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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD.

O.A.NO. 700/95

DATE OF JUDGMENT: 16-6-95.

BETWEEN:

J.R.Anand, IAS.

Applicant.

and

1. The Union of India, rep. by its  
Secretary, Dept.of Personnel,  
Ministry of Home Affairs,  
North Block, New Delhi.
2. The Establishment Officer,  
Dept.of Personnel, Ministry of Home Affairs,  
North Block; New Delhi.
3. The Director, Dept.of Personnel,  
Ministry of Home Affairs,  
North Block, New Delhi.
4. Chief Secretary, Govt.of A.P.,  
Hyderabad.

Respondents.

COUNSEL FOR THE APPLICANT: SHRI C.V.Mohan Reddy.

COUNSEL FOR THE RESPONDENTS: SHRI N.R.Devraj,  
Sr. ~~Asst.~~ CGSC

Mr.I.V.Radhakrishna Murthy, Spl.Counself A.P.Govt.

CORAM:

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

HON'BLE SHRI A.B.GORTHY, MEMBER (ADMN.)

CONTD....

(29)

O.A.NO.700/95.

JUDGMENT

Dt: 16.6.95

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri C.V.Mohan Reddy, learned counsel for the applicant, Shri N.R.Devaraj, learned standing counsel for R-1 to R-3 and Shri I.V.Radhakrishna Murthy, learned special counsel for R-4.

2. The applicant is IAS Officer of A.P.Cadre of 1979 batch. This OA was filed praying for declaration that the action of the respondents in not including the name of the applicant in the panel for consideration by the Cabinet Committee on Appointments (A.C.C.) for appointment to the post of Senior Regional Manager, Food Corporation of India, A.P.Region, Hyderabad, is arbitrary, illegal and violative of Fundamental Rights guaranteed under Articles 14 and 16 of the Constitution of India and for consequential direction to the respondents to call for the records pertaining to the file for appointment on deputation to the post of Sr. Regional Manager, FCI, Hyderabad.

3. It is stated that the post of Senior Regional Manager, FCI, Hyderabad had fallen vacant. The said post has to be filled by way of deputation from among IAS and IRTS Officers.

4. The submission for the applicant is that IAS and IRTS Officers of the particular batches are being

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considered for the said post on deputation/<sup>basis</sup>and the officers of those batches who volunteered are requested to submit their applications.

5. The IAS officers have to work for five years in the Central Government or in the Central Government Organisation in the state to which<sup>the</sup> IAS officers belong. It is stated for the applicant that he submitted an application requesting for his posting to any Central Government Organisation in Andhra Pradesh Region or to take him to Central Government on deputation basis. It is alleged for the applicant that when his name was not included in the panel for consideration for the post of Senior Regional Manager, FCI, Hyderabad, he contacted Shri B.G.Nadadur, IAS, Director, Department of Personnel, Ministry of Home Affairs on 31.5.1995 and then he was informed that his case was not considered for the said post as his Annual Confidential Reports for 1993-94 and 1994-95 were not available. Then the applicant had gone to the concerned office and then he found that <sup>his</sup> ACR for 1993-94 was available in the concerned section of the Ministry of Personnel, is the further allegation of the applicant. In Para VII of the OA, it is stated that the panel consisting of only two names was submitted. During the course of the arguments, it is stated that the said panel was submitted by R-3.

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6. If the applicant is eligible for consideration for appointment as Senior Regional Manager, FCI and if his name was not included in the panel by R-3 merely on the ground that the ACR was not available for 1993-94, then we feel that it is just and proper to give direction for rectifying that mistake, if in fact the ACR for 1993-94 of the applicant was available in ~~the concerned section~~ of the Ministry of ~~the panel~~ was submitted by R-3. Then, it is just and proper to give direction to R-3 to consider about the inclusion of the name of the applicant in the panel if he satisfies all the conditions as per the rules. (It is rightly stated for the applicant that ACR of no IAS officer for 1994-95 will be available by now, for the self appraisal reports of the concerned officers have to be sent by the end of April 1995 and the same have to be again considered by the reporting and the reviewing authority). Hence, this OA is disposed of at the admission stage as under:-

If the applicant is eligible for consideration for appointment to the post of Senior Regional Manager, Food Corporation of India, A.P. Region, Hyderabad on deputation, and if his ACR for 1993-94 was available with the Ministry of Personnel by the date the panel

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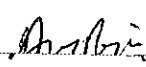
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was prepared for sending to the Cabinet Committee on appointments, then R-3 has to consider the case of the applicant for inclusion in the said panel in accordance with rules. It is needless to say that till then, the panel that was already prepared by R-3 shall not be placed before the Cabinet Committee on Appointments. No costs. The OA is ordered accordingly //

  
(A.B. GORTHI)  
MEMBER (ADMN.)

  
(V. NEELADRI RAO)  
VICE CHAIRMAN

DATED: 16th June, 1995.  
Open court dictation.

  
Deputy Registrar (J) CC

VSN

To

1. The Secretary, Dept. of Personnel, Union of India, Ministry of Home Affairs, North Block, New Delhi.
2. The Establishment Officer, Dept. of Personnel, Ministry of Home Affairs, North Block, New Delhi.
3. The Director, Dept. of Personnel, Ministry of Home Affairs, North Block, New Delhi.
4. The Chief Secretary, Govt. of A.P. Secretariat, Hyderabad.
5. One copy to Mr. C.V. Mohan Reddy, Advocate, CAT. Hyd.
6. One copy to Mr. N.R. Devraj, Sr. CGSC. CAT. Hyd
7. One copy to Mr. I.V. Radhakrishna Murthy, Spl. Counsel for A.P. Govt. CAT. Hyd.
8. One copy to Library, CAT. Hyd.
9. One spare copy.

with  
OA copy

pvm

C.C by 20/6/95  
19/6/95.

THPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

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

A N D

A.B. GORMI  
THE HON'BLE MR. R. RANGARAJAN: (M(ADMN))

DATED 16/6 1995.

ORDER/JUDGMENT:

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

in  
OA.No. 700/95.

TA.No. (W.P. )

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions.

Dismissed. along with OA copy.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No.order as to costs.

No spare copy

