

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 24.6.1999

OA 69/97 with MA 122/98

Jagdish Chandra, Executive Director, Rajasthan Financial Corporation, Jaipur.

... Applicant

Versus

1. Union of India through Secretary, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, New Delhi.
2. State of Rajasthan through Secretary, Department of Personnel, Govt. of Rajasthan, Secretariat, Jaipur.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR.N.P.NAWANI, ADMINISTRATIVE MEMBER

For the Applicant	... Mr.P.P.Mathur
For Respondent No.1	... Mr.S.S.Hasan
For Respondent No.2	... Mr.U.D.Sharma

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Jagdish Chandra, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for a direction to the respondents to include his name in the select list of the year 1993 for promotion to the IAS and after the inclusion of his name in the aforesaid select list a notification may be directed to be issued to the effect that the applicant is deemed to have been promoted to the IAS with effect from the year 1993 as also for a direction to fix his year of allotment considering him as a member of service promoted in the year 1993.

2. We have heard the learned counsel for the parties and have carefully perused the records. Counsel for the parties have agreed to this matter being disposed of at the stage of admission.

3. Respondent No.2 has filed an MA (No.122/98), wherein it has been stated that the applicant while holding the selection scale of the Rajasthan Administrative Service (for short, RAS) was considered for promotion to the Indian Administrative Service (for short, IAS) by the Selection Committee for the year 1993 but due to his lower placement in the select list he could not be given appointment by promotion to the IAS in the year 1993. However, his name was included in the select list for the year 1994-95 and he was appointed by promotion to the IAS w.e.f. 1.1.96. It is also stated by respondent No.2 that pursuant to a decision of Hon'ble the Supreme Court, a

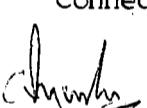
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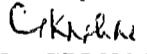
review DPC was convened for the purpose of giving promotion to the Selection Scale of RAS for the years 1981-82 to 1995-96 and such orders had been issued by the State Government on 23.2.96. Consequent on the revision of the select list of the Selection Scale of the RAS, vide order dated 23.2.96, the applicant had to file the present OA for seeking a direction to the respondent to include his name in the select list for the year 1993 for appointment by promotion to the IAS and also for assignment of an year of allotment to him on the basis of such appointment in 1993, with all consequential benefits. In the present OA, respondent No.2 had taken a stand that subsequent change in the seniority does not affect appointment to the IAS, which was made on the basis of the then existing seniority list. However, the matter has been reconsidered by the State Government in consultation with the Government of India and the Union Public Service Commission and it has since been decided to convene a meeting of the review DPC of the Review Selection Committee with a view to reconsidering the cases of RAS Officers for appointment to IAS by promotion on the basis of the revised seniority list issued on 23.2.96 and also on 4.4.98.

4. In view of the facts stated by respondent No.2, we dispose of the present application, at the stage of admission, with a direction to the respondents to convene a meeting of the Review Selection Committee for reconsideration of the case of the applicant for appointment by promotion to the IAS on the basis of the revised seniority list issued on 23.2.96 and 4.4.98, as expeditiously as possible, keeping in view the memorandum of the Department of Personnel & Training in the Government of India No.F.22012/9/97-AIS(I) dated 17.9.97. No order as to costs.

5. Connected MA (No.122/98) also stands disposed of accordingly.


(N.P.NAWANI)

ADM. MEMBER


(GOPAL KRISHNA)
VICE CHAIRMAN

VK