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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 360/91.

Dt. of Decision : 1.11.94.

S. Janardhana Rao

.. Applicant.

vs

1. Union Public Service Commission,
Rep. by its Secretary,
Dholipur House, New Delhi.
2. Union of India, rep. by
its Secretary to Government,
Department of Personnel and Training
Ministry of Personnel, Public
Grievances and Pension,
Central Secretariat,
New Delhi.
3. The Govt. of A.P., rep. by
its Chief Secretary, General
Administration Department,
Secretariat Building, Hyderabad.

.. Respondents.

Counsel for the Applicant : Mr. G. Bikshapathi

Counsel for the Respondents : Mr. D. Panduranga Reddy, SC for A.P.

Counsel for the Respondents no 1 & 2 : Mr. R. Devadoss, Grease.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

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O.A.NO.360/91

JUDGMENT

Dt: 1.11.94

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri G.Bikshapathi, learned counsel for the applicant and Shri D.Panduranga Reddy, learned special counsel for R-3.

2. The applicant originally joined ministerial service in the erstwhile Nizam State and later he was allotted to A.P.State. ~~service~~. In due course, he was promoted as Deputy Collector. ~~also~~. His case for promotion to Indian Administrative Service from A.P. State was first considered in 1985 on the basis of his date of confirmation. Later by G.O.Ms.No.840 Revenue (W) Department, dated 18.7.1985, the applicant's name was included in the panel of Deputy Collectors for the year 1974-75 by assigning the date of promotion to the post of Deputy Collector with effect from 31.12.1974. By G.O.Ms.No.1206 Revenue (W) Department, dated 25.10.1985 the probation of the applicant in the category of Deputy Collectors was declared satisfactory by 30.12.1975. By G.O.Ms.No.1311 Revenue (W) Department, dated 27.11.1985 he was confirmed in the post of Deputy Collector with effect from 30.6.1980. On the basis of the above G.Os and on the basis of his seniority, the applicant was eligible for consideration even for the select list of 1983. Hence,
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this OA was filed on 3.4.1991 praying for direction to the respondents to convene review selection committee for consideration of the case of the applicant for 1983 and for inclusion in the said selection list as Shri V. Rajaiah, his junior in the category of Deputy Collectors was included in the said selection list.

3. It is stated for the respondents that when the review selection committee met on 2.12.1985 to review the cases of certain retired and reinducted officers for inclusion in the ~~xxx~~ selection lists for 1983 and 1984, the case of the applicant along with ^{others} ~~them~~ and Shri V. Rajaiah was placed before the review selection committee for consideration and while the applicant was given the grading of 'Good' for 1983 and 1984, Shri V. Rajaiah was given the ranking of 'Very Good' for 1983, and on the basis of the gradings, the name of Shri V. Rajaiah was included in the selection list for 1983, and the grading of the applicant was not sufficient to include him in the selection list for 1983. It is further stated that even though the name of the applicant was included in the select list for 1984, he could not be given appointment for 1984 selection list batch as even his immediate senior in the said selection list could not be given appointment for want of vacancies for promoting IAS officers from A.P. State.

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4. But in para-5 of the rejoinder it is stated for the applicant that the selection list for the year 1983 must contain 14 candidates as the cadre strength is 140, whereas the selection list for the year 1983 has only 13 cadre officials. But ^{number 1/1} vacancies for promotee IAS officers in each year depends upon the quota of 33 1/3% in the senior posts ie., items 1, 2 and 3 of Schedule-I of the Cadre Strength Regulations, and the ^{number 1/1} promotee officers who were already in service by the date of commencement of the relevant year, and the anticipated ~~xxxxxx~~ vacancies in the relevant year. Thus, vacancies for promotee officers in each year need not necessarily be ~~of~~ 10% of the total strength. Hence, the contention for the applicant as per Para-5 of the rejoinder that there should be 14 vacancies for promotees in 1983, as the cadre strength was 140 is, not tenable.

5. It is next pleaded for the applicant in Para-6 of the rejoinder that as Shri V.Rajaiah is junior to the applicant and as seniority within the same grading is the criterion and when Shri V.Rajaiah was given the grading as 'Very Good' and the applicant was given the grading as 'Good', the name of the applicant should have been placed immediately below Shri V.Rajaiah. But in Page-3 of the counter for R-3 ~~xxxxxx~~ it is categorically stated that

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By JAI

To

1. The Secretary, U.P.S.C. Dholpur House, New Delhi.
2. The Secretary to Govt., Union of India,
Dept. of Personnel and Training, Ministry of Personnel,
Public Grievances and Pension, Central Secretariat,
New Delhi.
3. The Chief Secretary, Govt. of A.P. General Administration
Department, Secretariat Building, Hyderabad.
4. One copy to Mr. G. Bikshapathi, Advocate, CAT. Hyd.
5. One copy to Mr. D. Panduranga Reddy, Spl. Counsel for A.P. Govt.
CAT. Hyd.
6. One copy to Mr. N.R. Dhamale, Sr. Cas. CAT, Hyd.
7. One copy to Library, CAT. Hyd.
8. One spare copy.

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due to the limitation on the size of the selection list for 1983, the name of the applicant could not be included in the selection list for 1983 and in 1984 selection list, his name was placed below Shri K.Krishna Murthy. It is not stated in the rejoinder that Shri K. Krishna Murthy is not senior to the applicant. Thus, some of the officers with grading 'Good' are seniors to the applicant. Then the applicant cannot claim that his name should be placed immediately below that of Shri V. Rajaiah. That contention also cannot be accepted.

6. When the date of appointment of Shri V.Rajaiah by promotion to IAS was not advanced even when his name was included in the selection list for 1983 on the basis of the grading given by the review selection committee, he filed OA 548/88 and the same was allowed by a Bench of this Tribunal by rejecting the contention for the respondents that there is no provision for review. But no such direction can be given in regard to the applicant as his name was not included in the selection list for 1983, and as the turn of the applicant had not come for want of vacancies even though his name was included in the selection list for 1984, on the basis of recommendations

7. Accordingly this OA does not merit consideration.
As such, this OA is dismissed. No costs.

(R.RANGARAJAN)
MEMBER (ADMN.)

V. NEELADRI RAO
(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 1st November, 1994.
Open court dictation.

VSD

Deputy Registrar ^{8/24} C.C.