

(31)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

O.A.No.1258/95.

Date of order : 10-4-1996.

Between

S.Papaiah

.. Applicant

And

1. The Union Public  
Service Commission,  
Reptd. by its Secretary,  
Dholpur House,  
Shahjahan Road,  
New Delhi-110001.
  2. The Union of India,  
Reptd. by its Secretary  
to Government,  
Min. of Environment & Forests,  
Paryavanam Bhavan,  
CGO Complex,  
New Delhi-110001.
- .. Respondents

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Counsel for the Applicant .. Shri P.V.Krishnaiah

Counsel for the Respondents .. Shri N.R.Devaraj

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C O R A M

Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman

Hon'ble Shri H.Rajendra Prasad : Member (A)

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O r d e r

(Per Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman)

The applicant applied for selection for IFS for the year 1992 in pursuance of the advertisement issued by the Union Public Service Commission. He appeared at the written examination held in the month of February/March, 1993. He appeared at the Personality Test held on 23.9.93. According to the applicant there were 50 vacancies to be filled up

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and the U.P.S.C. announced the result of only 49 candidates for appointment and withheld the result of the applicant. The applicant belongs to S.C. community but claims that he is entitled to be selected and appointed in the 'Open' category. Since his result had been withheld he approached this Tribunal earlier in O.A.No.299/94. By an order dated 11.8.94 the respondents were directed to proceed with the criminal investigation expeditiously. By a further order dated 17.4.95 on a group of M.As filed by the applicant the U.P.S.C. was directed to take a decision expeditiously as indicated therein. The applicant has once again approached this Tribunal by the instant O.A. presented on 13.10.95 with a prayer for a direction to the respondents to declare his result contending that the delay that is being caused by the respondents is unjustified and is violative of Articles 14, 16 and 21 of the Constitution of India.

2. Now, the result of the applicant of the I.F.S. Examination, 1992 had been withheld on the ground that an investigation was entrusted to the C.B.I. in respect of a complaint received against him for using unfair means at the examination in connivance with the supervisor of the examination centre. That investigation was directed to be expedited by the order dated 11.8.94 passed in the said O.A. It appears that the C.B.I. had filed a closure report in the Court of Vth Metropolitan Magistrate, Hyderabad to the effect that no allegation could be substantiated against the applicant. The Commission was of the view that the matter should be taken up for re-investigation by the C.B.I. It, therefore, decided to take permission of the then Vth Metropolitan Magistrate for further investigation by the C.B.I. Hence they filed a Criminal Petition No.2040/95 in R.C.No.2/95 before the Vth Metropolitan Magistrate. The learned Vth Metropolitan Magistrate did not accede to the request


*[Signature]*

to review the order. The Commission, therefore, filed a revision application before the I Addl. Metropolitan Sessions Judge Hyderabad on 11.12.95. The U.P.S.C. awaiting the result of the said revision application replied on 12.1.96 in which it was stated that since the revision application was pending the respondents were acting within the ambit of the earlier order of the Tribunal.

3. With the above stated background it has become <sup>un-</sup>necessary to go into any other question on the merits of the application. In-as-much as the Criminal Revision Petition No.261 of 1995 filed by the Union Public Service Commission has now been dismissed by the I Addl. Metropolitan Session Judge, Hyderabad by order dated 8.3.96, a certified copy of the order was given today by Shri P.V.Krishnaiah, learned counsel for the applicant and Shri N.R.Devaraj, Sr. CGSC has also <sup>read</sup> received the said order. In our opinion since the only reason for withholding the result of the applicant was the pendency of the investigation by the C.B.I. and <sup>case</sup> in the Criminal Court and since that has now come to an end the Union Public Service Commission should be able to declare the result of the applicant as expeditiously as possible. It is, therefore, directed that the Union Public Service Commission i.e., Respondent No.1 should declare the result of the application and intimate to him about the selection or otherwise as the candidate of the 1992 batch for the post of I.F.S. <sup>within</sup> with a period of two months from the date of receipt of copy of this order.

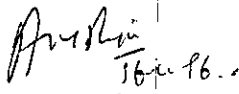
4. The O.A. is disposed of in terms of the above order.  
No order as to costs.

  
( H. Rajendra Prasad )  
Member (A).

  
( M.G. Chaudhari )  
Vice-Chairman.

Dated: 10-4-1996.  
Open Court dictation.

br.

  
Deputy Registrar (D) CC

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To

1. The Secretary, U.P.S.C.  
Cholpur House, Shahjahan Road,  
New Delhi-1.
2. The Secretary to Government,  
Union of India,  
Ministry of Environment and Forests,  
Paryavanam Bhavan, CGO Complex,  
New Delhi-1.
3. One copy to Mr.P.V.Krishnaiah, Advocate, CAT.Hyd.
4. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

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16/4/96

19/4/96

I COURT

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI  
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD :M(A)

Dated: 10-4-1996

ORDER/JUDGMENT

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

in

O.A.No.

T.A.No.

(w.p.)

Admitted and Interim Directions  
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default

Ordered/Rejected.

No order as to costs.

pvm

