

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 807/97

Date of Order: 1.7.97

Between:

Rakshapalsingh

.. Applicant.

And

1. Director, SVP-National Police Academy, Hyderabad.
2. Dy. Director (Admn.)SVP-National Police Academy, Hyderabad.
3. Asst.Director(Admn),SVP-National Police Academy, Hyderabad.
4. Shri Pratap Sinch, Constable, SVP National Police Academy, Hyderabad.
5. Shri Jagannathan, Constable,SVP National Police Academy, Hyderabad.
6. Shri S.Kalimullah, Constable, SVP National Police Academy, Hyderabad.
7. Shri Raghunatha Reddy, Constable, SVP National Police Academy, Hyderabad.

.. Respondents.

- - -

Counsel for the Applicant

.. Mr.Y.Suryanarayana

Counsel for the Respondents

.. Mr.N.R.Devraj

- - -

C O R A M:

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

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

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J U D G E M E N T

I Order as per Hon'ble Shri R.Rangarajan, Member (Admn.)

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Heard Mr.Y.Suryanarayana, learned counsel for the applicant and Mr.N.R.Devraj, learned standing counsel for the respondents.

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2. The applicant is absorbed as a constable in the SVP National Police Academy w.e.f. 1.1.79. The applicant submits that he is at serial number 10 in the inter-se seniority list of constables (PMTD) General Duty as on 31.12.94 communicated in memorandum No.14011/1/94-Estt, dt. 7.1.95 (Page-9 of the OA). He submits that the respondents 4, 5, 6 & 7 were junior to him and they were considered for the post of Head Constable ignoring his seniority.

3. This OA is filed for a declaration that the promotion from the category of Constable to that of Head Constable SVP National Police Academy is on the basis of seniority-cum-fitness and for a consequential direction to R 1 to 3 to promote the applicant to the post of Head Constable w.e.f. the date from which one post of Head Constable became vacant and required to be fill up.

4. The applicant has not submitted any representation after knowing his juniors are likely to be considered to the rank of Head Constables ignoring his seniority. Hence we we feel it is in the interest of justice to permit the applicant to file a representation in this connection to R-1 within 10 days from the date of receipt of a copy of this order and if such a representation is received by R-1 the same should be disposed of explaining the position fully indicating the recruitment rule under which selection/non-selection is to be made. Till such time the reply is given the respondents should not fillup the post of Head Constables.

5. The applicant if so advised may submit a detailed representation to R-1 within 10 days from the date of receipt of a copy of this order for considering him for


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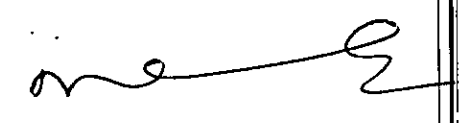
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promotion to the post of Head Constable without ignoring his seniority. If such a representation is received by R-1 within that stipulated date, then R-1 should consider his representation and reply him suitably on the basis of the rules/regulations and also on the basis of the recruitment rules for selection/non-selection post. Till such time the representation as above is disposed of the post of Headconstable should not be filled.

6. The OA is ordered accordingly at the admission stage itself. No costs.


(B.S. JAI PARAMESHWAR)
Member(Judl.)

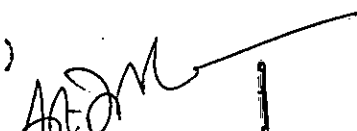

(R. RANGA RAJAN)
Member(Admn.)

1.7.97

Dated: 1st July, 1997

(Dictated in Open Court)

sd


D.R. (J)

1.4.33

Copy to:

1. The Director, S.V.P. National Police Academy, Hyderabad.
2. Dy. Director (Admin.), S.V.P. National Police Academy, Hyderabad.
3. Asst. Director (Admin.), S.V.P. National Police Academy, Hyderabad.
4. One copy to Mr. Y. Suryanarayana, Advocate, CAT, Hyderabad.
5. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One duplicate copy.

YLKR

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9/7/97
C.C. today

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

DATED:

1/7/97

ORDER/JUDGEMENT

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

in

S.A. NO. 807/97

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR

II Court.

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal
दस्तावेज/DESPATCH
- 4 JUL 1997
HYDERABAD