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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO. 257 of 1991

DATE OF JUDGMENT: 14. 3. 1991 14-3-91

BETWEEN:

Mr. N. Prabhakar Rao

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Applicant

AND

1. State of Andhra Pradesh, represented by the Chief Secretary to Government, Govt. of Andhra Pradesh, Secretariat, Hyderabad.
2. The Govt. of India, represented by the Secretary to Government, Home Ministry, Dept. of Personnel, New Delhi.
3. The Union Public Service Commission represented by its Secretary, New Delhi.
4. The Selection Committee of State of Andhra Pradesh for selection to I.A.S. Cadre, represented by the Chief Secretary, to Govt., Govt. of A.P., Secretariat, Hyderabad.

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Respondents

COUNSEL FOR THE APPLICANT: Mr. G. Vedantha Rao, Advocate

COUNSEL FOR THE RESPONDENTS: Mr. Naram Bhaskar Rao, Addl. CGSC
Mr. D. Panduranga Reddy, Spl. counsel for State of A.P.

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CORAM:

Hon'ble Shri B.N.Jayasimha, Vice Chairman

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

ORDERS

INTERIM ~~of~~ OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI B.N.JAYASIMHA, VICE CHAIRMAN

The applicant is an Additional Registrar of Co-operative Societies, Government of Andhra Pradesh. In this application he seeks that (a) to declare the Regulation 3 of Indian Administrative Service (Appointment by Selection) Regulation, 1956 as ultravires under Articles 14, 16 and 21 of the Constitution of India; (b) to declare Indian Administrative Service (Appointment by Selection) Regulations, 1956 as ultravires under Articles 14, 16 and 21 of the Constitution of India; (c) to declare the action of the Respondents in not sponsoring the applicant for consideration by the Selection Committee as arbitrary, illegal; (d) to set-aside the selections made to the Indian Administrative Service (Appointment by Selection) and (e) to make de novo selection by sponsoring the applicant and other qualified persons.

2. The applicant states that he joined as a direct recruit to the post of Deputy Registrar of Co-operative Societies in the year 1964 on being selected to Group I Services by the Andhra Pradesh Public Service Commission. He was promoted in 1970 as Special Cadre Deputy Registrar; as Joint Registrar of Cooperative Societies in 1974 and as Additional Registrar of Cooperative Societies in May 1990.

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He has excellent record of service throughout. He also held the posts of Regional Joint Registrar of Cooperative Societies, Managing Director of Co-operative Sugar Factories, Managing Director of State Consumers Federation and Additional Registrar of Cooperative Societies which are all held by officers belonging to the Indian Admve. Service. He states that he is fully eligible for selection and appointment to the Indian Administrative Service under the Indian Admve. Service (Appointment by Selection) Regulations. The applicant states that under Regulation 3 of the Indian Administrative Service (Appointment by Selection) Regulations, 1956, a Gazetted Officer with a minimum continuous service of 8 years in the State Government in a post involving duties of importance and responsibilities to that of State Civil Service, ~~is xxxxxxxxxxxxxxxxx considered on xx the Indian Admve xx Services,~~ is eligible for consideration to the Indian Admve. Service by selection. The Regulation 3 postulates the State Govt. to sponsor candidates: (a) who have outstanding merit and ability and (b) if completed 8 years of continuous service. The applicant states that the regulations are silent as to who makes the selection for sponsoring the candidate for eventual consideration by the Selection Committee constituted under Regulation 3 of the IAS (Appointment by Promotion) Regulations 1955, but merely designates the State Government to select the candidate to be sponsored and it does not lay down criteria for the selection, except mentioning that the person to be sponsored should be of outstanding merit and ability.

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4. The applicant also contends that as selections from the both streams are from Gazetted Officers of the State Government, different norms are observed and this also constitutes discrimination.

5. The applicant states that about 25 candidates from other services have been called for interview by the selection committee from 15.3.1991. In his own Department, M/s C. Narasimha Reddy, Feroz Jinnah, Brahmiah, Bhasker Prasad, Sanjeeva Rao, R.Ar'nachal Rao and L.N.Reddy are being called for selection. All the six persons, except Shri L.N.Reddy are juniors to the applicant holding inferior post of Joint Registrars, than that of the applicant. He also contends that his service record is far better than that of the other

officers. Hence, he has filed this application.

6. Admit, issue notice to the respondents returnable in four weeks. Post before the Registrar for filing counter. Respondents to file counter within four weeks from the date of receipt of notice.

7. The applicant seeks an interim direction that the Respondent No.1 be directed to sponsor his name also for consideration and interview by the Selection Committee which is scheduled to meet on 15th and 16th March, 1991. Opposing any interim directions, Shri D. Panduranga Reddy, learned Special Counsel for the State Government, says that for sponsoring the names of the officers working in different departments, the departmental authorities consider the 12 years confidential reports of the eligible candidates in each department and on the basis of an assessment of those confidential reports, the names of the persons with outstanding merit are recommended. Mere seniority is not the criteria for making selection. Shri Panduranga Reddy is, however, not able to place before us any instructions issued

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laying guidelines for selecting candidate for being sent before the Selection Committee. Shri G. Vedantha Rao, learned counsel for the applicant, on the other hand contends that the applicant, who is far senior, ~~as~~ has an outstanding record, could not have been ignored on any consideration.

8. On a consideration of these facts, we direct the respondent No.1 to send the name of the applicant (for selection to I.A.S) for being considered and interviewed by the Selection Committee (Respondent No.4) at the forthcoming meeting of the Selection Committee scheduled to be held on 15th and 16th March 1991. The result of the selection, insofar as the applicant is concerned, will however not be published, till the disposal of this O.A.

B.N.Jayasimha

(B.N.JAYASIMHA)
Vice Chairman

MS

(J.NARASIMHA MURTHY)
Member(Judl.)

Dated: 14th March, 1991.

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Deputy Registrar (A)

To

1. The Chief Secretary, ^{to Govt} State of A.P.
Govt. of A.P. Secretariat, Hyderabad.
2. The Secretary to Govt. Govt. of India, Home Ministry,
Dept. of Personnel, New Delhi.
3. The Secretary, Union Public Service Commission, New Delhi.
4. The Chief Secretary, ^{to Govt.} Govt. of A.P.
The Selection Committee of State of A.P. for selection to
I.A.S. Cadre, Secretariat, Hyderabad.
5. One copy to Mr. G. Vedanta Rao, Advocate, CAT. Hyd. Bench.
6. One copy to Mr. N. Bhaskar Rao, Addl. CGSC. CAT. Hyd.
7. One copy to Mr. D. Panduranga Reddy, Spl. Counsel for A.P. State.
8. One spare copy.

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Pending

6/10/91
6/10/91

CHECKED BY

APPROVED BY

TYPED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. B. N. JAYASIMHA : V.C.

AND

THE HON'BLE MR. D. SURYA RAO : M(J)

AND

THE HON'BLE MR. J. NARASIMHA MURTY : M(J)

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

Dated: 14- } -1991.

ORDER / JUDGMENT

M.A./R.A. /O.A. NO.

in

T.A. No.

W.P. No.

O.A. No.

257/91

Admitted and Interim directions
issued.

Allowed

Disposed of with direction

Dismissed

Dismissed as withdrawn

Dismissed for default 1 APR 1991

M.A. Ordered/Rejected HYDERABAD BENCH.

No order as to costs.

