

129

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

D.A. 544/92.

Dt. of Decision : 16-11-95/
6-12-95.

G. Alfred

.. Applicant.

Vs

1. The Union of India,
Min. of Home Affairs,
Rep. by the Secretary to
Govt., Min. of Home Affairs,
New Delhi.
2. The Secretary,
Union Public Service Commission,
Dholpur House, New Delhi.
3. The Govt. of A.P. rep. by the
Chief Secretary to the Govt.
of A.P., Central Administration
(SC.C) Department, Secretariat
Buildings, Hyderabad.
4. The Director General and Inspector
General of Police, Saifabad, Hyderabad.
5. Mr. Ashok Prasad
6. Tarini Prasad Dass
7. Smt. Aruna Bahuguna
8. Mr. M. S. Srinivasaraya
9. Mr. B. Prasad Rao
10. Mr. Syed Anwarul Huda
11. Dr. D. T. Naik
12. Mr. Syed Mazharul Haq
13. Mr. V. Bhaskara Reddy
14. Mr. K. Balakondaiah
15. C. N. Gopinath Reddy
16. Mr. Naynast Ranjan Wason
17. Mr. Lokendra Sharma
18. Mr. Mandanlal
19. Mr. Ambati Sivenarayana
20. Mr. R. Seetharama Rao
21. Mr. G. Md. Mubhruddin
22. Mr. K. Jagannadha Rao
23. Mr. A. R. Vaman Rao
24. Mr. K. L. Reddy
25. Mr. S. Narayana Murthy
26. Mr. B. Shankar Rao
27. Mr. K. S. N. Murthy
28. Mr. D. Gopalakrishnam Raju
29. Mr. B. Kasinath
30. Mr. Vivek Dubé
31. Mr. P. Babji
32. Mr. K. Ch. Venkat Reddy

.. Respondents.

Counsel for the Applicant

: Mr. Y. Suryanarayana

Counsel for the Respondents

: Mr. N. R. Davaraj, Sr. CGSC.
Mr. IVRK Murthy, SC for A.P.
Mr. G. Raghuram for R-6 & R-7.

CORAM:

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

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

130

O.A.No.544/92.

Date:16/11/95
6-12-95.

J U D G M E N T

{ as per Hon'ble Sri R.Rangarajan, Member(Administrative) }

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

2. This OA was filed praying for quashing letter No. I-5016/4/90 I.P.S.I, Government of India, Ministry of Home Affairs, dated 10.7.1991 by holding the same as arbitrary, illegal, unconstitutional and contrary to the decision of the Supreme Court reported in { 1986 SC 348 - Union of India Vs. G.N.Tiwari and Ors. } and { AIR 1980 SC 1275 - Harjeet Singh Vs. Union of India } and for consequential direction to R-1 & R-2 to give the applicant 1978 as year of Allotment by placing his name above R-5 and below that of Sri K.Anandaiah, I.P.S. who belongs to 1970 batch.

3. The facts that are relevant for consideration of this OA are not in dispute. The applicant was selected as DSP Category-II in 1969 as a direct recruit and assumed the post of DSP Category-II on 8.3.1970. The Select Committee which met on 20.12.1982 prepared the select list of officers for being promoted to Senior Time Scale of I.P.S. from A.P.State contained the name of the applicant. Thereupon R-3, A.P.State Government issued orders in the year 1983 permitting the applicant to officiate in the Senior Time Scale of I.P.S. and by the same proceedings he was posted to work in cadre posts. He assumed the charge on 1.10.1983.

..3/-

131

: 3 :

4. But when his name wasnot included in the Select list prepared on 29.12.1993, he filed W.P.No.2496/84 in the High Court of A.P. questioning his non-inclusion in the select list for 1983-84. By interim direction granted in W.P.M.P.No.3167/84 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 T.A.No. 976/1986. The same was not pressed as the applicant was included in the list approved by UPSC on 19.1.1985 and as he was allowed to function in the cadre post in which he was continuing pursuant to the interim directions of High Court. He was appointed to the IPS cadre as per notification dt. 8.11.1985/22.11.1985. By letter dt. 23.7.86 the applicant was given 1981 as the year of allotment.

5. The plea of the applicant is that as per extant rules, he has to be given the year of allotment of the direct recruitees who was officiating in the senior time scale of IPS by 1.10.1983, the date by which he (applicant) continuously 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 1982-93 and 1984-85, 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 empanelment in the Select List 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, 1954 of IPS, it was held by the Apex court in Judgments Today [JT 1995(3) SC 400 -

...4/-

D

To

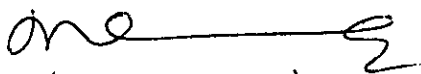
1. The Secretary to Govt.,
Ministry of Home Affairs, ~~Ministry of Home Affairs~~
Union of India, New Delhi.
2. The Secretary, Union Public Service Commission,
Dholpur House, New Delhi.
3. The Chief Secretary to the Govt. of A.P.
State of A.P. Central Administration (SC.C) Dept.,
Secretariat Buildings, 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.I.V.Radhakrishna Murthy, Spl.Counsel for
A.P.Govt. CAT.Hyd.
8. One copy to Mr.G.Raghuram, Advocate, CAT.Hyd.
9. One copy to Mr.S.Ramakrishna Rao, Advocate, CAT.Hyd.
10. One copy to Mr. V.Venkataramanaiah, Advocate, CAT.Hyd.
11. One copy to Mr.M.P.Chandramouli, Advocate, CAT.Hyd.
12. One copy to Mr.K.Balakondiah, IPS
Superintendent of Police, Srikakulam Dist.A.P. Srikakulam.
13. One copy to Library, CAT.Hyd.
14. One spare copy.

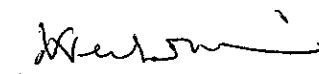
pvm

RBS Chowdhury and Ors. Vs. Union of India X that in order to have the benefit of 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 panel for 1983-84 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 has to be taken into consideration runs contrary to the above judgments of the Apex court, and it has to be negatived.

7. The year of allotment of the applicant was determined by taking into consideration the officiating service from the date of inclusion of his name in the Select List for 1984-85 only and thus, it is in consonance with the judgment of the Apex court in Chowdhury's case referred to hereinabove.

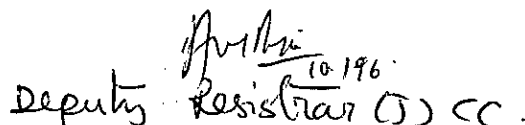
8. Thus this OA does not merit consideration. Accordingly it is dismissed. No costs.//


(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

Dated 16-11-95/6-12-1995.
Open court dictation.

Grh.


Deputy Registrar (D) CC