

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.158/99

dt.6-4-2000

Between

J. Satyanarayana

: Applicant

and

1. Union of India, rep. by
its Secretary
Dept. of Personnel & Trg.
Central Sectt., North Block
New Delhi

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

3. Govt. of AP, rep. by its
Chief Secretary, Sectt.
Hyderabad

4. The Principal Secretary
Revenue Department
Sectt. Hyderabad

5. Commissioner of Land Revenue
Govt. of AP, Nampally Station Road
Hyderabad

6. Andhra Pradesh Public Service Commission
rep. by its Secretary
Nampally, Hyderabad

: Respondents

Counsel for the applicant : P. Sridhar Reddy, Advocate

Counsel for the respondents 1 & 2 : B. Narasimha Sharma, Sr. CGSC

Counsel for the respondents 3-6 : V.V. Anil Kumar,
SC for AP State Govt.

Coram

Hon. Mr. R. Rangarajan, Member (Admn.)

Hon. Mr. B.S. Jai Parameshwar, Member (Judl.)

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Order

Oral order (per Hon. Mr. B.S. Jai Parameshwar, M(J)

Heard Mr. B. Madhusudhan for Mr. P. Sridhar Reddy, learned counsel for the applicant, and Mr. M.C. Jacob for Mr. B. Narasimha Sharma for Respondents 1 and 2 and Mr. V.V. Anil Kumar, learned counsel for the respondents 3-6.

1. The applicant has filed this OA praying to declare the order of the Govt. of AP, General Administration Dept. in memo No.386/SPL/B/94-31 dated 16-1-1998 rejecting the claim of the applicant for inclusion of his name in the select list of 1991-92 for promotion to Indian Administrative Service of Andhra Pradesh cadre while promoting his junior as illegal and arbitrary and set aside the same. Consequently direct the respondent to promote the applicant notionally as Member of Indian Administrative service from the date of his junior Sri N. Ranga Reddy was promoted i.e. 13-4-1992 with all consequential benefits.

2. The applicant was not considered for promotion to the IAS Cadre of AP State along with his junior Sri N. Ranga Reddy due to non-interpolation of his name in the feeder category of Deputy Collector. However, the error was noticed and hence the applicant was considered by ^a review by selection to the post of IAS Cadre of AP State in the year 1991-92. But in 1992-93 his junior N. Ranga Reddy was considered for promotion. That ~~was~~ review selection was due to the judgement in OA.398/94 disposed of on 30-7-1996.

3. The respondents submit that he was not found fit for promotion as the applicant was graded only as "good" and

those who have^d obtained "very good" were selected and appointed to IAS Cadre as there were no place for those who have ~~got~~^{grading} "good" for inclusion in select list of 1991-92 and 1992-93.

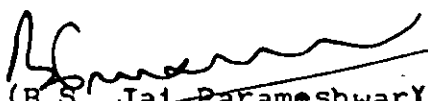
4. The above has been clearly indicated in the impugned letter dated 16-1-1998. The relevant portion of that rejection order reads as follows:

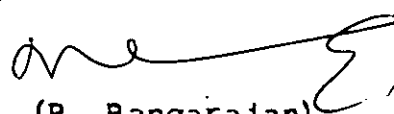
"On the basis of an overall relative assessment of the service records of the officer, the review selection committee did not recommend any change in the select list of 1991-1992 as well as 1992-93 for promotion to IAS, Andhra Pradesh Cadre."

5. The Apex Court had time and again observed that the Courts or Tribunals cannot sit on the proceedings of the Selection Committee unless malafides are attributed to the members of the DPC, as the Selection Committee is manned by senior officers with proven integrity. In the present case the Select list to the post of IAS is being done by a Member of the UPSC and other Senior Officers of the State Government. Hence, it is inappropriate to sit on the Selection Committee ~~where~~^{to} malafides ~~on~~ the Members are attributed in this OA. The applicant has also not brought out any point in this OA to state that some of the Members were prejudiced against him.

6. In view of the above, we find no merit and the Select Committee has rightly rejected in view of gradings obtained by the applicant.

7. In that view of the matter we find no merit in the OA and the OA is dismissed. No costs.


(B.S. Jai Parameshwar)
Member (Judl.)
6.4.2000


(R. Rangarajan)
Member (Admn.)

Dated : 6 April, 2000
Dictated in Open Court

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH. HYDERABAD

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

COPY TO:

1. HOHND
2. HRRN (ADMN) MEMBER
3. HBSJP (JUDL) MEMBER
4. D.R. (ADMN)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

THE HON'BLE MR. JUSTICE D.H. NASIR
VICE-CHAIRMAN

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMN)

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

DATE OF ORDER 6/4/2000

MA/RA/CP.NO.

IN
CA.NO. 158/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECT

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

(12 copies)

केन्द्रीय प्रशासनिक अधिकरण CENTRAL Administrative Tribunal हैदराबाद बेंच HYDERABAD BENCH
199 APR 2000
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