

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 398/94.

Dt. of Decision : 30-07-96.

J. Satyanarayana

.. Applicant.

Vs

1. The Union of India, Rep. by the Secretary, Dept. of Personnel and Training, Central Secretariat, North Block, New Delhi-1.
2. The Union Public Service Commission, rep. by its Secretary, Dholpur House, New Delhi.
3. The Govt. of A.P., Rep. by its Chief Secretary, Secretariat Buildings, Secretariat, Hyderabad.
4. The Govt. of A.P., Rep. by its Principal Secretary to Revenue Dept. Secretariat, Hyderabad.
5. The Commissioner of Land Revenue, Nampally Station Road, Hyderabad. .. Respondents.

Counsel for the Applicant : Mr. P. Sridhar Reddy

Counsel for the Respondents : Mr. N. R. Bevaraj, Sr. CGSC. (R-1&R-2)
Mr. I. V. R. K. Murthy SC for A.P.
(R-3 to R-5)

CORAM:

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

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ORDER

Oral Order (Per Hon'ble Shri R.Rangarajan, Member (Admn.))

Heard Mr.P.Sridhar Reddy, learned counsel for the applicant and Mr.I.V.R.K.Murthy, learned standing counsel for the State of A.P.

2. The applicant was recruited as Clerk on 4-1-1957 and he was promoted as UDC w.e.f. 14-10-1959. He was further on 27-5-1980. He was thereafter promoted as Deputy Collector in terms of notification No.148/83 dated 11-7-1983 (page-38 of the CA) on purely temporary basis. His name was included in the panel of Dy.Collectors by proceedings No.CLR's Ref.No. D1/1809/84 dated 24-5-1984 (Page-33 of the CA) with appropriate rank with reference to his relative seniority in the category of Tahsildars. It is stated that the applicant's name was included in the seniority list of Tahsildars belonging to Telangana Region at Sl.No.70 and his immediate junior Mr.N.Ranga Reddy was shown against Sl.No.71 in the above list. The applicant had been working as Dy. Collector since 1983.

3. In the meantime the applicant was taken up under disciplinary proceedings for alleged cases involving disproportionate assets to the known sources of his income. The applicant was convicted in the City Civil Court and that conviction was set aside in the Criminal Appeal filed on the file of A.P. High Court by judgement dated 29-1-93 in Appeal No.232/90. It is stated that an SLP was filed against that judgement by the respondents in Supreme Court in Criminal Appeal No.2324/94. It is further stated that the Supreme Court admitted the SLP and directed to issue bailable warrent and the case is pending in the Apex Court. The order of the High Court against which the SLP was filed has not been stayed by the Supreme Court.

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4. From the above it is seen that the applicant was promoted as Dy. Collector from 19-09-1983 and he is officiating in that cadre capacity from that date.

5. The services of the applicant was regularised notionally with retrospective effect from 16-05-1980 in terms of G.O.Ms.No.441, dated 12-06-1996.

6. The applicant submits that the twin condition for the regulation-5 of the IAS (appointment by promotion), 1955 has been fulfilled and hence he has to be considered for promotion to the cadre of IAS by reviewing the earlier select lists wherein his juniors were considered for promotion to the IAS in these select lists from that date. This OA is filed praying as above with all consequential benefits. The applicant retired on 31-05-1996.

7. The officers belonging to State Civil Service have to fulfil to twin condition of having completed 8 years of service as Dy. Collector, after the regularisation as Dy. Collector and should have confirmed in the post of Dy. Collector after the appointment on promotion to the cadre of IAS in terms of regulation-5 of IAS (appointment by promotion), 1955.

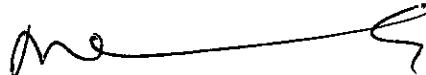
8. The applicant was regularised notionally w.e.f., 16-05-1980 in terms of G.O.Ms.No.441, dated 12-06-1996; he was confirmed in the post of Dy. Collector (Category-II) of Andhra Pradesh Civil Service (Executive Branch) w.e.f., 28-02-1988 in the vacancy caused due to retirement of Mr.R.L.Narayana in terms of G.O.Ms.No.501, dated 25-06-1996. As can be seen from the above G.O.Ms he has completed 8 years of service as Dy. Collector after his services were regularised and having been confirmed in the post of Dy. Collector he had become eligible to be considered for appointment for IAS from A.P. quota earmarked A.P.Civil services candidate. As it is stated that his juniors were already considered

for appointment to the post of IAS after he completed 8 years of service the applicant also has to be considered for appointment to the IAS cadre by constituting the review selection committee. He should be considered for the above promotion to the IAS cadre from the date his immediate junior in the cadre of Dy. Collector was considered for appointment to the IAS cadre. If in the first review he is not found fit, he has to be considered for promotion subsequently in those select lists where his junior as Dy. Collector was considered for promotion in accordance with rules till he is eligible as per the age qualification 5.2 of the IAS (Appointment by Promotion), 1955.

9. In the circumstances, the following direction is given:-

R-1 should constitute a review selection committee for considering the case of the applicant for promotion and appointment to the cadre of IAS from the year his immediate junior was considered for that cadre expeditiously. If in the first review he is not found eligible the further select lists subsequently prepared wherein his juniors were considered for promotion under the above said rule should also be reviewed by a duly constituted review selection committee adhering to the Rule 5.2 of promotion to IAS cadre (Appointment by promotion Regulation 1955).

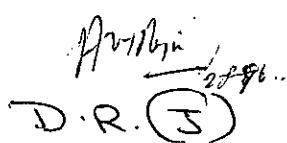
10. The OA is ordered accordingly. No costs.



(R. Rangarajan)
Member (Admn.)

Dated : The 30th July 1996.
(Dictated in Open Court)

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D.R. (S)

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O.A. NO. 398/94

Copy to:

1. The Secretary,
Dept. of Personnel and Training,
Central Secretariat, North Block,
New Delhi.
2. The Secretary,
Union Public Service Commission,
New Delhi.
3. The Chief Secretary,
Secretariat Buildings,
Govt. of A.P.,
Secretariat,
Hyderabad.
4. The Principal Secretary to Revenue Dept.,
Secretariat, Hyderabad.
5. The Commissioner of Land Revenue,
Nampally Station Road,
Hyderabad.
6. One copy to Mr. P. Sridhar Reddy, Advocate,
CAT, Hyderabad.
7. One copy to Mr. N. R. Devraj, Sr. CGGC,
CAT, Hyderabad.
8. One copy to Mr. I. V. R. K. Murthy, SC for A.P.,
CAT, Hyderabad.
9. One copy to Library, CAT, Hyderabad.
10. One duplicate copy.

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208
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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN: M(A)

DATED: 30-7-96

ORDER/JUDGEMENT

O.A. NO./R.A./C.P. No.

in
O.A. NO. 398/94

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

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II COURT

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