

(36)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
HYDERABAD

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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.

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M. D. Panduranga  
Reddy, Sp. Comm.  
for AP State

CORAM

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

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

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(Judgement of the divn. bench delivered by Justice  
Shri V. Neeladri Rao, Vice-Chairman.)  
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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 appli-  
cant was confirmed in the said post <sup>with effect from</sup> ~~as per G.O. No. 31-10-87~~ <sup>as per G.O. No. 269 dated 27-3-93</sup>. The contention for the appli-  
cant is that in view of the <sup>above</sup> facts he was eligible  
for consideration for the post of I.A.S. for the  
years <sup>was</sup> earlier to 1992-93; <sup>but</sup> 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 <sup>for</sup> of 8 years and they should be con-  
firmed in the said post and <sup>he</sup> ~~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  
Interim direction <sup>given</sup> 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 5<sup>th</sup> & 6<sup>th</sup> 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 <sup>as</sup> the D.P.C. has not met.
- (2) It is realised that there was procedural infirmity in <sup>issuing</sup> 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~~ <sup>His</sup> 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 <sup>too has to</sup> 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~~ <sup>has</sup> 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. <sup>for</sup> ~~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 Review D.P.C. is <sup>concluded</sup> ~~conveyed~~ <sup>in</sup> ~~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, Ministry 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.
- pvm.

copy  
pvc  
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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. <sup>G.O. MS 267 & 269 are not</sup> Since ~~a final decision is not so far taken~~ <sup>Rescinded</sup> ~~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 <sup>confirming</sup> ~~confirmation in~~ I.A.S. This order will be subject to the result of the order that may be passed in the contemplated <sup>Review</sup> ~~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

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Dated 26th April, 1993.

29/4/93  
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

THE HON'BLE MR. ~~R. BALASUBRAMANIAN~~ *P.T. Tiruvengadu*  
MEMBER (ADMN)

AND

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

DATED: 26 - 4 - 1993

ORDER/JUDGMENT

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

in

O.A.No.

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.

pvm

Central Administrative Tribunal

DESPATCH

12 MAY 1993

HYDERABAD BENCH.