

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA.221/92 And
MA.166/93

date of decision : 22-3-93

Between

M. A. Rahseem

: Applicant

and

1. Union of India, rep. by
The secretary
Ministry of Personnel Affairs
New Delhi

2. Union Public Service Commission
represented by its Chairman
Dholpur House
New Delhi

3. Govt. of Andhra Pradesh
represented by the
Chief Secretary
General Admn. Department
AP Secretariat
Hyderabad 500 022

4. State of Andhra Pradesh
represented by the
Secretary to Government
Revenue Department
Secretariat
Hyderabad 500 022

: Respondents

Counsel for the Applicant : N. Ram Mohan Rao,
Advocate

Counsel for the Respondents 1&2 : N.R. Devaraj, Standing
Counsel for Central Govt.

Counsel for the Respondents 3&4 : D. Panduranga Reddy,
SC for Andhra Pradesh Govt.

CORAM :

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. R. BALASUBRAMANIAN, MEMBER (ADMINISTRATION)

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and as he was within the zone of consideration for inclusion in the Select List of IAS Officers for the year 1991-92, this OA was filed for the reliefS claimed as referred to.

4. Pending disposal of this OA, GO Ms.103¹⁵⁻¹¹⁻⁷⁰ dated 2-2-1993 was issued including the name of the applicant in the regular panel of Deputy Collectors for the year 1978-79. That GO was issued on the basis of GO Ms.963 of Revenue Department dated 26-10-1991 whereby the applicant was assigned date of promotion as Office Superintendent as 15-11-1970. GO Ms.231 dated 16-3-1993 was issued regularising the services of the applicant in the category of Deputy Collector (Category-II) to the Andhra Pradesh Civil Services (Executive Branch) with effect from 27-8-1979. GO Ms.233 dated 16-3-1993 was issued confirming the applicant in the category of Deputy Collector with effect from 31-10-1986.

5. It is not disputed that the Deputy Collectors who are included in the panels of Dy. Collectors for the year subsequent to 1978-79 were considered for inclusion in the Select List of IAS Officers for the year 1991-92. The allegation of the applicant that he had not crossed 54 years by the requisite date for inclusion in the said list for 1991-92 remains unchallenged. When this Tribunal passed interim order dated 13-3-1992 to the following effect "

"We direct the respondents to consider the claims of the applicant for inclusion of his name in the Select List for Indian Administrative Service for the year 1991-1992, alongwith candidates whose names have been included in the panel for the year 1978-1979 of the Deputy Collectors, provided (1) the applicant is eligible, (2) the applicant comes within the zone of consideration."

it is submitted that the purpose of the applicant was not considered by the Select Committee on the ground that he was ineligible for want of confirmation.

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6. It is submitted for the applicant that he satisfied all the conditions for consideration of his case for inclusion in the Select List of IAS Officers for the year 1991-92, in view of the GOs No.103 of 2-2-1993 and 231 and 233 of 16-3-1993 and he cannot be blamed for delay in issual of the above GOs and as DPC already met for consideration for inclusion in select list of IAS for 1991-92, Respondent-3 and Respondent-4 may be directed to send the case of the applicant to Respondent-1 and Respondent-2 for reviewing his case for the year 1991-92.

7. The submissions for the respondents are as under :-

- i) The cause of action arising on the basis of GOs is different from the facts which existed as on the date of the OA and hence the applicant cannot claim for review on the basis of the subsequent facts.
- ii) There was no provision for reviewing the list that was already prepared.

8. The first contention was elaborated as under :-

It was not open to the applicant to move this Tribunal till his name was included in the panel of 1978-79 on the basis of GO.963 dated 26-10-1991. Till the name of the applicant was included in the panel of 1978-79 list of Deputy Collectors, he had no locus standi to pray for inclusion of his name in the Select List of IAS officers for the year 1991-92. The GO Ms.103 dated 2-2-1993 was issued long after the consideration of the eligible candidates for 1991-92 Select List. The applicant cannot rely upon the same for the main relief in the OA whereby he prayed for a direction to Respondent-3 and Respondent-4 to send his name to Respondent-1 and Respondent-2 for consideration in regard to inclusion in the Select List of IAS officers for the year 1991-92.

9. When once GO Ms.963 dated 26-10-1991 was issued, the act of inclusion of his name in the panel of Deputy Collectors for

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1978-79 is a mere Ministerial act for it does not require any further decision on the part of any authority. The Selection Committee for consideration of the inclusion of the names from Andhra Pradesh in the Select List of 1991-92 for IAS officers met on 17.3.1992. Thus, even long before the said date the Review Committee decided that the applicant had to be assigned 15-11-1970 as the date of his promotion as Office Superintendent. Hence, for the mere delay on the part of the offices of the Respondent-3 and Respondent-4, the applicant should not be allowed to suffer. The question of moving the A.P. State Administrative Tribunal had not arisen for the Review Committee had already taken a decision in regard to the date that has to be assigned to the applicant in regard to the promotion as Office Superintendent. As necessary GOs were not issued by the date this OA, the applicant prayed that without insisting upon finalisation of all other formalities, Respondent-3 and Respondent-4 should be directed to send his name to Respondent-1 and Respondent-2 for consideration of his name for inclusion in the Select List of IAS officers from Andhra Pradesh for the year 1991-92. Those formalities were followed by issual of GOs No.103, 231 & 233 during the pendency of this OA. Hence, the contention for the respondents that GOs 103, 231 & 233 give rise to fresh cause of action is negated.

10. It is true that there is no specific provision for review in regard to these matters. But when there is delay in complying with the formalities, and as such delays are not unusual, and when such delay affect the interests of the employees, the Courts and Tribunals direct the concerned authorities to review the case of such employees who are eligible if the formalities are complied with in regard to them by the date of

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the consideration. The judgement dated 24-9-1992 in OA.847/92 on the file of this Bench can be referred to as an illustrative case whereunder the concerned authorities are directed to review in such matters.

11. Heard Sri N. Ram Mohan Rao, Counsel for the applicant and Sri N.R. Devaraj, Standing Counsel for R-1 & R-2 and Sri D. Panduranga Reddy, Standing Counsel for R-3 & R-4.

12. Hence, Respondent-3 and Respondent-4 are directed to send the case of the applicant for review of his case for consideration for inclusion in the Select List for 1991-1992. When the name of the applicant is sent for review, Respondent-1 and Respondent-2 have to take necessary steps for constituting a Select Committee for reviewing his case for consideration for inclusion in the Select List of IAS officers from Andhra Pradesh State for the year 1991-92. In case the name of the applicant is going to be included in the Select List for 1991-92, he will be entitled to all the consequential benefits of fixation of pay ^{and} seniority in accordance with law.

13. The OA is ordered accordingly. No costs.

14. MA is dismissed as it becomes infructuous for the OA is disposed of.

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(V. Neeladri Rao)
Vice-Chairman

R. Balasubramanian
(R. Balasubramanian)
Member (Admn)

Dated : March 22, 93
Dictated in the Open Court

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Deputy Registrar (J)

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1. The Secretary, Union of India, Min.of Personnel Affairs, New Delhi
2. The Chairman, U.P.S.C.Dholpur House, New Delhi.
3. The Chief Secretary, Govt.of A.P.General Admn.Dept. A.P. Secretariat, Hyderabad.
4. The Secretary, State of A.P.Revenue Dept., Secretariat, Hyd-22.
5. One copy to Mr. N. Rammohan Rao, Advocate, CAT.Hyd.
6. One copy to Mr. N.R. Devraj, Sr.CGSC.CAT.Hyd.
7. One copy to Mr.D.Panduranga Reddy, Spl.Counsel for A.P.Govt.CAT.Hyd.
8. One spare copy

TYPED BY COMPARED BY
CHECKED BY APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR.K.BALASUBRAMANIAN :
MEMBER(ADMN)

AND

THE HON'BLE MR.T.CHANDRASEKHAR
REDDY : MEMBER(JUDL)

DATED: 22 - 3 - 1993

ORDER/JUDGMENT

R.P. / C.P/M.A.No.

in

O.A.No.

221/92/

T.A.No. MA 166/93

(W.P.No.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

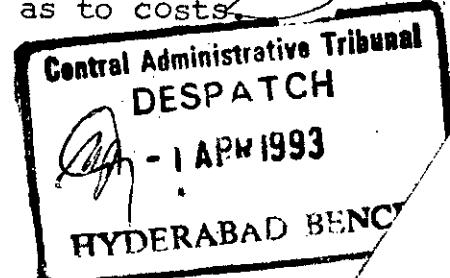
Dismissed as withdrawn.

Dismissed

Dismissed for default.

Ordered/Rejected.

No order as to costs.



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