

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO.142 /96

Date of Order: 2-2-96

Between:

D.Narayana Rao, I.P.S.

.. Applicant

and

1. Union of India, rep. by
its Secretary,
Ministry of Home Affairs,
North Block, New Delhi.
2. The Union Public Service Commission,
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./Add. CGSC

CORAM:

Mr. I.V. Radhakrishna Murthy, spl counsel for A.P. Govt.

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

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

(13)

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OA.142/96

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 the respondents.

2. This OA was filed praying for a direction to R-1 and R-3 to treat the applicant as ~~senior~~ to Sri Venkateswarlu and Sri K. Rushya Rao, and for a consequential direction to give the applicant super time scale of IPS as IG of Police with effect from the date his junior was promoted with all consequential and incidental benefits ~~incidentals and other~~ incidental benefits.

3. The applicant was promoted to the IPS cadre on 23-12-1982 and he was assigned 1977 as the year of allotment. Sri Venkateswarlu and Sri Rushya Rao were appointed to IPS cadre on 17-10-1984 and they were also assigned the year of allotment as 1977, and were shown as seniors to the applicant in IPS cadre. The applicant submits that as he was promoted to IPS cadre earlier to S/Sri Venkateswarlu and Rushya Rao, he was senior to them in the cadre of IPS.

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

..2.



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 ^{if shown senior} 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. As the applicant is already working as IG and if Sri Rushya Rao had been promoted as IG earlier to the applicant, the applicant should also be deemed to have been promoted to the cadre of IG from the date Sri Rushya Rao was promoted to that grade and the applicant is entitled for fixation of pay in the cadre of IG on par with his junior Sri K. Rushya Rao. Arrears of pay if any, has to be paid to him on the basis of the above fixation.




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8. Time for compliance is four months from the date of receipt of this order.

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


(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

Dated : February 2, 96
Dictated in Open Court


Deputy Registrar(J)CC

To sk

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.
6. One copy to Mr.I.V.Radhakrishna Murthy, Spl.Counsel for A.P.Govt.
CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

along with
OA copy.

pvm.

10/2/96

I COURT

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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.

in

O.A.No. 142/96

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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No spare copy

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal
प्रेषण/DESPATCH
12 FEB 1996
हैदराबाद बेंच HYDERABAD BENCH