

ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

C.L.A.NO.141 /96

Date of Order: 2-2-96

Between :

M.Laxminarayana I.P.S.

.. Applicant

and

1. Union of India, rep. by its Secretary, Ministry of Home Affairs, New Delhi.
2. The Union Public Service, rep. by its Secretary, New Delhi.
3. The State Govt. of A.P., rep. by its Chief Secretary, Secretariat, Hyderabad, Andhra Pradesh.

Respondents.

For the Applicant :- Mr. K.Prabhakar Reddy,

For the Respondents: Mr. N.R.Devraj,  
Sr./~~Adv.~~ CGSC

CORAM:

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

THE HON'BLE MR.RARANGARAJAN : MEMBER(ADMN)

(R)

OA.141/96

## Judgement

( As per Hon. Mr. R. Rangarajan, Member (Admn.) )

Heard Sri K. Prabhakar Reddy, learned counsel for the applicant and Sri N.R. Devaraj, learned counsel for

2. This OA was filed praying for a declaration that the orders vide A-1 and the Seniority list issued by Andhra Pradesh Government corrected up to January, 1995 is void, non-est and inoperative to the extent it concerns to the applicant and further to direct R-1 and R-3 to treat the applicant as senior to Sri K. Rushya Rao, and for a consequential direction to promote the applicant to super time scale of IPS as IG of Police with effect from the date on which Sri Rushya Rao was promoted with all consequential and incidental benefits i.e. seniority, emoluments, perquisites and other incidental benefits.

3. The applicant was promoted to the IPS cadre on 28-12-1983 and he was assigned 1979 as the year of allotment. Sri Rushya Rao was appointed to IPS cadre on 17-10-1984 and he was assigned year of allotment as 1977. The applicant submits that as he was promoted to IPS cadre earlier to Sri Rushya Rao, he was senior to him in the cadre of IPS. Further, he submitted that he was senior to Sri Rushya Rao, even in the lower cadre of State Police as of DSP as he was appointed earlier to Sri Rushya Rao.

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4. The respondents submitted that Sri Rushya Rao was promoted to the senior post of IPS, earlier to applicant. Hence, that period was taken into account for assigning the year of allotment to him.

5. In OA.1354/94 which was decided on 29-12-1995 wherein both of us were parties to the judgement, we have held, after considering the scope of Rule 3(3)(b) of 1954 Rules and after taking note of the Apex Court Judgement reported in 1995(2) SCALE 436 (RRS Chauhan and others vs. Union of India), that if a junior is assigned earlier year of allotment then the senior is also entitled to be allotted the same year even if the senior has not worked in senior scale post or worked in the senior scale post of IPS later than his junior before his elevation to IPS cadre.

6. The applicant in the present OA is similarly placed as the applicant in OA.1354/94. Hence, we see no reason to differ from the judgement dated 29-12-1995 in OA.1354/94.

7. In the result, the following direction is given :

The applicant has to be placed above Sri K. Rushya Rao in the cadre of IPS and he has also to be assigned the year of allotment as 1977. As Sri Rushya Rao was promoted as IG already, the applicant should also be considered for promotion to the post of IG and if he is found fit he should be deemed to have been promoted to the post of IG from the date Sri Rushya Rao, was promoted to that grade and the applicant is entitled for fixation of pay in the

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cadre of IG @ par with his junior Sri Rushya Rao.

Arrears of pay has to be paid to him on the basis of the above fixation.

8. Time for compliance is four months from the date <sup>receipt of this</sup> of order.

9. The OA is ordered accordingly at admission stage itself. No costs.

*m*

(R. Rangarajan)  
Member (Admn.)

*V. Neeladri Rao*  
(V. Neeladri Rao)  
Vice Chairman

Dated : February 2, 96  
Dictated in Open Court

*Prabhakar Reddy*  
Deputy Registrar (J) CC  
9-2-96

To

1. The Secretary, Union of India,  
Ministry of Home Affairs, North Block,  
New Delhi.
2. The Secretary, U.P.S.C. New Delhi.
3. The Chief Secretary, State Govt. of A.P.  
Secretariat, Hyderabad, A.P.
4. One copy to Mr.K.Prabhakar Reddy, Advocate, CAT.Hyd.
5. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
- One copy to Mr.I.V.Radhakrishna Murthy, Spl.Counsel for A.P.Govt.,  
CAT.Hyd.
- One copy to Library, CAT.Hyd.
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16/2/96  
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

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

AND

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

Dated: 2 -2 -1996

ORDER/JUDGMENT

M.A/R.A./C.A.NO.

O.A.No. 161 in 96

T.A.No. (w.p.No. )

Admitted and Interim directions issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

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केन्द्रीय प्रशासनिक विधिकरण  
Central Administrative Tribunal  
DESPATCH

12 FEB 1996 NRP

हैदराबाद वायवीक्षण  
HYDERABAD BENCH