

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.543/92.

Dt. of Decision : Nov.16/
Dec.6.1995.

R. Seetharama Rao

.. Applicant.

Vs

1. The Union of India,
Min. of Home Affairs
Rep. by the Secretary to
the Government, MHA, New Delhi.
2. The Secretary,
Union Public Service Commission,
Dholpur House, New Delhi.
3. The Govt. of Andhra Pradesh
rep. by the Chief Secretary to
the Govt. of A.P., Central
Administration (S.C.C.) Department,
Secretariat Buildings, Hyderabad.
4. The Director General and Inspector
General of Police, Saifabad, Hyderabad.
5. Mr. Ashok Prasad
6. Mr. Tarini Prasad Dass
7. Smt. Aruna Bahuguna
8. Mr. M. Lexminarayana
9. Mr. B. Prasada Rao
10. Mr. Syed Anuasul Huda
11. Dr. D. T. Naik
12. Mr. Syed Mazhrul
13. Mr. V. Bhasker Reddy
14. Mr. K. Balakondaiah
15. Mr. C. N. Gopinatha Reddy
16. Mr. Navneet Ranjan Wasan
17. Mr. Lokendra Sharma
18. Mr. Madan Lal
19. Mr. Ambati Sivanarayana
20. B. Sankara Rao

.. Respondents.

Counsel for the Applicant

: Mr. Y. Suryanarayana

Counsel for the Respondents

: Mr. N. R. Devaraj, Sr. CGSC for R-1 and 2
Mr. G. Raghuram for R-8 & R-17 ~~etc.~~
Mr. D. V. Radhakrishna Murthy for R-3 and 4
Mr. S. Ramakrishna Rao for R-12 and R-13
Mr. V. Venkateswaran for R-20.

CORAM:

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

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

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OA.543/92

Judgement

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

Heard Sri Y. Suryanarayana, learned counsel for the applicant, Sri N.R. Devaraj and Sri IVRK Murthy, learned counsel for the Central and State Governments and Sri G. Raghuram, learned counsel for R-6 & 7.

2. This OA was filed praying for quashing letter No. 1-15016/4/90 IPS-I, Govt. of India, Ministry of Home Affairs, dated 10-7-91 by holding the same as arbitrary, illegal and contrary to the decisions of the Apex Court reported in 1986 SC 348 (Union of India vs. G.N. Tiwari and others) and AIR 1980 SC 1275 (Harjeet Singh Vs. Union of India) and for consequential direction to R-1 and R-2 to give the applicant 1978 as year of Allotment by placing his name above that of R-5 and below that Sri K. Balakondaiah, who belongs to 1978 batch of IPS.

3. The facts that are relevant for consideration of this OA are not in controversy. The applicant was selected as DSP Category II as a Direct Recruit in ~~reply to~~ 1969 Selection. He assumed the post of DSP Category II on 11-3-1970. The Select Committee which met in 1982 to prepare the Select list of officers ~~who are fitted in the senior time scale of IPS of AP State include the name of the applicant at Sl.No.10 of the select list prepared for that year.~~ ^{for being forwarded to} _{from contained} Thereupon R-3, AP State Government issued order dated 26-11-1983 permitting the applicant to officiate in the senior time scale of IPS and by the same

(32)

proceedings he was posted to work in cadre post. He assumed charge in that post on 2-12-1983.

4. But when his name was not included in the Select list prepared by the Select Committee which met on 29-12-1993, he filed writ petition No.2496 of 1984 in the High Court of AP, challenging the Select-list, questioning his non-inclusion in the Select-list for 1983-84. By interim direction granted in WPMP.3167 of 1984, he was continued in the Senior Time Scale of IPS in the rank of Superintendent of Police. The said writ petition was transferred to this Tribunal and registered as TA.976/86. The same was not pressed as the applicant was included in the Select-list prepared by the Select Committee, which met on 9-1-1985 and as he was appointed by order dated 28-3-85 he was allowed to function in the cadre post in which he was continuing pursuant to the interim direction of the High Court. He was appointed to IPS as per notification dated 5-8-1986. By letter dated 21-5-1987 he was given 1980 as year of allotment.

5. The plea of the applicant is that as per the extant rules, he has to be given the year of allotment of the Direct Recruit who was officiating in the Senior Time Scale of IPS by 2-12-1983, the date from which he (the ^{continuously} applicant) worked in the Senior Time Scale of IPS.

6. It is manifest that while the name of the applicant was included in the Select list ^{for} '82-83 and '84-85 his name was not included in the Select List for 1983-84. He was ultimately appointed to the Senior Time Scale of IPS on the basis of his empanelment in the Select list

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To

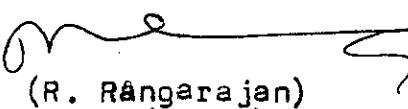
1. The Secretary to the Govt.,
Union of India, Ministry of Home Affairs,
MHA, New Delhi..
2. The Secretary, U.P.S.C. Dholpur House, New Delhi.
3. The Chief Secretary to the Govt. of A.P.
Central Administration(SD.C) Dept., Secretariat Buildings,
Stat of A.P. Hyderabad.
4. The Director General and Inspector General of Police,
Saifabad, Hyderabad.
5. One copy to Mr.Y.Suryanarayana, Advocate CAT.Hyd.
6. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
7. One copy to Mr.G.Raghuram, Advocate, CAT.Hyd.
8. One copy to Mr.I.V.Radhakrishna Murthy, Spl.Counsel for A.P.Govt.
CAT.Hyd.
9. One copy to Mr.K.Balakrishna I.P.S, Superintendent of police,
Bhadrakulam.
10. One copy to Mr.S.Chandramma Rao, Advocate, CGS, Hyderabad.
11. One copy to Mr.Mavaneeth Rajan Wasan Superintendent of police,
Central Bureau of Investigation, Special unit, 10/6, Jamnagar House,
Akbar Road, New Delhi -110011.
12. One copy to Shri Anna M. Bahuguna, I.P.S. Ministry of Home Affairs
3-b-510, Road no. 7, Hingat nager, Hyderabad -29.
13. One copy to Mr.Madan Lal Agar, Inspector General of Police, A,
DFO. Director General of I.P.S, A.P. Saifabad, Hyd -4.
14. One copy to Mr.J. Siva Narayana, Superintendent of police, C.I.D.,
Hyderabad.
15. One copy to Mr.B. Prasada Rao, Superintendent of police,
Nalgonda District, Andhra Pradesh.
16. I.C.LS Library, CGS, Hyd.
17. 1 Spare copy.
18. 1 copy to V. Venkata Ramanaiah, Advocate.

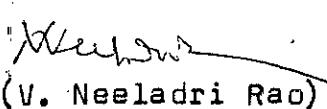
38

of 1984-85. While considering the scope of Rule 3(2)(B) of the IFS Seniority rules, which is similar to the Regulation of Seniority Rules, 1994 of IPS, it was held by the Apex Court in Judgement today, JT 1995(3)SC 400 (RRS Chowdury ~~and~~ others vs. Union of India), that in order to have the benefit of service officiating service in the Seniority post for determination of the year of allotment, one has to satisfy that his name was included in the Select list and that he was officiating in the seniority post during the entire period of officiation till appointment is made to the service. As the name of the applicant was not in the ~~name~~ panel for 1984-85 his officiation in the senior post prior to the date of inclusion of his name in the Select list for 1984-85 cannot be taken into consideration for determining the year of allotment. Thus, the plea of the applicant that the period of officiation of the applicant even before the date of inclusion of his name in the panel for 1984-85, runs contrary to the above judgement of the Apex Court, and it has to be negatived.

7. The year of allotment of the applicant was determined by taking into consideration ~~only~~ the officiating service from the date of inclusion of his name in the Select list for 1984-85 and thus it is in consonance ^{with} the judgement of the Apex Court in ~~order to~~ Chowdury's ~~the~~ case referred to herein before.

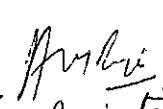
8. Thus this OA does not merit consideration. Accordingly it is dismissed. No costs. //


(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

November 16/
Dated : December 6, 95,
Dictated in Open Court,

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Deputy Registrar (S) CC
10-1-96