

(19)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD
W**W

O.A.372/97.

Dt. of Decision : 01-04-97.

T.Satyanarayana

.. Applicant.

Vs

1. The Union of India, Rep.by
its Secretary, Dept.of
Personnel & Training, Central
Secretariat, New Delhi.
2. The Govt. of A.P. Rep.by
its Chief Secretary,
A.P. Hyderabad.
3. The Union Public Service Commission
Rep.by its Chairman, New Delhi.
4. The Selection Committee for IAS
Rep.by its Secretary, Central
Administration Department,
Secretariat, Hyderabad.

.. Respondents.

Counsel for the applicant : Mr.M.Panduranga Rao

Counsel for the respondents : Mr.P.Naveen Rao for R-2 & R-4.

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CORAM:

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

THE HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

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ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.))

Heard Mr. M.Panduranga Rao, learned counsel for the applicant Mr.P.Naveen Rao for R-2 & R-4.

2. The applicant is now working as Special Grade Deputy Collector from 12-07-88 onwards. It is stated that he was appointed as Dy. Collector on 5-8-83 and he was confirmed as Deputy Collector on 31-08-93. He had put in 8 years of service by 4-8-91 and so he is eligible for being considered for inclusion in the select list of IAS thereafter. The applicant now submits that his name is not considered for selection to the IAS cadre against the vacancies arising in the year 1997-98.

3. This OA is filed for the following relief:-

"It is, therefore, prayed that this Hon'ble Tribunal may be pleased to declare that the estimation of vacancies under Regulation 2(1)(1) of IAS Promotion Regulations right ~~on~~ from the panel years 1992-93, 1993-94 and 1994-95 has not been estimated properly and that they must be recast in accordance with the Regulations after undertaking review and further declare that the action of the respondents in taking the period of 20 months from 1-4-93 to 31-12-94 for the purpose of arriving at vacancies for the panel year 1992-93 and consequently making the estimation of vacancies for the next year 1993-94 nil is illegal, arbitrary and violative of the IAS Promotion Regulations. The applicant also seeks a declaration that the action of the respondents in not considering his case in the Selection Committee meeting held on 29-3-97 is illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India when his case is pending in this Hon'ble Tribunal and admittedly his case had no answer as his case proved

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correct because of the estimated vacancies were less than the vacancies which were sought to be filled up in the previous year for which a selection list was drawn up and consequently direct the respondents to consider his case for inclusion of select list of IAS for 1997-98 years and pass such other order or orders as this Hon'ble Tribunal deems fit and proper.

4. The relief as extracted above is for multiple reliefs. ^{respect of} We do not consider necessary to give any direction in all the reliefs prayed for in this OA. The only relief that can be given in this OA is whether the applicant is eligible for consideration for inclusion in the select list of IAS for the panel year 1996-97 to fill up the vacancies that arises in the year 1997-98. Hence, the OA is disposed of only to the extent of considering him for inclusion in the select list for the panel year 1996-97 to fill the post in the vacancies arising during the period 1997-98.

5. The learned counsel for the respondents submitted that the twin conditions for consideration for inclusion in the select list has ^{been} ~~to be~~ fulfilled by the applicant. But he is over aged for consideration in the select list as above. Hence, he cannot be considered. The learned counsel for the applicant submits ^{not} that his name has ^{not} been included in the last panel year erroneously and that he should be considered this year also. But the applicant has challenged the select list of the previous panel year and that is pending. Hence no direction can be given in this connection in regard to his inclusion or otherwise in the select ~~list~~ panel of the previous year. Be that as it may, the only point for consideration in this OA is whether ~~that~~ ^{consideration for} the applicant is eligible for inclusion in the ~~select~~ list for the select list of IAS ^{above}.

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note 2

6. Taking the submission made as above we give the following direction:-

The applicant should be considered for inclusion in the select list for IAS for the panel year 1996-97 for filling up the vacancies that arises during the year 1997-98 provided (i) he is within the zone of consideration as per the seniority list in force on date (ii) he fulfils all the other conditions stipulated in accordance with Rule 5 of IAS (Appointment by Promotion) Regulation, 1955.

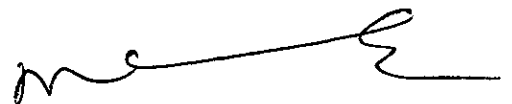
7. With the above direction the OA is disposed of at the admission stage itself. No costs.



(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

1.4.97

Dated : The 01st April 1997.
(Dictated in the Open Court)



(R. RANGARAJAN)
MEMBER (ADMN.)

For the
Dy. Reg. Secy (S)

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Copy to:-

1. The Secretary, Dept. of Personnel & Training, Union of India, Central Secretariat, New Delhi.
2. The Chief Secretary, Govt. of A.P., A.P.Hyd.
3. The Chairman, Union Public Service Commission, New Delhi.
4. The Secretary, Central Administration, Selection Committee for IAS, Secretariat, Hyd.
- ✓ 5. One copy to Sri. M.Panduranga Rao, advocate, CAT, Hyd.
6. One copy to Sri. P.Naveen Rao, for R-2 and R-4, CAT, Hyd.
7. One copy to Deputy Registrar(A), CAT, Hyd.
8. One spare copy.

Rsm/-

Urgent
4/4/97

372 (8)

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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:
M(J)

DATED:

4/4/97

ORDER/JUDGEMENT

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

O.A. NO.

372197

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

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