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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A.No. 629/92

T.A.No.

Dt. of Decision: 6-11-92

D.Vijay Kumar,

Petitioner

Sri GVL NarasimhaRao,

Advocate for
the Petitioner
(s)

Versus

U.O.I., rep. by its Secretary to Govt. of Respondent.

India, Ministry of Home Affairs (Personnel),

New Delhi & 2 others Sri Naram Bhaskar Rao for Advocate for
Sri D.Pandu Ranga Reddy, sp. counsel for the Respondent
R-3 (s)

CORAM:

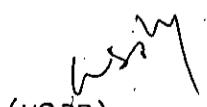
THE HON'BLE MR. R.BALASUBRAMANIAN : MEMBER (A)

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

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether their Lordships wish to see the fair copy of the Judgment?
4. Whether it needs to be circulated to other Benches of the Tribunal?
5. Remarks of Vice-Chairman on Columns 1,2,4 (to be submitted to Hon'ble Vice-Chairman where he is not on the Bench.)

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(HRBS)
M(A)


(HCJR)
M(J)

6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA No.629/92.

Dt. of Order: 6-11-92.

D.Vijay Kumar

....Applicant

Vs.

1. Union of India rep. by its
Secretary to Govt. of India,
Ministry of Home Affairs (Personnel),
New Delhi.
2. Union Public Service Commission,
reptd. by its Secretary, Dholpur
House, New Delhi.
3. The Chief Secretary to Government
of Andhra Pradesh,
Secretariat, Hyderabad.

....Respondents

-- -- --

Counsel for the Applicant : Sri G.V.L.Narasimha Rao

Counsel for the Respondents : Sri Naram Bhaskar Rao, CGSC
for RR 1 & 2
Sri D.Pandu Ranga Reddy, spl.
counsel for R-3.

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CORAM:

THE HON'BLE SHRI R.BALASUBRAMANIAN : MEMBER (A)

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

(Order of the Divn.Bench delivered by
Hon'ble Sri R.Balasubramanian, Member (A)).

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The prayer in this Original Application is for a
direction to the Respondents 1 to 3 to select the applicant
to include him in the select list published by the Govern-
ment of Andhra Pradesh as on 1-4-90.

....2.

2. When this case was taken-up Sri GVL Narasimha Rao, took us to letter dt.10-3-92 from the Chief Secretary to Government of Andhra Pradesh to the Union Public Service Commission, wherein along with two other officers S/Sri K.L.Reddy and A.R.Vaman Rao he had recommended consideration of case of Sri D.Vijay Kumar also for inclusion in the select list from 1982 to 1991 but subject to the outcome of OA Nos.3636 to 3638/91 pending before the Andhra Pradesh Administrative Tribunal. While Sri GVL Narasimha Rao argues that there is no impediment to Sri Vijay Kumar being considered in the same manner as S/Sri K.L.Reddy and A.R.Vaman Rao in respect of whom this Bench had issued orders on 10-8-92 in OA 628/91, Sri Raghu Ray, appearing for the party respondents in OA 277/91 took us to the order dt.17-3-92 passed by the Andhra Pradesh Administrative Tribunal in OA 1672/92, wherein the applicant herein i.e. Sri D.Vijay Kumar figures as Respondent No.3. He took us to the operative portion of the order which states as follows :-

"pending further orders, Respondents 1 and 2 are directed not to treat the Respondent No.3 as approved probationer in the Category-II of Police Service merely on the basis of G.O.

.....3.

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- 4 -

the findings in a sealed cover.

Further action will be subject to

(a) the outcome in CAs 3636 to
3638/91 pending before the APAT
as pointed out by the Chief
Secretary of A.P. in his letter
dt. 10-3-92;

(b) the applicant's eligibility
for consideration in the light
of the order dt. 17-3-91 passed by
the APAT and extracted above.

4. Accordingly we dispose of this C.A. with these
directions with no order as to costs.

20/11/91
CERTIFIED TO BE TRUE COPY
Date
Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad.

To

1. The Secretary to Govt. of India,
Union of India, Ministry of Home Affairs (Personnel),
New Delhi.
2. The Secretary, Union Public Service Commission,
Dholpur House, New Delhi.
3. The Chief Secretary to Govt., of A.P.
Secretariat, Hyderabad.
4. One copy to Mr. G. V. L. Narasimha Rao, Advocate, CAT. Hyd.
5. One copy to Mr. N. Bhaskar Rao, Addl. CGSC. CAT. Hyd.
6. One copy to Mr. D. Panduranga Reddy, Spl. Counsel for A.P. Govt. CAT
Hyd.
7. One spare copy.

pvm.

14/11/91 ✓

Ms.No.141 dt.11-4-88 without the Respondent No.3 (Sri D.Vijay Kumar) commencing and completing probation in accordance with Rule-8 of Special Rule for the A.P.Police Service."

He vigorously contended that Sri D.Vijay Kumar not even being eligible according to this order, does not merit any consideration and that this order is subsequent to letter dt.10-3-92 of the Chief Secretary to the Govt. of A.P.

3. The eligibility or otherwise of Sri D.Vijay Kumar for being considered depends on the case pending before the A.P.Administrative Tribunal. We are not in a position to give a categorical direction to the Respondents. At the same time if the applicant is not considered by this D.P.C. along with others, he being 52 year old, there is a possibility of his missing promotion to I.P.S. forever, becoming over-aged. Under these circumstances the balance of convenience has to be taken into consideration. Accordingly we pass the following order :-

Following the order dt.10-3-92 in OA 628/91 and suitably modifying, we direct the Respondents to place the case of Sri Vijay Kumar also before the same review committee before which the cases of applicants in OA 628/92 i.e. S/Sri KL Reddy and AR Vaman Rao are placed for review of the case of Sri Vijay Kumar for the years 1982 to 1990-91 and place

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TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR

AND

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

AND

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

AND

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

Dated: 6 -11 -1992

ORDER/JUDGMENT:

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

in

O.A. No. 629/92

T.A. No.

(wp. No

Admitted and interim directions
issued.

Allowed

Disposed of with directions

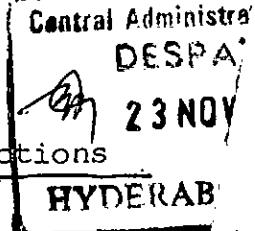
Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected

No orders as to costs.



pvm