

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH AT
HYDERABAD.

R.A.NO. OF 1995

in

C.R.NO.85 OF 1993

in

O.A.NO.243 OF 1993.

Between:

The Chief Secretary to Govt. of
Andhra Pradesh, General Administration
Department, Secretariat, Hyderabad.

...Applicant/Respondent
in C.P. & O.A.

A N D

1. Sri S.S.Budan

...Respondent/Applicant
in C.P.&O.A.

2. Sri N.K.Ranga Raju, IAS,
Secretary to Govt.of India,
Department of Personnel and
Training, Ministry of Home Affairs,
Central, Secretariat, New Delhi.

...Respondent/Respondent
in C.P.& O.A.

PETITION FILED UNDER SECTION 17 OF C.A.T. (PROCEDURE) RULES 1987

For the reason stated in the accompanying affidavit
the applicant here in pray that this Hon'ble may be pleased to
review the order made in C.P.NO.85/93 in O.A.243/93 dated:17-11-93
and such other order as the Hon'ble Tribunal may deem fit and
proper in the circumstance of the case.

HYDERABAD.

Dated; 5-1-1995.

D. R. R.
Counsel for Applicant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

R.A. No. OF 1995

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C.P. No. 85 OF 1993

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O.A. No. 243 OF 1993

Between:

The Chief Secretary to Govt. of
Andhra Pradesh, General Administration
Department, Secretariat, Hyderabad.

... Applicant/
Respondent in C.P.
and main O.A.

A N D

1. Sri S.S. Budan

... Respondent/Applicant
in C.P. and main
O.A.

2. Sri N.K. Hanga Raju, IAS.,
Secretary to Govt. of India,
Department of Personnel and
Training, Ministry of Home Affairs,
Central Secretariat, New Delhi.

... Respondent/Respondent
in C.P. and main
O.A.

AFFIDAVIT

I, Sri K. Venkat Reddy, S/o K. Kanna Reddy, aged
about 57 years, residing at Hyderabad do hereby solemnly
affirm and State as follows:

2. I am the Joint Secretary to Government (AIS), General
Administration Department, Government of Andhra Pradesh and
as such I am well acquainted with the facts of the case. I am
authorised to file this affidavit on behalf of the Chief
Secretary to Government i.e., applicant herein.

3. Being aggrieved by the order of the Hon'ble Central
Administrative Tribunal, Hyderabad Bench, Hyderabad passed in
C.P.No.85/93 in O.A.No.243/93 dated 17-11-1994 filed by Sri S.S.
Budan, i.e., applicant in the main O.A. and in C.P. the
present Revision Petition is being filed.

1st Page
Corrections:

ATTESTOR

Section Officer, (S.C.)
Genl. Admn. (Spl.A) Dept.
Govt. of A.P., Hyderabad

DEPONENT.

Joint Secretary to Govt (AIS)
General Administration Dept.
Govt. of Andhra Pradesh.
Contd....2 Hyderabad

The brief facts are as follows:

With reference to para 2 of the Judgement dt.17.11.94, it is submitted that as per the orders of Central Administrative Tribunal dt.15-6-93 in D.A.No.243/93 filed by the Applicant, the Screening Committee met on 20-10-93 and reviewed his case for promotion to Supertime Scale of I.A.S. keeping in view the directions of the Central Administrative Tribunal and found him unfit for promotion to the Supertime Scale of I.A.S. Government has accepted the findings of the Screening Committee. The Applicant was informed of the above position vide Memo.No.738/Spl.A/93-15, Dt.6.11.93. Therefore, it cannot be said that the order of Central Administrative Tribunal dt.15.6.93 has not been implemented.

With reference to para 3 of the Judgement it may be stated that the SLP 15225/93 was filed against the above interim order dt.15.6.93 as the Tribunal directed to consider the case of the Applicant for Promotion to Supertime Scale on the basis of material on record as on 28.9.92 by following the relevant rule including para III (3) (iv) of the guidelines issued by Govt. of India on 27.12.75. The Central Administrative Tribunal judgement had made a pointed reference to the Judgement of the Supreme Court in M.L. Capoor (Vs) Union of India 1974 (1) SCR 797. This 1974 judgement of the Supreme Court was kept in view by the Supreme Court while delivering Judgement in R.S. Dass (Vs) Union of India 1986 SC. 1013. Therefore, the Principles laid down in M.L. Capoor's case of 1974 cannot be taken as valid case law and depended upon for support in view of the Principles laid down in R.S. Dass case of 1986. The Government therefore decided to file a review petition before the Central Administrative Tribunal bringing

2nd Page,
Corrections.

ATTESTOR

Section Officer, (S.C.)
Genl. Admn (Spl.A) Dept.
Govt. of A.P., Hyderabad.

DEPONENT

Joint Secretary to Govt (AIS)
General Administration Dept.
Govt of Andhra Pradesh.
Hyderabad.

to their notice the 1986 Supreme Court Judgement which supercedes the Supreme Court's decision in Kapoor's case. However, SLP was filed in the Supreme Court of India.

Against the interim order of Central Administrative Tribunal dt.15.6.93, interim stay was granted by the Supreme Court of India on 17.1.94 on the S.L.P. filed by the State Government. The S.L.P. was however dismissed on 28.3.94.

Though the State Govt. filed S.L.P. in the Supreme Court on the order of Central Administrative Tribunal dated 15.6.93, the State Government decided to implement the order dt.15.6.93 and therefore held the Screening Committee Meeting on 20.10.93 and decided that the Applicant was not found fit for promotion for the Supertime Scale of I.A.S. and he was informed vide Memo. dt.6.11.93.

With reference to para 4 of the Judgement it is stated that the proceedings of the Screening Committee are secret in nature and contain details for not considering the Applicant for promotion to Supertime scale of I.A.S. Therefore, the same cannot be communicated to him.

With reference to para 5 of the Judgement it is stated that as already stated above, the proceedings of the Screening Committee are secret in nature and therefore copy of the same cannot be communicated to the Petitioner. However, Government have no objection to communicate gist of the grounds to the Central Administrative Tribunal which weighed with the Screening Committee to reject the claim of the Applicant. Further, the State Government has no objection to the Central Administrative Tribunal perusing of the proceedings of the Screening Committee which will be made available in a sealed cover.

3rd Page,
Corrections.

ATTESTOR

Section Officer, (SC)
Genl. Admn. (Sp) I
Govt. of A.P., Hyderabad

DEPONENT.

Contd. Secretary to Govt. (AIS)
General Administration Dept.
Govt. of Andhra Pradesh

For all the reasons stated above, the order passed in C.P. 85/93 in U.A. 243/93 dated 17.11.94 of the Hon'ble Central Administrative Tribunal, Hyderabad Bench, Hyderabad may be reviewed.

Solemnly affirmed at Hyderabad
on this the 21st. December, 1994
and signed his name in my presence.

4th and Last Page.
Corrections.

DEPARTMENT:

(General Secy)
Joint Secretary to Govt (AIS)
General Administration Dept
Govt of Andhra Pradesh
Hyderabad

BEFORE ME:

ATTESTOR: *[Signature]*

Section Officer, (S.C)
Genl. Admn. (Spl Ad) Dept.
Govt. of A.P., Hyderabad.

I AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,
VICE-CHAIRMAN I

J U D G E M E N T

Heard Shri Y. Suryanarayana, learned counsel for the applicant and also Shri D. Pandu Ranga Reddy, learned standing counsel for the Respondents.

2. Contention for the applicant is that the Memo. No. 738/Spl.A/93-15 dated 6-11-93 does not indicate that reasons were given for superseding him for promotion to the supertime scale of I.A.S. It is hence contended that when Interim order dated 15-6-93 specifically states that reasons have to be given for supersession, it has to be held as non-implementation of that order.

3. SLP 15225/93 was filed against the above Interim order dated 15-6-93 and interim stay of that order was granted by the Supreme Court on 17-1-94. The said SLP was dismissed on 28-3-94. It is clear even from Memo. dated 6-11-93 that in pursuance of the Interim order dated 15-6-93, the Screening Committee met on 20-10-93 and decided that the applicant was not found fit for promotion for the supertime scale of I.A.S. The proceedings of the said meeting are now produced for the Respondents.

4. As we ^{held} ~~hold~~ that it is necessary to give reasons for superseding an officer for promotion to supertime scale, the proceedings of the Screening Committee where the reasons for supersession ~~has been~~ been given also have to be communicated to the concerned officer.

5. Hence the Respondents are directed to communicate copy of the proceedings of the Screening committee held on 20-10-93 in regard to consideration of the case