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I.T THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 81/96

Date of Order: 23-1-96

Between:

1. Sri K.Jagannadha Rao. I.P.S.
2. S.M.Haq I.P.S.

.. Applicant

and

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 Chief Secretary, Secretariat, Hyderabad A.P.

Respondents.

For the Applicant :- Mr. K Prabhakar Reddy, Advocate.

For the Respondents: Mr. N.R. Devraj

CORAM: Mr. I.V. Radhakrishna Murty, Spcl. counsel for AP Govt.

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

THE HON'BLE MR.RARANGARAJAN : MEMBER(ADMN)

O R D E R

(as per Hon'ble Sri R.Rangarajan, Member(Administrative))

There are two applicants in this OA and they were promoted from State Police Service and appointed to the IPS cadre on 16.8.1982 retrospectively(vide order at Annexure-III). The year of allotment to the IPS cadre was assigned as 1978 to them. They are now working in the D.I.G. cadre.

2. Sri M.V.Ramachandra Rao, who was also promoted to IPS on 17.8.1982 is now working as Inspector General of Police. It is stated for the applicants that Sri M.V. Ramachandra Rao was junior to the applicants in the Deputy Superintendent of Police cadre i.e. in the State Police cadre. As can be seen from the list of the Members of Indian Police Service cadre born on A.P.Establishment corrected upto 1st July, 1995, the date of entry of Sri Ramachandra Rao to the IPS cadre is shown as 17.8.1982. The applicants having elevated to IPS cadre on 16.8.1982 are senior to Sri M.V.Ramachandra Rao. It is also stated that the applicants were shown seniors to Sri Ramachandra Rao in the select list of IPS drawn on 4.11.1991.

3. The respondents submit that since Sri M.V.Ramachandra Rao worked in the senior post of IPS earlier before his elevation to IPS cadre, he was given earlier year of allotment i.e. 1975.

4. In a similar case in OA 1354/94 decided by us on 29.12.1995, we had held, after considering the scope of Rule-3(iv)(iii) of 1957 Rules and also taking into account the judgment of Apex court in 1995(2) SCALE 436 (R.R.S.Chouhan Vs. Union of India and Ors.) that if junior is assigned earlier to the IPS, then his seniors should also be given the same year of allotment even if they had not worked in the senior post or worked in senior post before ^{the} appointed to IPS cadre later than his junior. As the applicants are seniors to Sri Ramachandra Rao in view of their promotion to IPS cadre on 16.8.1992 earlier to Sri Ramachandra Rao, the applicants should also be given the same year of allotment as given to Sri Ramachandra Rao viz. 1975 and placed above to Sri M.V.Ramachandra Rao.

5. It is stated that Sri M.V.Ramachandra Rao had already been promoted as Inspector General of Police and working in that cadre. In that case, the applicants suitability for promotion to the post of Inspector General of Police should also be assessed and if found suitable, they should also be promoted as Inspector General of Police. If they are found suitable they should also be deemed to have been promoted as Inspector General of Police. They are entitled for pay fixation and arrears of pay from the date when their juniors ^{was} promoted in the cadre of I.G.

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6. In the result, the following direction is given:-

"The applicants herein should be assigned the same year of allotment to IPS cadre as that of Sri M.V.Ramachandra Rao and placed above Sri Ramachandra Rao in the IPS cadre. Their suitability should be assessed for the post of Inspector General of Police and if found suitable, they should also be promoted to the post of Inspector General of Police and be placed above Sri M.V.Ramachandra Rao in the category of I.G. of police. If promoted to the post of Inspector General of Police, they are deemed to have been promoted to Inspector General cadre from the date on which Sri M.V.Ramachandra Rao was promoted and the pay fixation and arrears of pay in I.G. cadre have to be drawn on that basis."

7. The OA is ordered accordingly at the admission stage itself. No order as to costs. //

Me
(R.Rangarajan)
Member (Admn.)

Kalan
(V. Neeladri Rao)
Vice Chairman

Dated 23rd January, 1996.
Dictated in open court.

Grh/avl.

Avv/ 23-1-96
Deputy Registrar (J) CC

To

1. The Secretary, Ministry of Home Affairs
Union of India, North Block, New Delhi.
2. The Secretary, U.P.S.C. 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.Raghakrishna Murthy, Spl.Counsel for A.P.
Govt.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

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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(ADMN)

DATED:- 23- / -1995.

ORDER/JUDGMENT.

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

in

O.A.No.

81/96

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.

No Spare Copy

