

(39)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD.

O.A. NO. 295/93

DATE OF JUDGMENT: 21.6.95

BETWEEN:

A.V.Narayana

Applicant

and

1. Union of India rep. by its
Secretary,
Ministry of Home Affairs,
New Delhi.

2. State of Andhra Pradesh rep. by
the Chief Secretary to the Govt.,
General Administration Department,
Secretariat,
Hyderabad.

.. Respondents

COUNSEL FOR THE APPLICANT: SHRI G. Raghunam.

COUNSEL FOR THE RESPONDENTS: SHRI NR Devaraj,
Sr. /~~Adv.~~ CGSC

CORAM: Shri IV Radhakrishna Murthy,
SC for R-2.

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN
HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

CONTD....

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O.A.NO.295/93.

JUDGMENT

Dt: 21.6.1995

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri N.R.Devaraj, learned standing counsel for R-1 and Shri I.V.Radhakrishna Murthy, learned special counsel for R-2.

2. This OA was filed praying for direction to the respondents to allot 1984 as the year of allotment to the Indian Police Service to the applicant.

3. The facts which are relevant are not in controversy. The applicant was a direct recruitee as Deputy Superintendent of Police, Category-II of Andhra Pradesh State service. His appointment to the said post was made on 22.1.1977. His name was included in the select list for the IPS in the meeting that was held on 28.12.1988. But he was not appointed as IPS officer on the basis of the said list, for want of vacancies. Though his name was again included in the select list prepared by the selection committee which met on 5.1.1990, he was not fortunate enough to have appointment as an IPS officer for want of vacancy. He was appointed as IPS officer on 28.1.1992 on the basis of the inclusion of his name in the select list drawn by the selection committee which met on 15.3.1990.

4. Indian Police Service (Regulation of Seniority) Rules, 1954 were amended as per Government of

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India's Notification No.14014/40/88-AIS(I), dated 27.7.1988. The relevant rule in regard to year of allotment, ^{which} was amended by the notification dated 27.7.1988 is as under:-

"3(a): For the service rendered by him in the state Police Service upto 12 years, in the rank not below that of Deputy Superintendent of Police or equivalent, he shall be given a weightage of four years towards fixation of the year of allotment.

(b) he shall also be given a weightage of one year for every completed three years of service beyond the period of ~~twenty~~ twelve years referred in sub-clause (a), subject to a maximum weightage of five years,. In this, calculation of fractions are to be ignored.

(c) the weightage mentioned in sub-clause (a) and (b) shall be calculated with effect from the year in which the officer is appointed to the service.

Provided that he shall not be assigned a year of allotment earlier than the year of allotment assigned to an officer senior to him in that select

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list or appointed to the service on
the basis of an earlier select* list."

5. It is stated for the respondents that as the applicant was appointed to IPS subsequent to 27.7.1988, the date of amendment, the applicant was given 1987 as the year of allotment as per the above amended rule.

6. But it was pleaded for the applicant that as he was officiating in the cadre post even from 1984, the pre-amended rule is applicable to him and hence 1984 has to be given as the year of allotment. We held by our judgment ~~in~~ reported in 1995(1) ATJ 578 (M. Krishna Swamy Vs. Union of India) while referring to the corresponding rule in regard to the Indian Administrative Service Officers, that the amended rule in regard to the year of allotment is applicable for ~~those who were~~ appointed on or after the said amendment. For the reasons stated therein, we hold that the Rule 3 of IPS (Regulation of Seniority) Rules, 1954 as amended by the Notification dated 27.7.1988 is applicable in regard to those IPS officers who were appointed by promotion on or after 27.7.1988. Hence, there is no infirmity when the respondents allotted 1987 as the year of allotment to the applicant in accordance with the amended rule.

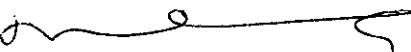
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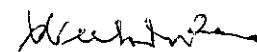
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7. Thus, this OA does not merit consideration and accordingly it is dismissed. No costs.//


(R.RANGARAJAN)
MEMBER (ADMN.)


(V.NEELADRI RAO)
VICE CHAIRMAN

DATED: 21st June, 1995.
Open court dictation.


Deputy Registrar (J) CC

vsn

To

1. The Secretary, Union of India, Ministry of Home Affairs, New Delhi.
2. The Chief Secretary to the Govt. of A.P., General Administration Dept., Secretariat, Hyderabad.
3. One copy to Mr. G. Raghuram, Advocate, 1-10-13 Ashoknagar, Hyderabad.
4. One copy to Mr. N. R. Devraj, Sr. OGSC. CAT. Hyd.
5. One copy to Mr. I. V. Radhakrishna Murthy, Spl. Counsel for A.P. Govt. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

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23/6/95

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO.
VICE CHAIRMAN

A N D

THE HON'BLE MR. R. RANGARAO JAWAN (M (ADMN))

DATED 2/1/95 1995.

~~ORDER/JUDGMENT:~~

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

in

OA. No.

Q95/93

TA. No.

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No order as to costs.

No Space Copy

27/6/95

