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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 695/94.

Dt. of Decision : 29.6.94.

Boynia Venkateswara Rao

.. Applicant

Vs

1. The Union of India rep.
by its Secretary, Department of
Personnel and Training,
Central Secretariat, North Block,
New Delhi - 110 001.
2. The Union Public Service Commission (UPSC)
represented by its Secretary,
Dholpur House, New Delhi.
3. The Government of Andhra Pradesh
rep. by its Chief Secretary,
Secretariat, Secretariat Buildings,
Hyderabad.
4. The Principal Secretary to Govt.
of Andhra Pradesh, Revenue (SCR-I)
Department, Secretariat, Secretariat
Buildings, Hyderabad.
5. The Commissioner of Land Revenue,
Andhra Pradesh, Board of Revenue
Buildings, Station Road,
Hyderabad - I. .. Respondents.

Counsel for the Applicant : Mr. Y. Suryanarayana

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

Mr. D. Panduranga Reddy,
SC for AP State Govt.

CORAM:

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

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

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OA.695/94

INTERIM ORDER

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

Heard Sri Y. Suryanarayana, learned counsel for the applicant and Sri N.R. Devaraj, learned SC for Central Government and Sri D. Panduranga Reddy, learned counsel for AP State Government.

2. Notice before admission.

3. This OA was filed praying for a direction to the respondents to implead the name of the applicant in the Select list for IAS for the year 1993 under State quota by reviewing the select list for 1993. The applicant prays for an interim relief by way of stay of further proceedings pursuant to preparation of the Select list that was prepared by the Selection Committee for the appointment to IAS (State Promotion Quota) which met on 6-5-1994 at Delhi, or in the alternative ^K reserve one post for appointment to IAS by promotion in State Quota for 1993 pending disposal of this OA.

4. It was pleaded inter alia for the applicant that even though a direction was given for pasting in the ACR of the applicant in regard to the order of expunging the adverse remarks for the period from 1-4-1990 to 20-10-1990, as per G.O.RT.1552, dated 16-10-1993, the ACR of the applicant for the relevant ^{year} order was sent to the Select Committee without pasting in regard to expunction of those remarks. But Sri D. Panduranga Reddy, learned counsel for the AP State Government states that he was instructed to state that ACR of the applicant for the relevant

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order was sent to the UPSC, only after pasting the order in regard to expunction of the adverse remarks for the period from 1-4-1990 to 20-10-1990.

5. It was also urged for the applicant that the AP State Administrative Tribunal by its order dated 21-4-1994 in OA.1873/94 directed that the adverse remarks regarding CR of the applicant for the period from 15-5-1991 to 7-9-1991 should not be looked into by the Select Committee till representation dated 30-3-1994 of the applicant was disposed of, and as the Selection Committee was not informed about the order dated 21-4-1994 in OA.1873/94 on the file of AP State Administrative Tribunal, the proceedings of the Selection Committee has to be held ^{as} void.

6. Sri D. Panduranga Reddy, learned SC for AP State Government submitted that the representation dated 30-3-94 of the applicant was received on 6-4-1994 by the Commissioner of Land Revenue and it is not yet disposed of. The said learned counsel also submitted that the order dated 21-4-1994 in OA.1873/94 on the file of AP State Adminn. Tribunal was not placed before the Selection Committee which met on 6-5-1994 for consideration for selection to the IAS from amongst the AP State Officers. While it is contended for the applicant that the fact that Select Committee was not made aware of the order of the AP State Administrative Tribunal, which is in favour of the applicant, is itself sufficient to hold that the Select Committee proceeded without complying with the order of the AP State Administrative Tribunal, and thus it is a case that proceedings of the Selection Committee has to be held as void. But Sri Panduranga Reddy vehemently urged that

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this OA is premature and ultimately if the name of the applicant is not included in the panel then it is open to the applicant to move this Tribunal in the matter. It is true that generally, Court/Tribunal will not interfere even before a final order is passed. But it is nowhere laid down that the Tribunal/Court should not interfere even before final order is passed. Whenever a substantive irregularity or illegality is established even before the process before final order is passed, then it is just and proper for the Tribunal/ Court to interfere instead of waiting till after the order is passed. The order dated 21-4-1994 in OA.1873/94 on the file of AP State Administrative Tribunal is explicit to the effect that the adverse remarks in the CR of the applicant for the period from 15-5-1991 to 7-9-1991 should not be looked into till the disposal of the representation dated 30-3-1994 of the applicant as against those adverse remarks. As it is admitted for the State Government that the said representation is not yet disposed, the Select Committee should not look into the same. But when the said Select Committee was not made aware of the order dated 21-4-1994 in OA.1873/94, it is reasonable to assume that the said Selection Committee had taken these adverse remarks also into consideration. So in the circumstances, we feel that it is just case where the interim order which is asked for in the alternative has to be given whereby the respondents have to be directed not to fill one of the posts in the IAS for 1993 from out of the AP State Promotion Quota.

7. We are constrained to adopt the said course for it may lead to complications if we merely direct that any

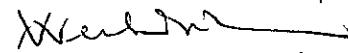
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promotion as per the proceedings of the Selection Committee which met on 6-5-1994 will be subject to the result in this OA as an OA filed by the Direct Recruits of the IAS challenging the creation of supernumerary posts to accommodate Promotee Officers in pursuance of the orders of the Tribunal, is pending (OA. 118/94).

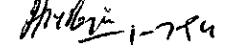
8. In the result, the following interim direction is given to the respondents:-

"One post out of the AP State Quota for promotion for IAS for 1993 should be remained unfilled until further orders."


(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

Dated : 29th June, 1994
Dictated in Open Court


Deputy Registrar (J) CC

1. The Secretary, Union or India, Dept. of Personnel and Training, Central Secretariat, North Block, New Delhi-1.
2. The Secretary, U.P.S.C. Bholpur House, New Delhi.
3. ~~sk~~ The Chief Secretary, Govt. of A.P., Secretariat, Secretariat Buildings, Hyd.
4. The Principal Secretary to Govt. of A.P. Revenue (SCR-I) Dept., Secretariat, Secretariat Buildings, Hyderabad.
5. The Commissioner of Land Revenue, A.P. Board of Revenue Buildings, Station Road, Hyderabad-1.
6. One copy to Mr. Y. Suryanarayana, Advocate, CAT. Hyd.
7. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
8. One copy to Mr. D. Panduranga Reddy, SC for State of A.P. CAT. Hyd
9. One spare copy.

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TMED BY

COMPARED BY

CHECKED 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.A.B.G.RTHI : MEMBER(A)

AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY
MEMBER(JUDL)

AND

THE HON'BLE MR.R.RANGARAJAN : MEMBER(A)

Dated: 20-6-1994.

ORDER/JUDGMENT:

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

in

O.A.No. 695/94.

T.A.No.

(W.P.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

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