

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.190/92.

Date of Judgement 17-11-92

1. K.Jagannadha Rao, IPS
2. B.Kasinath, IPS
3. S.M.Haq, IPS
4. V.Bhaskara Reddy, IPS .. Applicants

Vs.

1. Union of India, Rep. by the Secy., to the Govt., Min. of Home Affairs, New Delhi.
2. State of A.P., Rep. by the Chief Secy., to Govt., (Gen. Adm.), Sc.C.Dept., Secretariat, Hyderabad.
3. Union Public Service Commission, Rep. by its Secretary, Dholpur House, New Delhi. .. Respondents

Counsel for the Applicants : Shri V.Venkataramaniah

Counsel for the Respondents : Shri N.V.Ramana, Addl. CGSC
Shri D.Panduranga Reddy, SC for AP

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) I

This application seeks a direction to the respondents to convene a special selection committee and review the cases of the applicants for inclusion in the select list for the years 1977, 1978 and subsequent years on the basis of their revised seniority in the grade of Dy. Supdt. of Police Category II in the State Police Service with all consequential and incidental benefits like seniority, order of allotment, promotions and monetary benefits.

2. The facts in brief are as follows. After prolonged litigation, by virtue of the judgement of the Hon'ble Supreme Court, the seniority of the applicants in the cadre of Dy. Supdt. of Police Category II was revised. This revision entitled them

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to be considered for promotion to I.P.S. for the years 1977 and 1978. But, before this event, they were otherwise selected to I.P.S. but given seniority consistent with the position then. The applicants agitated for revision of seniority in I.P.S. It is stated that the State Government accepting their stand, had recommended such revision to the Union Public Service Commission. ^{Aggrieved at} ~~the~~ the inaction of the latter, the applicants have filed this O.A.

3. In their counter, the Union of India (R1) make out three points:

- (a) The application is time-barred since what the applicants now seek is based on a mininterpretation of the Supreme Court decision of 23.7.81.
- (b) There was no specific direction from the Supreme Court to include their names in the 1977/1978 lists.
- (c) There is no provision in the rules for review of a select list after it was finalised and acted upon.

4. In the counter of the Union Public Service Commission (R3) it is admitted that the Govt. of Andhra Pradesh had recommended vide their letter of July, 1991 to consider the cases of the applicants for inclusion of their names in the 1977/1978 selection, based on the revision in the feeder cadre pursuant to the Supreme Court judgement. But they are not able to act, in the absence of any provision in the rules, unless there is court directive.

5. In the counter of the State Government (R2), it is stated that the cases of the applicants were not considered till the 1979 list. The Supreme Court judgement was in July, 1981. There were no selections in 1980 and 1981. The applicants were selected eventually based on the original seniority in the cadre of Dy. Supdt. of Police Category II. Following representations from the applicants, they took up the case with the Union Public Service Commission for consideration of the applicants in the earlier selection lists. But the latter would not agree.

6. We have examined the case and heard the rival sides. The points (a) and (b) raised by the Union of India can be easily disposed of. The issue that was settled by the Supreme Court was the position of the applicants in the cadre of Dy. Supdt. of Police. Any direction in that case regarding selection to I.P.S. is beyond comprehension. As regards limitation, it was only as late as on 1.6.89 that the State Government vide G.O.Ms.No.303 assigned 1.6.83 as their date of appointment to the Category II of Dy. Supdt. of Police. Again, it was only in July, 1991 that the State Government took up with the Union Public Service Commission the matter of selection to I.P.S. For these reasons we do not accept the contentions of the Union of India. What survives is the picture where the State Government has unsuccessfully taken up the matter with the Union Public Service Commission with the latter pleading helplessness in the absence of any provision for review of a select list. The remedy lies in a court directive which we are willing to give.

7. The respondents are directed to consider the case of inclusion of the names of the applicants as recommended by the State Government. In the event of any advancement in the year of selection, their seniority in I.P.S. should be recast. They are also entitled to be considered for promotion in accordance with such revision in seniority. Arrears will, however, be based on actual service rendered. These directions shall be complied with, within six months of receipt of this order.

8. The application is allowed accordingly with no order as to costs.

R. Balasubramanian
(R. Balasubramanian)
Member (A).

W.S.R.
(C.J. Roy)
Member (J).

Dated: 17/11/92
November, 1992.

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DEPUTY REGISTRAR (A) C.C.

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To

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1. The Secretary, Union of India, Min. of Home Affairs, New-Delhi.
2. The Chief Sedfetary to Govt., (Gen.Admn) SC.C.Dept., Secretariat, Hyderabad.
3. The Secretary, Union Public Service Commission, Dholpur House, New-Delhi.
4. One Copy to Mr.V.Venkataramaiah, 1-10-13, Ashoknagar, Hyderabad-20.
5. One Copy to Mr.N.V.Ramana, Addl.CGSC., CAT., Hyd.
6. One Copy to Mr.D.Panduranga Reddy, SC. for AF., CAT. Hyd.
7. One Spare Copy.

4th & below
D.S.C.G.