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**Date of Order: 5.1.96**

**K.Muthiam Reddy**

.. Applicant.

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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 Government of Andhra Pradesh represented by its Chief Secretary, Secretariat, Hyderabad, Andhra Pradesh. .. Respondents.

**Counsel for the Applicant**

.. Mr.K.Prabhakar Reddy

## Counsel for the Respondents

.. Mr.N.R.Devraj *sr* *ce* *se*

Mr. G. V. Reddick  
Sgt. Courtwright

**CORAM:**

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

HON'BLE SHRI A.B.GORTHI : MEMBER (ADMN.)

OA.31/96

Judgement

( As per Hon. Mr. Justice V. Neeladri Rao, VC )

Heard Sri K. Prabhekar Reddy, learned counsel for the applicant and Sri N.R. Devaraj, learned counsel for the respondents.

2. The name of the applicant was included in the Select List for 1986 for promotion to IPS from amongst the AP State Police Officers and on the basis of the said empanelment he was appointed to IPS on 1-5-1987. Sri K.S.N. Murthy was also empanelled in 1986 Select List but he was below the applicant herein in the said panel. Sri K.S.N. Murthy was appointed to IPS on 30-10-1987. By taking into consideration the continuous officiation in the senior scale post of IPS, Sri K.S.N. Murthy was assigned 1980 as year of allotment. So far as the applicant herein had not worked in the senior post of IPS before his appointment to IPS he has not got the benefit of service of officiation in senior scale of IPS and as per rules he was assigned 1982 as year of allotment.

3. This OA was filed praying for a direction to the respondents to assign 1980 as year of allotment to the applicant and to place him above Sri K.S.N. Murthy and to promote him to the post of DIG from the date on which Sri K.S.N. Murthy was promoted to the said post and for payment of arrears.

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to DIG and as pay on that date in the scale applicable to DIG has to be fixed as necessary arrears have to be paid.

4. When similar question had arisen for consideration in OA.1354/94, before the Bench of which one of us (VC) was a Member, it was held that 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 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 than 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.

5. For the reasons stated in the order dated 29-12-1995 in OA.1354/94, the applicant herein has to be assigned 1980 as the year of allotment, that is the year which was allotted to his junior Sri K.S.N. Murthy. Further the applicant has to be placed above Sri K.S.N. Murthy in the seniority list. The applicant has to be ~~promoted~~ given promotion to the post of DIG from the date on which Sri K.S.N. Murthy assumed charge as DIG and as on that basis the pay of the applicant in the scale applicable to DIG has to be fixed and arrears thereon <sup>have</sup> to be paid.

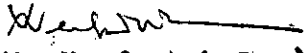
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The order promoting the applicant as DIG as per this judgement has to be issued by the end of February, 1996.

6. The OA is ordered accordingly, at admission stage. No costs.//

  
(A.B. Gorthi)  
Member (Admn.)

  
(V. Neeladri Rao)  
Vice Chairman

Dated : January 5, 1996  
Dictated in Open Court

 10-1-96  
Dy. Registrar (Judl.)

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Copy to:

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 Government of Andhra Pradesh, rep. by its Chief Secretary, Secretariat, Hyderabad.
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.
7. One spare copy.
8. Mr. J.V. Reddy *in mtr. spl. commt for stat gAO*

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: 5 - 1 - 1996

ORDER/JUDGMENT

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

in

O.A.No. 31/96

S.A.No.

(w.p.No. )

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Refected.

No order as to costs.

No spare copy

