

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A. No. 907/94.

Dt. of Decision : 10-8-94.

1. P. Laxminarayana
2. M. Subrahmanyam
3. R. Ramakrishnaiah

.. Applicants.

vs

1. Government of Andhra Pradesh  
rep. by its Chief Secretary,  
Secretariat Buildings, Hyderabad.
2. Union of India rep. by Secretary,  
Dept. of Personnel & Training  
Central Secretariat, North Block,  
New Delhi - 1.
3. Union Public Service Commission,  
rep. by its Chairman, New Delhi.
4. P. Jagannath Singh
5. S. Joginder Singh
6. M.R. Naik
7. K. Ramakrishna
8. Mohd Khader Ali
9. G.S.K. Gandhi
10. G. Phanikumar

.. Respondents.

[Pursuant to O. 10, Rule 10 of the Central Administrative Tribunals (Procedure) Rules, 1986, in A.O. 625/94]

Counsel for the Applicants : Mr. B.S.A. Swamy

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

for R-2 and R-3.

Mr. D. Panduranga Reddy, Spl.  
counsel for A.P. for R-1.

Mr. G. Vedanta Rao for R-5&9.

Mr. M. Surender Rao for R-6.

Mr. I.V.S. Rao for R-4.

Mr. K. Venkateswara Reddy for R-10.

CORAM:

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

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

9

to consider in a later year in regard to the vacancies which had arisen / which arise in more than one year, it is necessary to prepare the Select list for each year separately. The officers who are eligible for consideration and the number of officers who are within the zone of consideration have to be determined as if the Select Committee is meeting in the relevant year. As only one Select list was prepared for the vacancies which had arisen/which arise in 1993-94 and 1994-95 for two years the same has to be held as illegal in view of the judgement of the Supreme Court in Rizvi's case. As such, the list prepared in regard to the vacancies regarding to the two years has to be quashed.

7. It is stated that the Committee could not meet in the last year in view of the delay in finalisation of the seniority list of the Deputy Collectors as many approached the AP State Tribunal challenging the date ~~1992~~ of regularisation. Be that at it may, as there will be delay in preparation of the select list even in regard to the vacancies which had arisen in 1993-94 and as there is no challenge in regard to the gradings given to the various officers, the cases of whom were considered by the Select Committee, it is just and proper to give the following direction while quashing the list that was prepared for the vacancies in 1993-94 and 1994-95 :

The Select Committee has to consider the cases of such of those who will be within the zone of consideration for the vacancies in 1993-94 by treating 1-4-1992 as the cut off date for considering about

✓

(8)

for

to as Select Committee 1991-92. Thus, it is the case of R-1 to R-3~~4~~ that the Select list is prepared for the vacancies that arise in the following year.

4. The Select Committee met on 6-5-1994 for consideration of the vacancies which had arisen in 1993-94 and which are going to arise in 1994-95, corresponding Select List for 1992-93 and 1993-94. The list was finalised and the proceedings of the Select Committee were produced before us. It is evident therefrom that only one Select Committee list is prepared for both the years put together.

5. We held in OA.1485/92 while dealing with the case of Probation for IAS that it is necessary to prepare the Select list for each year separately and preparation of Select list for vacancies for more than one year is not in consonance with the various relevant rules and regulations. We so held by relying upon the judgement of the Supreme Court in 1993(1) SLR 89 (Syed Khalid Rizvi and others vs. Union of India and others) vide para 34 of the said judgement. The relevant observations therein is as under :

"We have, therefore no hesitation to hold that preparation of Select List every year is mandatory."

6. Relevant rules and regulations in regard to recruitment for IAS & IPS by promotion are similar. So, it has to be held that the above judgement of the Supreme Court equally holds good in regard to the recruitment to IAS by promotion. Whenever it is not possible for one reason or the other for the Select Committee to meet in the relevant year, and if it is

✓

## Eligibility

the period of service and also for the maximum age. The select list for that year had to be prepared in regard to such numbers as per the rules. Thereafter, the Select list for the vacancies in 1994-95 had to be prepared by taking the cut-off date as 1-4-1993 for consideration in regard to eligibility period of service and also the maximum age. That list also had to be prepared for such number of vacancies as per rules. As the Select Committee had already given gradings at the time of meeting held on 6-5-1994, the same gradings should be followed in regard to such of those officers who were eligible for consideration and who were within zone of consideration in the respective years.

8. As there was already a delay in preparation of the Select List for each of the two years, and as it is not again necessary to assess for the purpose of giving gradings, it is just and proper to direct the respondents to prepare the Select list for the two years referred to in the light of the direction in this order, by 15-9-1994, failing which the appointments have to be given on the basis of the list prepared, with effect from 15-9-1994 in regard to the vacancies which had already arisen and which are going to arise by that date.

9. The OA is ordered accordingly. No costs.

CERTIFIED TO BE TRUE COPY

.....  
Date..... 17.8.94  
Court Officer  
Central Administrative Tribunal  
High Court Bench  
Hyderabad