

87

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD  
---

O.A. 39/91.

Dt. of Decision : 21-9-94.

Mr. B. Srinivas

.. Applicant.

Vs

1. Govt. of India,  
Ministry of Personnel  
Public Grievances and Pensions,  
Department of Personnel & Training,  
New Delhi.

2. Chadalawada Umesh Chandra

3. P.N. Rao

.. Respondents.

Counsel for the Applicant : Mr. Y. Suryanarayana

Counsel for the Respondents : Mr. N.R. Devaraj, Sr. CGSC (R-1)  
Mr. D. Panduranga Reddy, Spl.  
Counsel for (R-1 & 2).

Counsel for the Respondent No 2:-

Mr. C. Kodanda Ram Sankar

CORAM:

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

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

Judgement

( As per Hon. Mr. Justice V. Neeladri Rao, VC )

Heard Sri Y. Suryanarayana, learned counsel for the applicant and Sri N.R. Devaraj, learned counsel for R-1, and Sri D. Panduranga Reddy, learned counsel for R-2 & R-3.

2. The applicant appeared for Civil Service Examination, 1989 and he was selected for IPS and he was given ranking No.161. He opted for Home State. But as there were only two vacancies for Home State, and <sup>as</sup> M/s Umesh Chandra and P.N. Rao, who got better rankings than the applicant were allotted for AP State <sup>as per their options,</sup> and the applicant was allotted to J&K State as per the cycle followed for allotment of IPS Officers to various states.

3. In view of the Rule 17 of Civil Services Examination Rules, Sri Umesh Chandra appeared for Civil Service Examination in 1990 to better his chance for selection for IAS. But as he had not succeeded, for selection for IAS, he joined in service as IPS Officer, and he was posted in AP State as per his allotment to AP State in 1989.

4. Further plea for the applicant is that <sup>as</sup> Sri P.N. Rao, was working as Assistant Collector, Central Excise and Customs by the time he appeared for IPS Examination, and he should not have been permitted to appear for IPS Examination, and <sup>such</sup> as his ~~allotment~~ for selection for IPS is irregular, and infact he had not even joined Training for IPS alongwith the batch.

83

5. The contentions for the applicant are as under :

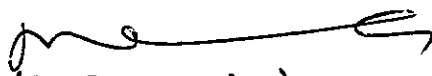
Rule 17(3) Civil Services Examination Rules to the extent to which a candidate, selected for IPS or any other Civil Services other than IAS and <sup>IPS</sup> ~~IPS~~, <sup>on being</sup> ~~who is~~ permitted to appear in the following year for improving his chances ~~had~~ to be allowed to join service as per selection in the earlier examination is illegal and hence Sri Umesh Chandra should not have been posted to AP State as per allotment in 1989. But this contention was repelled by the Supreme Court in 1992 SCC594 (Mohana Kumar Singhania vs. Union of India) and the same was reiterated in 1994 2 SCC 600 (Rahul Rasgotra & other vs. Union of India) Hence the posting of Sri Umesh Chandra in AP State in pursuance of the order whereby he was allotted to AP State on the basis of his ranking in 1989 examination is valid.

6. Sri Janga Srinivas Rao, the applicant in OA.40/91 got ranking No.128 in IPS on the basis of his performance in 1989 Civil Services Examination, and he too opted for AP State. But as the rankings of Sri Umesh Chandra and PN Rao were above that of Sri J. Srinivas Rao, and as the first two also opted for AP State and as there were only two vacancies for allotment to Home State in that year, <sup>and</sup> as ~~as~~ M/s Umesh Chandra and P.N.Rao were allotted for AP State, Sri J. Srinivas Rao, was allotted to Rajasthan State as per his turn in the cycle. Hence, even assuming that the appointment of Sri PN Rao for IPS is illegal, and if the rules permit that in such a case, the one next to him is entitled to claim the Home State, still the applicant herein is not entitled for allotment to

84


AP State for Sri J. Srinivas Rao also filed OA.40/91 claiming allotment to AP State. As such for disposal of this OA it is not necessary to consider as to whether the selection of Sri P.N. Rao for IPS is illegal and if so whether the allotment can be altered at the instance of the next Home State Officer, for even if the contentions of the applicant in regard to the same <sup>have</sup> ~~has~~ to be upheld, it is only Sri J. Srinivas Rao, the applicant in OA.40/91 <sup>who</sup> will get that benefit, and the applicant herein is not entitled to the said relief and as such this OA is liable to be dismissed./

7. In the result, this OA is dismissed. No costs./

  
(R. Rangarajan)  
Member (Admn)

  
(V. Neeladri Rao)  
Vice Chairman

Dated : Sept. 21, 94  
Dictated in Open Court

  
Deputy Registrar(J)CC

To

1. The Ministry of Personnel, ~~Govt. of India~~,  
Public Grievances and Pensions, Dept of Personnel  
sk and Training, Govt. of India, New Delhi.
2. One copy to Mr. Y. Suryanarayana, Advocate, CAT. Hyd.
3. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
4. One copy to Mr. D. Panduranga Reddy, Spl. Counsel for A.P. Govt.  
CAT. Hyd.
5. One copy to Library, CAT. Hyd.
6. One spare copy.

7. One copy to Mr. C. Kodandaram Adurthi, 05, Ground Floor, Subhadra Apartments  
pvm are can be m. C. Kodandaram Adurthi, 05, Ground Floor, Subhadra Apartments  
H-1-1233/10, Boggala Kunta, And-1.