

(18)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.143/96

Date of Order: 15.2.96

BETWEEN :

K.Balakondaiah

.. Applicant.

A N D

1. Union of India, rep. by its
Secretary, Ministry of
Home Affairs, North Block,
NEW DELHI.
2. The Union of Public Service Commission,
represented by its Secretary,
NEW DELHI.
3. The State Government of Andhra Pradesh,
represented by its Chief Secretary,
Secretariat, Hyderabad,
Andhra Pradesh.

.. Respondents.

Counsel for the Applicant

.. Mr.K.PrabhakarReddy

Counsel for the Respondents

.. Mr.N.R.Devraj

Mr.I.V.Radhakrishna Murthy, spl.
counsel for AP Govt

CORAM:

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

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

O.A.No.143/96

JUDGEMENT

[As per the Hon'ble Sri R.Rangarajan, Member (A)]

The applicant in this O.A. was appointed to the I.P.S. on 17-10-1984. ^{his} ~~As per the affidavit,~~ junior to Shri K. Rushya Rao was also appointed to the cadre of IPS on 17-10-1984. But Shri Rushya Rao was assigned the year of allotment as 1977 whereas the applicant was assigned the year of allotment as 1979. As the applicant is senior in the select list to Shri Rushya Rao, this O.A. is filed for showing him as senior to Shri K.Rushya Rao and allot him the same year of allotment as that of Shri Rushya Rao and for a consequential direction to give the applicant super time-scale of IPS as I.G. of Police with effect from the date his junior was promoted with all consequential and incidental ^{such as} benefits, ^{etc.} seniority, emoluments, perquisites and other ~~incidental~~ benefits.

2. A number of cases of this nature have been disposed of by this Tribunal earlier. ^{the} In ~~O.A.No.~~ O.A.No.1354/94 ~~decided on 29-12-95~~ and OA No.142/96 decided on 2-2-96 ^{have} ~~wherein we~~ held after considering the scope of Rule 3(3)(b) of 1954 Rules and after taking note of the Apex Court

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To

1. The Secretary, Ministry of Home Affairs,
Union of India, 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 Library, CAT. Hyd.
7. One spare copy.

8. one copy for Mr. I. V. Radhakrishna Murthy, Spl. Counsel
pvm.
for AP Govt.

In the above mentioned cases, the following instructions are issued:

1. The following instructions are issued:

2. The following instructions are issued:

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judgement reported in 1995(2) SCALE 436 (RRS Chauhan and ors. V/s UOI), that if a junior is assigned earlier year of allotment then the senior is also entitled to be allotted the same year and 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.

3. In the result, the following direction is given:-

The applicant has to be placed above to Shri K. Rushya Rao in the IPS cadre as he is senior to Sri Rushya Rao in the select list and he has also to be assigned the same year of allotment as that of Shri Rushya Rao. As the applicant ^{is working as} DIG presently, he has to be considered for promotion to the post of IGP, and if he is found fit he is deemed to have been promoted to that grade from the date Shri Rushya Rao had been promoted to the post of IG. The applicant is also entitled for fixation of pay in the cadre of IG on par with his junior Shri K. Rushya Rao. Arrears of pay, if any has to be paid to him on the basis of above said fixation.

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

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

(R. Rangarajan)
Member (A)

(V. Neeladri Rao)
Vice Chairman

Dated 15-2-1996
(Open Court dictation)

26/2/96

I COURT

TYPED 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

AND

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

Dated: 15-2-1996

~~ORDER~~/JUDGMENT

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

in

O.A.No.

143/96

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.

No spare copy

