

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.167/92.

Date of Judgement : 20-1-93.

M.Prasada Rao

.. Applicant

Vs.

1. Union of India, Rep. by
the Secy., to Govt.,
Min. of Personnel, PG &
Pensions, Dept. of Personnel
& Training, North Block,
New Delhi-110001.

2. Union Public Service
Commission, Rep. by
its Chairman,
Dholpur House,
Shahjahan Road,
New Delhi.

3. State of A.P., Rep. by
its Chief Secretary to Govt.,
Secretariat Buildings,
Hyderabad.

.. Respondents

Counsel for the Applicant :: Shri V.Venkataramaiah

Counsel for the Respondents:: Shri D.Panduranga Reddy, for R3
Spl. Counsel for State of A.P.

Ch. N.R.DeraKaf. Addl QGSC to
R1 & R2.

CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri C.J.Roy : Member(J)

I Judgement as per Hon'ble Shri R.Balasubramanian, Member(A) []

This application is filed by Shri M.Prasada Rao
against the Union of India, Rep. by the Secy., to Govt.,
Min. of Personnel, PG & Pensions, New Delhi, the Union Public
Service Commission, Rep. by its Chairman, New Delhi and the
Govt. of Andhra Pradesh, Rep. by its Chief Secretary to Govt.
with a prayer to direct the 2nd respondent (U.P.S.C.) to
approve the name of the applicant for appointment to the
I.A.S. and further to direct the 1st respondent to issue
appropriate orders appointing the applicant to the I.A.S.
w.e.f. 31.12.91 in view of similar orders issued in favour of

3 officers selected to the I.A.S. alongwith the applicant who were appointed to the Indian Administrative Service.

2. The admitted facts are that in the U.P.S.C. meeting held in March, 1991 the applicant's name was considered and included at Serial 5 of the Select List. However, since certain enquiries were then pending against him, the U.P.S.C. did not unconditionally recommend his name, but indicated that the selection was subject to his being cleared in the enquiries. Subsequently, vide order dt. 6.5.91, the State Government dropped the enquiry and let him off with a mere warning. Still later, by their order dt. 16.12.91 he was fully exonerated. It is seen from the counter filed by the U.P.S.C. that they are aware of the development only upto the stage of warning vide letter dt. 6.5.91. On this basis, it is contended by them that a person with stigma of even a warning was not fit to be recommended for appointment to the I.A.S. We do not dispute this. Even though the counter was filed in July, 1992 the U.P.S.C. was still ignorant of the Memo No.91/LI/88-22 M.A. dt. 16.12.91 issued by the Govt. of Andhra Pradesh. Leaving this aspect apart, the condition stipulated by the U.P.S.C. was fully met, with the full exoneration of the applicant and there should be no further obstacle. The U.P.S.C. has to clear the name of the applicant for further action. It has been indicated in para 19 of the counter of the State Government that 4 names were initially approved by the U.P.S.C. The names were:

S/Shri 1. D.S.Murthy

2. P.Bhaskar Prasad

3. G.S.R.C.V. Prasada Rao

4. K.Penchalaiah

(At that time, the U.P.S.C. had not approved the name of the applicant because of the enquiry pending). It is further stated in para 22 in that counter, that the selection at Serial 4 of Shri K.Penchalaiah could not be considered for appointment to the I.A.S. as he did not give

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unconditional willingness for appointment to the I.A.S. Hence they appointed only the first 3 selectees available. There should, therefore, be no difficulty to appoint the applicant to the I.A.S.

3. Under the above circumstances, we direct the Union Government to appoint the applicant to the I.A.S. w.e.f. 31.12.91 itself, since by then he was fully cleared of the enquiry. Such appointment will, however, be notional and while the applicant will be entitled to all the consequential benefits like seniority, pay fixation etc., he shall not be entitled to any arrears till the day he takes over charge in I.A.S. The directions herein shall be complied with, by the respondents within a period of 3 months of receipt of this order.

4. In view of the disposal of the O.A., M.As No.326/92 and ^{are} 327/92 do not survive and therefore dismissed as unnecessary.

R.Balasubramanian

(R.Balasubramanian)
Member(A).

hstoy
(C.J.Roy)
Member(J).

Dated: 20th January, 1993.

(Dictated in Open Court).

82/1/93
Dy. Registrar(J)

To

1. The Secretary to Govt., Union of India,
Ministry of Personnel, PG & Pensions,
Dept.of Personnel & Training,
North Block, New Delhi-1.
2. The Chairman, U.P.S.C. Dholpur House,
Shahjahan Raod, New Delhi.
3. The Chief Secretary to Govt. State of A.P.
Secretariat Buildings, Hyderabad.
4. One copy to Mr.V.Venkataranamaiyah, Advocate ,1-10-13
Ashoknagar, Hyderabad.
5. One copy to Mr. D.Panduranga Reddy, Spl.Counsel for A.P.Govt.
6. One copy to Mr.N.R.Devraj, Sr.CCSC.CAT.Hyd.
7. One spare copy.

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COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CHECKED BY APPROVED BY
HYDERABAD BENCH

HYDERABAD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: AT HYDERABAD

THE HON'BLE MR.

V.C.

AND

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

AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY:M(J)

AND

THE HON'BLE MR.C.J. ROY : MEMBER (JUDL)

Dated: 20 - 1 - 1992

ORDER/JUDGMENT:

R.A. / C.A. / M.A. No. 326/92 & 327/92

in

O.A. No. 167/92

T.A. No.

(W.P. No.)

Admitted and Interim Directions issued

Allowed

Disposed of with directions

Dismissed (M.A.)

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected

No order as to costs.

pvm.

