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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.306/91.

Date of Judgement : 5-08-94

P.Venkaiah, IPS

.. Applicant

Vs.

1. Union of India,
Rep. by its Secretary,
Min. of Home Affairs,
Central Secretariat,
North Block,
New Delhi-110001.
2. Union of India,
Rep. by its Secretary,
Min. of Personnel & Trg.,
Central Secretariat,
North Block,
New Delhi-110001.
3. Govt. of Andhra Pradesh,
Rep. by its Chief Secretary,
Secretariat,
Hyderabad-500022.
4. Sri A.Hanumantha Reddy, IPS,
DIG of Police, CB.CID.,
O/o the IG of Police, Crimes,
Lakdi-ka-pul, Hyderabad.
5. Sri K.Krishna Murthy, IPS,
DIG of Police,
O/o the DG of Police,
Lakdi-ka-pul, Hyderabad. .. Respondents

Counsel for the Applicant : Shri Y.Suryanarayana for
M/s. C.Vani Reddy

Counsel for the Respondents: Shri N.V.Ramana, Addl. CGSC
Counsel for the Respondents : Shri D.Panduranga Reddy, Sp. Counsel
for AP. for R-3.

C O R A M

Hon'ble Shri A.V.Haridasan, Member(J)

Hon'ble Shri A.B.Gorthi, Member(A)

J u d g e m e n t

X As per Hon'ble Shri A.B.Gorthi, Member(A) X

The grievance of the Applicant is against the decision of Respondent No.1 as conveyed under Order No.I-15016/16, 86-IPS.I dt. 8.6.1981 in which his name was shown below S/Shri A.Hanumantha Reddy (R4) and K.Krishna Murthy (R5)

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although all the three of them were assigned 1973 as their year of allotment and although the Applicant's name was shown above the other two in the Select List dated 9.1.1978.

2. Facts of the case, so far as the background history of the case is concerned, are the same as in O.A.No.911/90 which we have disposed of today by a separate order. Admittedly the Applicant was senior to R4 and R5 upto and including the time of selection to Indian Police Service. The name of the Applicant figured above R4 and R5 in the Select List dated 9.1.1978. Initially the year of allotment of the Applicant was fixed as 1975 but when the Tribunal ordered in O.A.No.395/86 that the Applicant's year of allotment needs to be revised, the same was determined as 1973. While so determining it, the Central Government (Respondent No.1) placed the Applicant below R4 and R5 in the gradation list, vide the impugned order.

3. Andhra Pradesh State Government (Respondent No.3) in its counter affidavit supported the case of the Applicant as would be evident from the following averment:-

"10. Subsequently, the Govt. of India in their order No.I-15016/16/IPS.I dated 8.6.1989 assigned 1973 as the year of allotment to the applicant by placing the applicant below Sri A.Hanumantha Reddy and Sri K.Krishna Murthy, who are juniors to the applicant both in State Police Service and Select List approved by Union Public Service Commission on 9.1.1978. A statement showing the seniority of State Police Service Officers and Direct Recruits of 1973, 1974 and 1975 is appended. As seen from the statement, the applicant, who is earlier senior to Sri A.Hanumantha Reddy and Sri K.Krishna Murthy has become junior in the revised seniority assigned by the Govt. of India. Similarly, Sri A.R.Muralidhar and Sri K.Narasimha who are seniors to Sri A.Hanumantha Reddy and Sri K.Krishna Murthy have become juniors. The anomalous position as pointed out above has been brought to the notice of the Govt. of India. The Govt. of India have stated that the fixation of seniority and year of allotment of Sri D.V. Subba Reddy and six others have been determined after considering all the relevant aspects of the case. They have pointed out that the anomalous situation would not have arisen if the Select List officers had been appointed to cadre posts in order of their seniority."

4. In the reply affidavit filed on behalf of the Central Government (Respondent No.1), it was reiterated that ~~as~~ the Applicant did not officiate continuously in a cadre post after his name was brought into the Select List. Hence

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Copy to:-

1. Secretary, Ministry of Home Affairs, Union of India, Central Secretariat, North Block, New Delhi.
2. Secretary, Ministry of Personnel & Trg., Union of India, Central Secretariat, North Block, New Delhi-001.
3. Chief Secretary, Govt. of Andhra Pradesh, Secretariat, Hyd-022
4. One copy to ~~Mr. S. C. Vani Reddy, Advocate, No. 1, Law Chambers, High Court Building, Hyd.~~
5. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
6. One copy to Sri. D.Panduranga Reddy, Spl. counsel for A.P.State
7. One copy to Library, CAT, Hyd.
8. One 'spare' copy.

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his date of appointment, i.e., 13.11.1979 to the I.P.S. was taken as the crucial date for fixing his seniority. As regards R4 and R5, they continuously officiated in cadre posts w.e.f. 1.10.1977 and hence it was decided that they should be senior to the Applicant.

5. The aforesaid contention was raised by Respondent No.1 in the earlier O.A. (No.395/86) also but was rejected by the Tribunal. Consequently the year of allotment of the Applicant which was initially determined as 1975 by Respondent No.1 was revised to 1973. For the reasons stated in our judgement in O.A.No.911/90, which may be read as part of this judgement, we are of the view that the ~~cannot~~ ^{not} Applicant be made to lose his seniority for no fault of his. The Andhra Pradesh State Government having rendered the certificate in terms of Explanation 4 to Rule 3(3) (b) of the I.P.S. (Regulation of Seniority) Rules, 1954, there can be no justification to deny the benefit of the same to the Applicant.

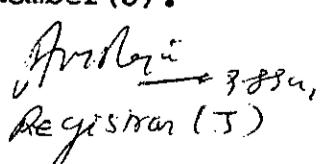
6. In the result, we allow the Application and direct the Respondents to show the Applicant's name in the gradation list of I.P.S. Officers of Andhra Pradesh immediately below Shri M.Guruswamy (SPS 1973) and above Shri A.Hanumantha Reddy (SPS 1973) (Respondent No.4). This may be done within three months from the date of communication of this order.

7. No order as to costs.


(A.B.Gorthi)
Member(A).


(A.V.Haridasan)
Member(J).

Dated: 5 August, 1994.
br.


D.Y. Registrar (J)
3884

OA-306/91

Typed by

Compared by

Checked by

Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIDASAN: MEMBER(J) ✓

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(A) ✓

Dated: 5/8/91 ✓

ORDER/JUDGMENT. ✓

M.C./R.P./C.P.NO.

D.A.NO.

306/91 ✓

T.A.NO.

(W.P.NO.

Admitted and Interim Directions
Issued. ✓

Allowed. ✓

Disposed of with directions. ✓

Dismissed. ✓

Dismissed as Withdrawn. ✓

Dismissed for Default. ✓

Rejected/Ordered. ✓

No order as to costs. ✓

