

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD.

C.P. 3/95 in
OAA. 895/94

Date of Decision: 14-2-95.

Between:-

G.H.P. Raju

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Applicant

And

1. Shri N.R. Ranganathan, IAS
Secretary, Dept. of Personnel & Training,
Govt. of India, Central Secretariat, North Block,
New Delhi.
2. Shri K. Padmanabbiah, IAS, Secretary Dept. of
Home Govt. of India, Central Secretariat,
North Block, New Delhi.
3. Shri B.V. Rama Rao, IAS, I/c Chief Secretary,
Govt. of A.P. Hyderabad.

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Respondents.

Counsel for the Applicant : Mr. Y. Suryanarayana, Advocate

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

MY. I.V. Radha Krishna Murty, SPL
Counsel for A.P. Govt

CERAM:

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

HON'BLE SHRI R. RANGARAJAN, MEMBER ADMINISTRATIVE.

CP.3/95 in OA.895/94

ORDER

(As per Hon. Mr. Justice V. Neeladri Rao, Vice Chairman)

Heard Sri Y. Suryanarayana, learned counsel for the Petitioner; Sri N.R. Devaraj, learned counsel for Central Government; and Sri I.V. Radhakrishna Murthy, learned counsel for AP State Government.

2. The applicant in OA.895/94 filed this CP.3/95 ~~by~~ alleging that the interim order dated 28-11-1994 is not complied with. The learned counsel for the applicant submitted that R-3 may be deleted as - - - - -

charge Chief Secretary or Chief Secretary. Hence this CP against R-3 is dismissed.

3. MA.71/95 filed by R-1, R-2 and R-4 in the OA praying for vacating interim order dated 28-11-1994 is dismissed by this Bench today.

4. Sri N.R. Devaraj, learned standing counsel for the Central Government prays for two months time for compliance. But the learned counsel for the applicant submitted that even though the period from 8-1-1995 i.e the period from after expiry of leave on medical grounds has to be treated as on leave as per the order of this Tribunal, ~~it~~ will not be a sufficient solace for the applicant as he will not have the benefit of ~~this~~ training which was already commenced on 28-11-1994 and if he is deprived of the benefit of that training for two months it will cause hardship to him. We feel that the learned standing counsel for the respondents is seeking time for two months in order to take a decision as to whether the appeal had to be preferred before the Apex Court against this interim order.

Even in the order dated 28-11-1994 we made it clear that if it is ultimately found on the basis of the records available with R-1 and R-2 in the OA, that the insider vacancy for AP State for 1992 IPS batch (also) will be for reserved candidate even by bolding that the 30 Point Roster as per d.o. letter dated 30-5-1985 referred to supra was made applicable even for 1991 Batch, the applicant has to be sent back to the State to which he was allocated or he is allotted to even though he has to undergo training as per interim order in AP State. The applicant was not chosen to go to Assam Meghalaya cadre to which he was allotted, as he was having the benefit of interim order, urged the learned counsel for the applicant, and instead of the applicant being deprived of the training, the balance of convenience will be in allowing the applicant to undergo training in AP State as per interim order, pending consideration by R-1 and R-2 about the question of preferring the appeal before the Apex Court, and if ultimately it is necessary for the applicant to go to some State other than AP State, there is no bar for the respondents to allot him to the State other than AP State.

5. As it is stated that the training is upto 3-8-1995, and as already two months and odd have elapsed, we feel it not in the interest either of the applicant or R-1 and R-2 if the applicant is deprived of the training for two more months. In view of the interim order passed by us, we cannot give direction to the applicant to undergo training in Assam Meghalaya. Thus, we feel it not just and proper to grant two months time for implementation of interim order dated 28-11-1994. Ofcourse R-3 requires some time for implementation of the interim order dated 28-11-1994.

But as R-3 in the OA i.e. the Chief Secretary in AP State who has to implement the said order is in Hyderabad, there is no need to grant long time. We feel that 10 days time is sufficient. Hence, time is extended till 24-²-1995 for compliance of the interim order dated 28-11-1994.

6. Call CP in OA on 24-2-1995. /

Meer
(R. Rangarajan)

Member (Admn.)

Vice Chairman
(V. Neeladri Rao)

Vice Chairman

Dated : February, 14, 1995
Dictated in open Court

Am/BG
15-2-95
Dra.

Deputy Registrar (SAC)

Copy to:-

1. Shri N.R.Ranganathan, IAS, Secretary, Dept of Personnel & Training, Govt. of India, Central Secretariat, North Block, New Delhi.
2. Shri K.Padmanabbiah, IAS, Secretary, Dept. of Home Govt. of India, Central Secretariat, North Block, New Delhi.
3. Shri B.V.Rama Rao, IAS I/C Chief Secretary, Govt. of A.P. Hyderabad.
4. One copy to Mr.Y.Suryanarayana, Advocate, CAT, Hyd.
5. One copy to Mr.N.R.Devaraj, Sr.CGSC, CAT, Hyd.
6. ~~One copy to Mr. I.V. Radhakrishna Murty, SPL.~~
Counsel for A.P. Govt.
7. One spare.

kku.