

(JL)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

ORIGINAL APPLICATION NO.513/96 dt. 24-4-96

Between

Capt. K.L. Reddy : Applicant

and

1. Union of India rep. by its Secretary  
Min. of Home Affairs  
North Block  
New Delhi

2. Union Public Service Commission  
rep. by its Secretary  
Dholpur House  
New Delhi

3. State Govt. of Andhra Pradesh  
rep. by its Chief Secretary  
Secretariat  
Hyderabad

: Respondents

Counsel for the applicant : K. Prabhakar Reddy  
Advocate

Counsel for the respondents : N.V. Raghava Reddy  
Addl. CGSC

CORAM

HON. MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

Judgement  
Oral Order

( Per Hon. Mr. Justice M.G. Chaudhari, V.C. )

Heard Sri K. Prabhakar Reddy for the applicant and  
Sri N.V. Raghava Reddy for the respondents, 2 & 3.

2. The OA can be disposed of finally at the admission  
stage itself.

3. By order dated 24-4-1995 in OA.1382/94 this Tribunal  
directed that the applicant should be assigned the year of

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(24)

allotment as 1978 by order issued on 6-2-1996. Government of India had implemented that order. The order of the Tribunal also gave ante dated promotion to the applicant from the date of promotion of Sri G. Ramachandra Reddy, to the selection grade. It was also directed that the notional pay of the applicant on the date of promotion to the selection grade has to be fixed and the monetary benefit has to be given from 1-11-1993. The order of the Tribunal was carried in SLP to the Hon. Supreme Court and by order dated 19-1-1996 <sup>after</sup> ~~for~~ giving certain directions and the order of this Tribunal was confirmed on the same lines as indicated in the judgement of the Supreme court in the case of MV Krishna Rao and others vs. Union of India (1994 Supplementary (3) 553). It appears that since the matter was pending in the Supreme Court till the aforesaid order was passed, the Government of India have not refixed the interse seniority of the officers who have been assigned the year 1978 as the year of Allotment. The grievance of the applicant now is that since the interse seniority of 1978 Batch has not been fixed he may be continued to be treated as junior to other officers of 1978 Batch although he is senior to them and that will result in he not being considered for the promotion to the post of Inspector General of Police, which according to the applicant is likely to be filled up by the State Government shortly. Relying upon the narration of facts contained in the para 5 ~~of proviso~~ of the order dated 24-4-1995 wherein it was noted as follows :

"When the names of these two applicants were included at Sl.No.6.A and 6.B in the Select ~~as~~ list for 1983 and/Sri P.V.V. Satyanarayana at S.No.7 was appointed to JPS on 17-10-1984, the dates of promotion of these two applicants were also ~~ante~~ dated to 17-10-1984"

<sup>That implies that</sup>  
 That the applicant who was one of the two applicants is entitled to be assigned seniority above P.V.V. Satyanarayana,

96

3.

4. Now since no decision has been communicated by the Central Government to the applicant contrary to the position of his seniority - as would arise in view of the observation of the Tribunal in the earlier decision, we do not think that there is any occasion for any grievance to be made by the applicant at this stage in this respect. Indeed, the applicant had already filed a representation to the Government of India, Ministry of Home Affairs, on 27-2-1996 followed by another representation dated 26-3-1996. We assume that a decision will be appropriately be taken on these representations by the Central Government and it cannot be stated that by this time there has occurred undue delay in taking the decision. Moreover, it is also to be remembered that the matter has been finally decided by the Supreme Court, <sup>recently</sup> We are therefore inclined to direct the Government of India to dispose of the representations of the applicant mentioned above expeditiously.

5. Once a decision on the representation is taken, it will have its own consequences and the question of the applicant being considered for promotion to the post of Inspector General of Police will automatically be guided by that decision. The apprehension of the applicant that without considering his correct seniority by reason of non-fixation of the same so far he is not likely to be considered for promotion to the post of Inspector General of Police which is based on his assumption that the post is to be filled up soon and therefore such appointment should be stayed is so to say in the least is unfounded at this stage. Indeed, there is no averment to that effect made

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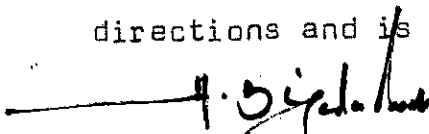
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in the application and the bald statement made while mentioning the subject in brief' reading as (the first respondent) did not decide the interse seniority by which he is going to deprive of his next promotion in the post of IGP, which is going to be given to a junior', is not a part of the pleading and we do not think that after the direction to the Central Government to take a decision on the question of interse seniority is being <sup>given</sup> there would be any room for the applicant to carry such apprehension. The applicant seems to have rushed to file the OA out of his overanxiety that he may not earn promotion to the post of IGP before he is due for retirement on superannuation on 31-12-1996.

6. In the light of foregoing discussion, the following order is passed :

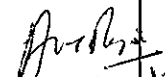
The respondent No.1 is directed to dispose of the representations of the applicant dated 27-2-1996 and 26-3-1996 on merits and convey the decision on the question of interse seniority of the applicant among the 1978 batch officers promoted to the Selection Grade to the applicant, within a period of two months from the date of receipt of copy of this order. Further consequences will abide the said decision.

7. The OA is partly allowed in terms of the above directions and is disposed of.

  
 (H. Rajendra Prasad)  
 Member (Admn.)

  
 (M.G. Chaudhari)  
 Vice Chairman

Dated : April 24, 96  
 Dictated in the Open Court

  
 1.5.96  
 Dy. Registrar (J)

sk

Contd...

54.

O.A.NO.513/96

Copy to:

1. The Secretary, Ministry of Home Affairs,  
North Block, New Delhi.
2. The Secretary,  
Union Public Service Commission,  
Djelpur House,  
New Delhi,
3. The Chief Secretary,  
Govt. of A.P., Secretariat,  
Hyderabad.
4. One copy to Mr.K.Prabhakara Reddy, Advocate,  
CAT,Hyderabad.
5. One copy to Mr.N.V. Raghava Reddy, Addl.CGSC,  
CAT,Hyderabad.
6. One copy to Library,CAT,Hyderabad.
7. One duplicate Copy.

YLKR

\* \* \*

15/08/96

O A 513/96  
16/5/96

I COURT

TYPED BY \_\_\_\_\_ CHECKED BY \_\_\_\_\_  
COMPARED BY \_\_\_\_\_ APPROVED BY \_\_\_\_\_

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

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

AND

THE HON'BLE MR. H. RAJENDRA PRASAD :M(A)

Dated: 26 4 -1996

ORDER/JUDGMENT

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

in

O.A.No. 513/96

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

Admitted and Interim Directions  
issued.

Partly }  
Allowed. }

Disposed of with directions  
Dismissed.

Dismissed as withdrawn.

Dismissed for Default

Ordered/Rejected.

No order as to costs.

pvm

केन्द्रीय प्रशासनिक अपीलकरण  
Central Administrative Tribunal  
वैषम्य / DESPATCH  
9 MAY 1996  
हैदराबाद न्यायपीठ  
HYDERABAD BENCH