

(CB)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 834/94.

Dt. of Decision : 20.7.94.

Mr. Ch. Devadas

.. Applicant.

VS

1. The Union of India rep. by its Secretary, Ministry of Personnel and Public Grievances, New Delhi.
2. The Union Public Service Commission, rep. by its Secretary, Dholpur House, Shahjahan Road, New Delhi.
3. The Govt. of Andhra Pradesh rep. by its Chief Secretary, General Administration Department, Secretariat, Hyderabad.
4. The Principal Secretary to Govt., Revenue Department, Govt. of AP, Secretariat, Hyderabad. .. Respondents.

Counsel for the Applicant : Mr. M. Panduranga Rao

Counsel for the Respondents : Mr. N.R. Devaraj, Sr. CGSC.

A.P. Govt.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

(33)

O.A.NO.834/94.

JUDGMENT

Dt: 20.7.94

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

Heard Shri M.Panduranga Rao, learned counsel
for the petitioner, learned standing
counsel for R-1 and R-2 and Shri D.Panduranga Reddy,
learned Special Counsel for R-3 and R-4.

2. This OA was filed praying for declaration
that the action of the Government of Andhra Pradesh
in not placing the confidential reports of the appli-
cant for the complete years of 1984, 1985, 1988, 1989 [redacted]
and partly upto the years of 1992-93 before the Sele-
ction Committee which met on 6.5.1994 for consideration
~~fax~~ of the officials of Andhra Pradesh State for
inclusion in the select list for IAS for the years
1992-93 and 1993-94 and thereby depriving the case
of the applicant being considered properly by the UPSC
and also the action in putting a question as to the
date of ~~his~~ birth of the applicant, though the date of
birth of the applicant had been corrected in view of
the judgment of the Andhra Pradesh Administrative
Tribunal which was confirmed by the Supreme Court,
~~as~~ is illegal, arbitrary and violative of Articles 14 and
16 of the Constitution.

3. It is not in controversy that the applicant
was in the zone of consideration for the AP State
officials for inclusion in the select list of 1992-93

contd....

.. 3 ..

and 1993-94 for Indian Administrative Service (IAS). While it is stated for the applicant that his CRs for the periods referred to in Para 6(iv) of Page-7 of the OA were not placed before the select committee, the learned Standing Counsel for the AP State Government submitted that he was instructed to state that only CRs of the periods from 1.4.1984 to 30.6.1984 and from 1.4.1988 to 31.3.1989 of the applicant could not be placed before the select committee as they were not received.

4. It is now submitted for the respondents that the select committee already finalised the list and the concerned Ministry finalised the same and they were sent to UPSC.

5. The point that has to be now considered at this stage is as to whether the select committee already considered the case of the applicant for the ~~xxx~~ two years referred to. If his case has already been considered, then it is not just and fair to give any direction at this stage. But, if the case of the applicant was not considered either on the ground that the CRs of the applicant for the entire period are not available or in regard to the question of his date of birth, then it is just and proper to give a direction to the respondents to keep one post vacant pending

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contd....

To

1. The Secretary, Ministry of Personnel and Public Grievances, Union of India, New Delhi.
2. Dholpur House, Shahjahan Road, New Delhi.
3. The Chief Secretary, Govt. of A.P.
General Administration Dept., Secretariat, Hyderabad.
4. The Principal Secretary to Govt.,
Revenue Department, Govt. of A.P.
Secretariat, Hyderabad.
5. One copy to Mr. M. Panduranga Rao, Advocate, CAT.Hyd.
6. One copy to Mr. N. R. Devraj, Sr. OGSC.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

Shank
A. V. A. I. B. E. T.

(35)

.. 4 ..

~~If applicant's case~~
consideration for selection to
disposal of his IAS so as to avoid further complication
in case the applicant has to be promoted for IAS.
Ofcourse, if after consideration of the case of the
applicant, his name is not included in either of the
lists or if he is ~~not~~ going to get appointment even
inclusion in the list, then it is open to the applicant
if so advised to move this Tribunal under Section 19
of the Administrative Tribunals Act, 1985 if there are
any circumstances warrant ^{to} challenge ~~the select list~~
for 1992-93 and 1993-94.

6. In the result, the OA is disposed of at the
admission stage as under:-

If no grading was given to the applicant under
Rule 5(4) of the Indian Administrative Service (Appoi-
ntment by Promotion) Regulations, 1955 for 1992-93,
then one post for the period in question ~~must~~ should
be remain unfilled and that post has to be filled up
after the select committee considers the case of the
applicant after his CRs for the entire period ~~is~~ placed
before the Committee. The said post should be filled up
on the basis of the result after the case of the applicant
is considered. ~~If his name cannot be included in the~~
~~having sufficiently higher rank~~
list or if he is not ~~sufficient~~ senior so as to be given
appointment for the post remained unfilled, then it has
to be filled up ~~from among candidates included in the~~
list as per his ranking. No costs.

(R. RANGARAJAN)
MEMBER (ADMN.)

~~Signature~~
(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 20th July, 1994.
Open court dictation.

Ans
Deputy Registrar (C)

TYPED BY

CHECKED BY

COMPARED 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. RANGARAJAN : M(ADMN)

DATED: 20 - 7 - 1994

ORDER/JUDGMENT

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

in

O.A.No. 834/94

(T.A.No.)

(W.P.NO.)

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions.

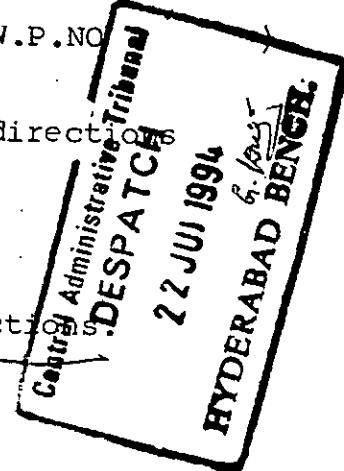
Dismissed

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected

No order as to costs.



pvm

No spare copy

C.O
Pl. show to me
Mr. Sanjay Sethi
Supt. of Amts. and
Opposite and
Date
21/7/94