

(175)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

DA 15/96.

Dt. of Order:4-1-96.

K.Ch.Venkata Reddy, IPS,  
Dy. Inspector General of Police &  
Joint Director, AP Police Academy,  
Himayatsagar, Hyd.

... Applicant

Vs.

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, Hyd, A.P.

... Respondents

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Counsel for the Applicant : Shri K.Prabhakar Reddy,

Counsel for the Respondents : Shri N.R.Devaraj, Sr.CGSC for  
Shri I.V.R.K.Murthy, SC for AP  
Govt., for R-3.

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CORAM:

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

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

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

Heard Shri K.Prabhakar Reddy, learned counsel for the applicant, Shri N.R.Devaraj, learned standing counsel for R1 and R2 and Shri IV Radhakrishna Murthy, learned special counsel for R3.

2. The name of the applicant was included in the select list of 1984 drawn on 22.12.84 for promotion to IPS from A.P.State Police Officers and on the basis of that inclusion he was appointed to IPS on 8.11.85. Shri G.Alfred, who was also included in the said select list of 1984 was appointed on 8.11.85. But while giving the benefit of continuous officiation as per Rules 3(3)(b) read with 4(4) of Indian Police Service (Regulation of Seniority Rules, 1954 (for short 1954 rules), Shri G.Alfred was assigned 1980 as the year of allotment. But as the applicant was in a senior scale post of IPS, he had not got the benefit of any officiation. By taking into consideration the date of his appointment, he was assigned 1981 as the year of allotment. On the same basis, the inter se seniority of the applicant herein and Shri G.Alfred was fixed and as Shri Alfred was assigned the earlier year of allotment, he was promoted to the post of Dy. Inspector General of Police earlier to the date on which the applicant herein was promoted to the post of DIG.

3. This OA was filed praying for direction to the respondents to assign 1980 as the year of allotment to the applicant and to place him above Shri G.Alfred in the seniority list as among 1980 by alleging that <sup>as</sup> the applicant herein was above Shri G.Alfred in the 1984 select list, ~~and that~~ the applicant herein also has to be given the same year of allotment which was given to Shri G.Alfred

X

## Copy to:

1. The Secretary,  
Ministry of Home Affairs,  
North Block, New Delhi.
2. The Secretary,  
Union Public Service Commission,  
New Delhi.
3. The Chief Secretary,  
State Government of Andhra Pradesh,  
A.P. Secretariat,  
Hyderabad.
4. Shri K. Prabhakara Reddy, Advocate, CAT, Hyderabad.
5. Shri IV Radhakrishnamurthy, SC for AP State Govt., Hyderabad.
6. Shri NR Devaraj, Sr. Standing Counsel for Central Govt.  
CAT, Hyderabad.
7. One copy of Library.
8. One spare copy.

and further the applicant herein has to be placed above G.Alfred in the seniority list.

4. When similar question had arisen for consideration in OA 1354/94, we held after considering the scope of Rule 3(3)(b) read with Rule 4(4) of 1954 rules and Rule 3 of the All Indian Service (Conditions of Service Residuary Matters) Rules, 1960 and the judgement of the Apex Court in 1994(1) SLR 524 (Krishna Rao and others v. Union of India) and 1995(2) SCALE 436 (R.R.S.Chouhan v. Union of India), that if a junior as per the select list was given the earlier year of allotment on the basis of the continuous officiation and if the senior's year of allotment happens to be later, then the senior also has to be given not only the same year of allotment which was assigned to junior, but also that senior has to be placed above that junior in the seniority list.

5. For the reasons stated in the order dated 29.12.95 in OA 1354/94, the applicant herein has to be assigned 1980 as the year of allotment i.e. the year which was allotted to his junior Shri G.Alfred. Further the applicant has to be placed above Shri G.Alfred in the seniority list. As such, the date of promotion of the applicant as G has to be preponed to the date on which Shri G.Alfred was promoted as DIG and as on that date the pay of the applicant in the scale applicable to DIG has to be fixed and arrears thereon to be paid.

6. The order is ordered accordingly at the admission stage. No costs. //

(R.RANGARAJAN  
MEMBER (ADMINISTRATIVE))

(V.NEELADRI RAO)  
VICE CHAIRMAN

Dated: 4th January, 1996.  
Open court dictation.

5-1-96  
D.O. Secy

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: 10 - 1 - 1996

ORDER/JUDGMENT

M.A/R.A./O.A.No. 15/

in

O.A.No. 15/86

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

