

(36)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

HYDERABAD

MA No. 289/93 in OA 191/93

Date of order : 26-4-93.

Between

Shri M.R. Naik : Applicant

And

1. Government of India represented by its Secretary, Ministry of Personnel & Admn. Reforms, Central Secretariat, New Delhi.
2. Government of Andhra Pradesh represented by its Secretary, Revenue Department, Hyderabad.
3. Union Public Service Commission represented by its Secretary, New Delhi.
4. Commissioner of Land Revenue, Nampally A.P., Hyderabad.

: Respondents.

COUNSEL FOR THE APPLICANT : Shri M. Surender Rao

COUNSEL FOR THE RESPONDENTS : Shri N.R. Devaraj.

----- *M. D. Panduranga
Reddy, S.I.C. Comd
for AP State*

CORAM

Hon'ble Justice Shri V. Neeladri Rao, Vice-Chairman.

Hon'ble Shri P.T. Thiruvengadam, Member (Admn.)

(Judgement of the divn. bench delivered by Justice
Shri V. Neeladri Rao, Vice-Chairman.)

The applicant is serving as Sepcial Cadre Deputy Collector in the State of A.P. By G.O. M.S. No. 1099 Revenue (Service I Department) dated 4-11-92, the applicant was included in the panel of Deputy Collectors for the year 1979-80. By G.O. M.S. No. 267 Revenue dated 27-3-93 the service of the applicant in the category of Deputy Collector

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was regularised with effect from 16-5-80. The applicant was confirmed in the said post ~~as per G.O. M.S.~~ 31-10-87 ~~as per G.O. M.S.~~ No. 269 dated 27-3-93. The contention for the applicant is that in view of the ^{above} facts he was eligible for consideration for the post of I.A.S. for the years ^{earlier to 1992-93} ~~earlier to 1992-93~~ ^{but} and he is seeking relief in this OA for consideration for I.A.S. only for the year 1992-93.

For being eligible for consideration for the post of I.A.S. one should be a Deputy Collector in regular service ^{for} of 8 years and they should be confirmed in the said post and ^{he} they should be within the zone of consideration. There ~~were~~ only 7 Deputy Collectors who are eligible for consideration for I.A.S. for the year 1992-93 while 28 Deputy Collectors were entitled for being considered for the post of I.A.S. in that year. (The figure of 28 promotees is referred to as per the facts mentioned in the given Interim direction ^{by A.P. State Tribunal dated 23-2-93,} in OA No. 6839/92 & batch.) The relevant portion in the said order reads as under:

" The State Government will expeditiously send a list of Deputy Collectors to the UPSC for consideration for appointment by promotion to IAS by arranging the names viz. 7 promotees and 14 direct recruits in a cycle of 2 promotees (i.e. those appointed by promotion or by transfer as Deputy Collectors) and one direct recruit. Among those appointed by promotion and transfer as far as possible the cycle meant for them must be followed. After the 7 promotees, the remaining direct recruits will be put in a bunch according to their individual ranking in their panels."

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It is stated for the applicant that his ranking should be between 5th & 6th promotees in view of the G.O.M.S. No. 1099/92 and G.O. M.S. No. 267/92. It is argued for the applicant that when the State Tribunal has given a direction for including the name of even the 7th promotee, for consideration for I.A.S. for the year 1992-93, the applicant also has to be considered as his ranking is above the ranking of the 7th promotee.

But the contentions for the respondents are two fold.

- (1) This OA is pre-mature ^{as} the D.P.C. has not met.
- (2) It is realised that there was procedural infirmity in continuing G.Os 267 & 269 of 1993 as notices to the affected persons were not issued and hence it is felt necessary to review the orders to get over the procedural infirmity by issuing notices to all the persons whose interests are jeopardised. The matter is under consideration of the A.P. State Government.
So applicant's So his His name was not referred to cannot be referred to for consideration for I.A.S. for the year 1992-93.

The very grievance of the applicant is that when ~~he has to~~ he ~~is to~~ be considered for the post of I.A.S. for the year 1992-93, his name was not sent by the State Govt. even when the names of his juniors were sent. But the contention for the respondents is that if ultimately this Tribunal feels that the name of the applicant is also to be considered for the year 1992-93, the Review D.P.C. can be directed to consider the same. But when the existing facts disclose that the applicant is eligible for consideration when the names of his juniors were sent for consideration for I.A.S. ~~in~~ the year 1992-93, it cannot be stated that this OA is pre-mature on the ground that D.P.C. has not yet met. If the D.P.C. has already met, the applicant has to wait till ~~convened~~ ⁱⁿ Review D.P.C. is ~~convened~~, ^{now} in view of the facts on the record it cannot be stated that this OA is pre-mature and accordingly the said contention is not acceptable.

To

1. The Secretary, Mihistry of Personnel
and Administrative Reforms,
Govt.of India, Central Secretariat,
New Delhi.
2. The Secretary, Revenue Dept.Govt.of A.P.Hyd.
3. The Secretary, U.P.S-C. Dholpur House, New Delhi.
4. The Commissioner of Land Revenue,
Nampally A.P.Hyderabad.
5. One copy to Mr.M Surender Rao, Advocate, CAT.Hyd.
6. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.
9. One copy to Mr.D.Panduranga Reddy, Spl.Counsel for A.P.Govt.CAT.Hyd

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PSC*

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Even though the G.O. M.S. 267 & 269 dated 27-3-93 were issued in March, 1993, even in the counter that was filed on 22-4-93, it is merely stated that the matter in regard to procedural infirmity is still under consideration. Since a final decision is not so far taken ~~Rescinded in the matter~~, it cannot be stated that the applicant is not eligible for consideration for I.A.S. for the year 1992-93. As already observed, the applicant will be aggrieved if he is directed to wait for consideration by a Review D.P.C. in case he ultimately succeeds. so in these circumstances, we feel that it is just and proper to give a direction to the State Government, the Respondent 2 to send the name of the applicant also for consideration for I.A.S. for the year 1992-93. The D.P.C. has to consider the name of the applicant in accordance with law and the Respondents 1 & Respondent 3 are also directed to consider the case of the applicant if the D.P.C. includes the name of the applicant for ~~confirming~~ confirmation in I.A.S. This order will be subject to the result of the order that may be passed in the contemplated ^{Review} D.P.C. as referred to in paras 7 & 9 of the counter dated 22-4-93. The OA is ordered accordingly with no costs. As the OA is disposed of, this MA has become infructuous and accordingly it is disposed of.

Issue C.C. next week.

P.T. Thiruvengadam

(P.T. Thiruvengadam)
Member (Admn.)

V. Neeladri Rao
Vice-Chairman

Open court dictation

NS

Dated 26th April, 1993.

294/93
Deputy Registrar (C)

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 *P.T.Tiyuveenach*
THE HON'BLE MR. ~~R.~~ BALASUBRAMANIAN :
MEMBER (ALMN)

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

DATED: 26 - 4-1993

ORDER/JUDGMENT

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

in
O.A.No. MA 289/93
191/93

T.A.No. (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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