

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

O.A.No. of 1993

Between:-

and

- 1) The Union Public Service Commission, represented by its Secretary, New Delhi.
- 2) Union of India, reptd. by its Secretary, Ministry of Home Affairs, New Delhi.
- 3) Government of Andhra Pradesh, reptd. by its Chief Secretary to the Government of Andhra Pradesh, Secretariat, Hyderabad.
- 4) Sri G.Kishan Rao, Dy Secretary, Chief Minister's Peshi, Secretariat, Hyderabad.
- 5) Sri N.Rangareddy, Deputy Secretary to Government, General Administration Department, Secretariat, Hyderabad.
- 6) Sri P.Balasubrahmanyam, Joint Collector, Collectorate, Visakhapatnam.

.... Respondents.

DETAILS OF THE APPLICATION.

1) i) Name of the Applicant: V.V.Subrahmanyam.  
ii) Father's name: Late Pattabhirama Sastry.  
iii) Age: 54 years.

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iv) Designation and particulars of office (name & station) in which employed /or was last employed before ceasing to be in service.

Spl.Gr. Dy Collector, working on other duty as Estate Officer, A.P.S.E. Board, Vidyut Soudha, Hyderabad: 49.

v) Office address:

Estate Officer, A.P.S.E.B., Vidyut Soudha, Hyderabad: 49.,

vi) Address for Service of notices:

Sri T. Mohan Rao, Advocate, H.No.4-5-601/4., Kutbiguda, Hyderabad.

2. PARTICULARS OF THE RESPONDENTS:

i) Name and /or designation of the Respondents.

The particulars of the Respondents are as mentioned above in the cause title.

ii) Office address.

iii) Address for service of all notices:

3. PARTICULARS OF THE ORDER AGAINST WHICH APPLICATION IS MADE.

i) Order No.

G.O.Rt.Nos.2757 and 2758 General Admn.(Spl.A) Dept.,

ii) Date:

30-6-1992.

iii) Passed by:

Government of Andhra Pradesh.

iv) Subject in brief.

Promotion to I.A.S.cadre and posting.

4) Jurisdiction of the Tribunal:

The Applicant herein declares that the subject matter of the order in respect of which he wants redressal is within the jurisdiction of the Tribunal under section 14(1)(a) of the Administrative Tribunals Act, 1985 as the Applicant herein is serving under the State Government at Hyderabad.

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5) Limitation: The Applicant further declares that the application is within the limitation prescribed in section 21(1)(a) of the Administrative Tribunals Act, 1985 as the date of the impugned order is 30-6-1992, which is within one year.

6) FACTS OF THE CASE:-

i) The Applicant herein is a Special Grade Deputy Collector, working now on deputation as Estate Officer in the A.P.State Electricity Board, Vidyut Soudha, Hyderabad. In G.O.Ms.No.46, (Revenue Ser.I) Dated: 16-1-1992, Government included his name in the regular panel of Deputy Collectors of 1978-79 at Sl.No.16 and regularised his services in the cadre of Deputy Collectors from 27-8-1979. In G.O.Ms.No. 111( Revenue Ser.I) dated 29-1-1992, Government declared completion of his probation in the cadre of Deputy Collectors on 26-8-1980. In G.O.Ms.No.115 ( Revenue Ser-II) Dated 29-1-1992, Government confirmed his services in the cadre of Deputy Collectors with effect from 30-6-1987.

ii) The post of Deputy Collector is a State Civil Service and it is the feeder category for promotion to the I.A.S. cadre under the I.A.S. ( Appointment by Promotion ) Regulations, 1955. According to the above regulations, Seniority and Service, the applicant herein is fully qualified for consideration and selection for the I.A.S. cadre right from 1988.

iii) Though the applicant is eligible for consideration right from 1988, because of the delay in finalising the seniority of Deputy Collectors till 1992, the applicant was deprived of his chances for consideration for the years 1988, 1989, 1990. The seniority of the applicant in

Deputy Collectors' cadre from 27-8-1979 was declared on 16-1-1992 with a delay of about 13 years.

iv) Regulation 5 of the above Regulations specify the method/mode of selection. Regulation 5(2) prescribed that the Committee "shall" consider for inclusion the cases of the State Civil Service " in the order of a Seniority". Regulation 5(4) prescribed that the Selection Committee "shall " classify the eligible officers as "outstanding", " very good ", "Good" or "Unfit", "On an overall relative assessment of Service Records".

The above are Mandatory provisions.

v) It is important to quote here that the Courts have ruled that when the statutory regulations require that a thing should be done in a certain manner, it must be done in that manner alone and any other mode is violative of the Rules of Natural justice.

vi) It is also important to quote here that the Courts have held that executive instructions cannot override statutory Rules/ Regulations.

vii) It may not be out of place to mention here that the applicant, due to his integrity and devotion to duty, has risen to the posts of Deputy Collector and Special Grade Deputy Collector and all along, his integrity is appreciated to continue him in service and to promote him to the Selection posts like "Deputy Collector" and " Special Grade Deputy Collector". The applicant has put in 32 years of un-interrupted service and is still continuing with integrity. Denial of the

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opportunity to the applicant, for further promotion at this stage, is a clear denial of justice.

viii) The State Government has to sponsor the names of all the candidates according to the seniority but, the State Government has violated the instructions of the Government of India and discriminated the applicant.

ix) The applicant submits that his record of service is not inferior to that of his juniors. He has never received any communication of adverse entry in his annual confidential report.

x) Because the applicant herein has put in an unimpeachable and unblemished record right from his entry into Government service, he was hopeful of his selection to the I.A.S. cadre in preference to his juniors. The Selection Committee met in the 3rd week of March, 1992 ( between 16-3-1992 and 20-3-1992) for preparing the select list , ~~199~~ for 1991. But surprisingly, the Respondents herein selected the following three (3) juniors to the Applicant to the 1991 select list in preference to the Applicant and gave postings. Their service particulars vis-a-vis the applicant are as follows for comparison.

Applicant

V. V. Subrahmanyam

27-8-79 26-8-80 30-6-87

go. At 5:00 A.M. 46  
(Rev) d. (b.1)  
Not selected

~~Not selected.~~

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