting ourselves to consideration of the question whether the applicant had a right to inclusion in the select list prepared for the year 1990. To determine this claim, we have called for the record of the Selection Committee. We find that the procedure prescribed in regulation 5 of the Promotion Regulations has been followed and the applicant was duly considered and given the grading 'Very Good'. However, because he was lower down in the seniority list of Deputy Collectors, he could not find a place in the select list. ^{Consequently} and we find no reason for interfering with the selection committee proceedings. The applicant has also contended that he should have been given grading of 'Outstanding' on the basis of his record of service. He has also pleaded that the Tribunal itself should call the A.C.Rs of the applicant and those of the officers ^{selected} ~~selection~~ and make its own assessment in this regard. These contentions have previously been

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raised in O.A. No.362/89 wherein we have rejected the said contentions applying the Supreme Court Judgement reported in AIR 1988 (SC) 1069.

5. For the reasons given in the preceeding paragraphs we find no merit in the application. Accordingly the application is dismissed. No order as to costs.



(D. SURYA RAO)
MEMBER (JUDICIAL)



(R. BALASUBRAMANIAN)
MEMBER (ADMINISTRATION)

Dt. 14th Sept., 1990


By Deputy Registrar (Judl)

To

1. The Secretary, Union of India,
Dept. of Personnel & Training, Central Secretariat,
North Block, New Delhi.
2. The Secretary, Union Public Service Commission
MVs Dholpur House, New Delhi.
3. The Chief Secretary, Govt. of A.P., Secretariat, Hyderabad
4. The Principal Secretary, Govt. of A.P.,
Revenue Dept., Hyderabad.
5. One copy to Mr. Y. Suryanarayana, Advocate
40 MIG Housing Board Colony, Mehidipatnam, Hyderabad.
6. One copy to Mr. E. Madanmohan Rao, Addl. CGSC. CAT. Hyd-Bench
7. One copy to Mr. D. Panduranga Reddy SC for R-3 & 4. CAT, Hyderabad.
8. One  copy to Honble Sri. R. Balasubramanian, member (A), CAT, Hyderabad.
9. one spare copy.


20/9/90.