

(67)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

Original Application No.219/96.

Dt. of Order:14-6-96.

Between :-

P.Punna Rao

...Applicant

And

1. Government of India, represented
by its Secretary, Personal Administration
Department, New Delhi (India).
2. The Union Public Service Commission,
Represented by its Secretary,
Dholpur House, New Delhi.
3. The Chief Secretary, Government of
Andhra Pradesh, Secretariat Building
Hyderabad.
4. Secretary to Government, Home Department,
Secretariat Buildings, Hyderabad.
5. Director General of Police, Government of
Andhra Pradesh, Lakid-ka-pul, Hyderabad.
6. S.Prabakar Reddy 11. R.Eswar Reddy
7. C.R.Naidu 12. Jayaram Reddy
8. C.V.Narsaiah 13. Satyanarayana
9. SLV.Narayana 14. Dinakar Prasad
- 10.M.Punna Rao

... Respondents

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Counsel for the Applicants : Shri C.S.K.V.Ramana Murthy

Counsel for the Respondents : Shri IVRK Murthy, Spl.Counsel
for A.P.State.

Shri N.R. Dura Raj. Sr. Coun.

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CORAM:

THE HON'BLE JUSTICE SHRI M.G.CHAUDHARI : VICE-CHAIRMAN *huc*

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

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(Orders per Hon'ble Justice Shri M.G.Chaudhari,
Vice-Chairman).

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The applicant is A.P.State Police Officer. He became eligible for being considered for appointment to the I.P.S. The grievance of the applicant is that he has not been selected in the year 1994 on par with his juniors and this action of the respondents is arbitrary and illegal. He therefore seeks a direction to the respondents to treat him as appointed to I.P.S. along with the immediate junior candidate in the seniority list of officers of State Police Service together with all consequential benefits. He has also stated that the Respondents shall take steps for filling the vacancies that arose in the year 1995-96 and the Selection Committee was likely to meet on 22-2-96 and he apprehends that his candidature may not be considered for inclusion in the select list.

2. The Respondent No.2 i.e. the State of Andhra Pradesh have filed a counter declared by Dy.Secretary to Government ATAS, GAD, AP, Hyderabad. The counter ^{reveals} refers that the applicant became eligible for being considered for inclusion in the select list of State Police Service Officer's on appointment to IPS for the year 1986. Hence his case ~~R&R~~ was considered for selection during the years 1987,

...3.



1988, 1989, 1990-91, 1992-93, 1993-94 and 1994-95. However, he was not selected by the Select Committee and not included in the panel of selected candidates and was not recommended for the appointment to the IPS due to the ^{low} grading assigned to him by the Selection Committee. The said respondents have also stated that even his name was considered by the Select Committee which met on 22-2-96, for preparing the Select list for 1995-96 but even this Selection Committee also did not select the applicant having regard to the Bench mark assigned to him as compared to other Selected Candidates. The reply states that none of the juniors to the applicant who got the same grading or lesser grading was ^{included} ~~imputed~~ in the select list. It has also been stated that the pendency of Enquiry into the charges framed against the applicant cannot be a bar for consideration of his name and therefore his name was considered by the Selection Committee. Likewise it is also stated that non-issuance of integrity certificate does not bar the consideration of the officer by the Selection Committee and the Selection Committee had considered the case of the applicant. Every time his name was placed before ^{the Committee} ~~him~~ during the ^{past} ~~various~~ years and ~~up to the years of meeting of the Selection Committee held~~ ^{also for} ~~up to~~ 1995-96. Thus it is clear that on its objective assessment, the applicant was not found suitable for being recommended by the Selection Committee, which met every year and had considered the name of the applicant. The objective assessment so made by the Committee and the assignment of the Bench mark ~~is~~ not ~~open~~ to challenge

(70)

more particularly when there is no allegation of malafides against any of the Select Committee Members nor any illegality is demonstrated. Hence as stated by the Respondent No.3, the Selection made by the Select Committee for the year 1994 must be deemed to have been made in accordance with the principles laid down in para-5 of the IPS (Appointment by Promotion), 1955.

3. The apprehension of the applicant that he will not be considered by the Selection Committee, which was scheduled to meet on 22-2-96 therefore does not survive. It also does not appear to be correct when he says that the juniors have already been empanelled, although a junior can always be selected if he earned the better Bench mark than the non selected candidate. We therefore find it difficult to see any ground on which the proceedings of the Selection Committee ^{could be held to be} is arbitrary or for that matter ^{the} of non selection of the applicant by the Committee ~~is~~ arbitrary and illegal. Thus the application does not disclose any ground on which ^{it can} ~~the application~~ deserves to be admitted.

4. Sri C.S.K.V.Ramana Murthy, counsel for the applicant vehemently argued that the counter which is referred to above is filed by Government of Andhra Pradesh and as neither the Government of India nor the Union Public Service Commission have filed a counter, we may not act on the

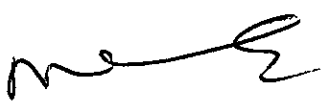
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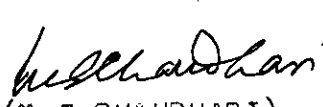
basis of the reply of the Respondent No.3. We find no merit in this submission because State Government is very much concerned party and facts stated by an highly responsible officer of the Government cannot be doubted.

5. Sri IVRK Murthy who appeared as special counsel for the State of Andhra Pradesh now states that he has also ~~have~~ instructions to appear on behalf of Respondent No.1 and states that Respondent No.1 do not desire to file any reply. The statement is noted.

6. The Original Application is accordingly rejected.

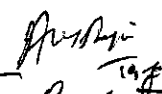
No order as to costs.


(R. RANGARAJAN)
Member (A)


(M.G. CHAUDHARI)
Vice-Chairman

Dated: 14th June, 1996.
Dictated in Open Court.

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Deputy Registrar G C

O.A.219/96.

To

1. The Secretary, Govt.of India,
Personnel Administration Dept.,
New Delhi.
2. The Secretary, U.P.S.C.
Dholpur House, New Delhi.
3. The Chief Secretary, Govt.of A.P.
Secretariat Building, Hyderabad.
4. & The Secretary to Govt. Home Dept.,
Secretariat Buildings, Hyderabad.
5. The Director General of Police,
Govt.of A.P.Lakidika-pool, Hyderabad
6. One copy to Mr. C.S.K.V.Ramana Murthy, Advocate, CAT.Hyd.
7. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
8. One copy to Mr.I.V.R.K.Murthy, Spl.Counsel for A.P.Govt. CAT.Hyd.
9. One copy to Library, CAT.Hyd.
10. One spare copy.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR. ^{R. Ranga Ratan} ~~H. RAJENDRA PRASAD~~ M(A)

Dated: 14-6-1996

ORDER/JUDGMENT

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

in

O.A.No. ~~93/96~~

219/96

T.A.No.

(W.P.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm

