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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

C.A. No. 16/96

Dt. of Order: 4-1-96

Between :-

G.Md.Mazheruddin,

.. Applicant

vs.

1. Union of India represented by

its Secretary,
Ministry of Home Affairs,
North Block, New Delhi.

2. The Union 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 : Shri.K.Prabhakar Reddy

Counsel for the Respondent : Shri. N.R.Devaraj, Sr.CGSC
for RR 1 & 2.

CCRAH: Shri IVRK Murthy, Spl.Counsel
for AP State for R-3.

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

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

... 2.

DA 16/96.

Dt. of Order: 4-1-96.

(Order passed by Hon'ble Justice Shri V.Neeladri Rao,
Vice-Chairman).

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The name of the applicant was included in the Select List of 1984 for promotion to IPS from the A.P.State police Officers; but for want of vacancy he could not be appointed to IPS on the basis of the inclusion in the select list of 1984. Then his name was again considered and included in the select list for 1985. On the basis of his panel position in 1985 select list, he was appointed to the IPS on 22-8-1986. By taking into consideration his continuous officiation in the senior scale post of IPS before the date of his appointment to the IPS, he was assigned 1980 as the year of allotment.

2. Shri R.Sitarama Rao was promoted and appointed to IPS on 5-8-86 on the basis of his empanelment in 1984 list. But while the applicant was at Sl.No.8, Shri R.Sitarama Rao was at Sl.No.9 of the said list. He was shown as senior to the applicant by taking into consideration his duties on appointment to the IPS even though the applicant was senior to Shri R.Sitarama Rao as per 1984 select list.

3. By taking into consideration the dates of continuous officiation, which according to the respondents had to be taken into consideration for assigning the year of allotment on the basis of Rule 4(4) of IPS (Regulation of seniority) Rules,

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1954, (for short-1954 Rules), Sri KSR Murthy and Sri DGK Raju, whose names were in the select list from 1984 to 1986 and who were appointed to IPS on the basis of their inclusion in 1986 select list were assigned 1980 as the year of allotment and they were shown as seniors to the applicant herein as per impugned proceedings dated 20.11.85, eventhough the date of appointment of the applicant herein to IPS was earlier to the dates of appointment of KSN Murthy on 30-10-87 and Sri DGK Raju on 9-12-87 respectively.

4. Further it is stated that on the basis of the seniority in the senior scale of IPS, Sri R.Seetharama Rao was promoted to the post of KIG even earlier to the date on which the applicant was promoted as DIG of Police. Being aggrieved, the applicant filed this O.A. praying for a direction to the respondents to place him above Sri R.Seetharama Rao and Sri DSN Raju, amongst 1980 allottees.

5. Heard Shri N.R.Devaraj, learned standing counsel for respondents 1 and 2 and Shri IVRK Murthy, learned special counsel for Respondent No.3.

6. 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 India Service (Conditions of Service Residuary Matters) Rules, 1960 and the judgements of the

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To

1. The Secretary, Union of India,
Ministry of Home Affairs, North Block,
New Delhi.
2. The Secretary, Union Public Service Commission,
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.K.Radhakrishna Murthy, Spl.Counsel for
A.P. Govt., CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

pvmcc is ready to be sent to the two addressees

for the purpose of filing at the concerned offices.

It is requested to return the copy to the office

of the concerned addressee in due time.

It is requested to return the copy to the concerned

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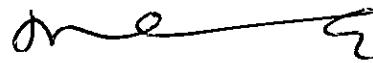
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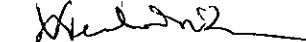
Apex Court in 1994(1) SLR 524 (Krishna Rao and others Vs. Union of India) and 1995(2) SCALE 436 (R.R.S.Chouhan Vs. Union of India), that if a junior as per the select list was given the earlier year of allotment on the basis of the continuous officiation and if the senior's year of allotment happens to be later year, then the senior also has to be given not only the same year of allotment which was assigned to junior in the panel, but also that senior has to be placed above that junior in the seniority list.

7. For the reasons stated in the order dt.29-12-1995 in OA 1354/94, the applicant has to be placed above Sri R.Seetharama Rao, Sri KSN Murthy and Sri DGK Raju in the seniority list. As such, the date of promotion of the applicant as DIG has to be postponed to the date on which Shri R.Seetharama Rao 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 have to be paid.

8. The O.A. is ordered accordingly at the admission stage itself. No order as to costs.//

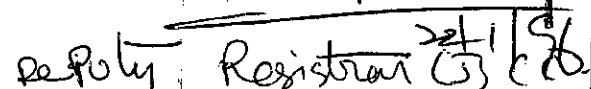

(R.RANGARAJAN)

Member (A)


(V.NEELADRI RAO)
Vice-Chairman

Dated: 4th January, 1996.
Dictated in Open Court.

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Deputy Registrar 26/1/96

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: 4 - 1 - 1996

ORDER/JUDGMENT

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

in
O.A.No. 16/96

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

Admitted and Interim directions
issued.

All aded.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

