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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,
Shajahan 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. Pandurenga 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.)

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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
Shri B. Devarai, 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 applicant for the complete years of 1984, 1985, 1988, 1989 and partly upto the years of 1992-93 before the Selection Committee which met on 6.5.1994 for consideration ~~for~~ 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, ^{and} 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

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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 ~~XXXX~~ 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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To

1. The Secretary, Ministry of Personnel and Public Grievances, Union of India, New Delhi.
Dhoolpur House, Shajahan 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. CGSC. CAT. Hyd.
7. One copy to Library, CAT. Hyd.
8. One spare copy.
4. one copy to Mr. D. Panduranga Reddy, spl. Counsel for A.P. Govt.
CAT. Hyd -
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of 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 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 ^{it} 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 (Appointment 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 ^{or} 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 list or if he is not ^{having sufficiently higher rank} sufficient senior so as to be given appointment for the post remained unfilled, then it has to be filled up ^{by the candidate} from among candidates included in the list as per his ranking. No costs.

(R. RANGARAJAN)
MEMBER (ADMN.)

(V. NEELADRI RAO)
VICE CHAIRMAN

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

vsn

deputy Registrar (C)

TYPED BY

CHECKED BY

COMPALED 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 (ADJN)

DATE: 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

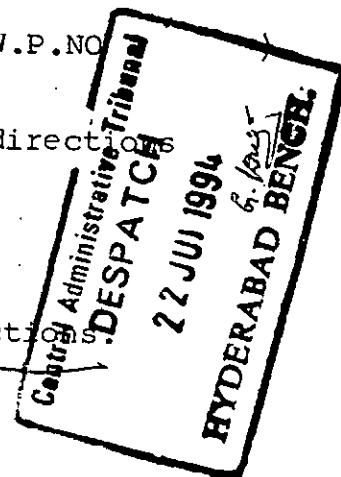
Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected

No order as to costs

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CO
Pl. show the name of
Mr. D. S. Sankar Narayan
for the state of A.P. in the
appendix and name copy etc
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noted
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