CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

DATE OF ORDER : 18.5.2004

1. Original Application No. 427/2003

Jagdish Chandra, IAS. son of Shri Mool Chand aged 53 years, Director cum Special Secretary, Department of Women & Child Development, Government of Rajasthan, Jaipur.

....Applicant

VERSUS

1. Union of India through its Secretary, Department of Personnel & Training, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel & Training, Govt. of India, New Delhi.
2. State of Rajasthan through the Secretary, Department of Personnel, Government of Rajasthan, Secretariat, Jaipur.
3. Union Public Service Commission through its Secretary, Dholpur House, New Delhi.
4. Karni Singh Rathore aged about 54 years, son of Shri Doongar Singhji Rathore, resident of 18, Kirti Nagar, New Sanganer Road, Jaipur. At present posted as Addl. Commissioner, Commercial Taxes, Jaipur.

....Respondents.

Mr. G.K. Garg, Counsel for the applicant.
Mr. S.K. Agarwal, Proxy counsel for Mr. Sanjay Pareek, Counsel for the respondents nos. 1 & 3,
Mr. U,D. Sharma, Counsel for the respondent No. 2.
Mr. Virendra Lodha, Counsel for the respondent No. 4.

2. Original Application No. 170/2004 with M.A. No. 163/2004

Jagdish Chandra, IAS. son of Shri Mool Chand, aged 53 years, Director cum Special Secretary, Department of Women & Child Development, Government of Rajasthan, Jaipur.

....Applicant

VERSUS

1. Union of India through its Secretary, Department of Personnel & Training, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel & Training, Government of India, New Delhi.
2. State of Rajasthan through the Secretary, Department of Personnel, Government of Rajasthan, Secretariat, Jaipur.
3. Union Public Service Commission through its Secretary, Dholpur House, New Delhi,
4. Mahendra Surana aged about 54 years, son of Shri Ugam Rajji Surana, C-403, Malviya Nagar, Jaipur. At present posted as Special

Secretary to Government, Disaster Management and Relief Department, Government of Rajasthan, Government Secretariat, Jaipur.

5. K.N. Gupta aged about 56 years son of Shri Gaya Prasad Gupta, resident of II-14, Gandhi Nagar, Jaipur. At present posted as Chief Executive Officer, Municipal Corporation, Lal Kothi, Tonk Road, Jaipur.

6. M.S. Khan aged about 56 years son of Shri Mohammed Basiruddin Khan, resident of 20, Kidwai Nagar, Near Imliwala Phatak, Jaipur. At present posted as State Project Director and Ex-Officio Spl. Secretary, DPIP, Yojana Bhawan, Jaipur.

....Respondents

Mr. G.K. Garg, Counsel for the applicant.
Mr. U.D. Sharma, Counsel for respondent No. 2.
Mr. Virendra Lodha, Counsel for the respondents nos. 4 to 6.

3. Contempt Petiton No. 57/2003
in
Original Application No. 69/1997

Jagdish Chandra, IAS, Director Cum Special Secretary, Department of Women and Child Development, Government of Rajasthan, Jaipur.

....Applicant

VERSUS

1. Shri S.S. Dabra, Secretary to Government of India, Department of Personnel & Training, Central Secretariat, New Delhi.
2. Shri R.N. Meena, Secretary to Government of Rajasthan, Department of Personnel, Government Secretariat, Jaipur.
3. Shri Mata Prasad, Chairman, Union Public Service Commission, Dholpur House, New Delhi.
4. Shri Jayendra Singh, Secretary, Union Public Service Commission, Dholpur House, New Delhi.
5. Shri Arun Bhatnagar, Secretary to Government of India, Department of Personnel & Training, Central Secretariat, New Delhi.

....Respondents.

Mr. G.K. Garg, Counsel for the applicant.
Mr. Vijay Singh, Proxy counsel for Mr. Bhanwar Bagri, Counsel for respondents nos. 1 & 5.
Mr. U.D. Sharma, Counsel for respondent No.2.
Mr. S.K. Agarwal, Proxy counsel for Mr. Sanjay Pareek,Counsel for respondents nos. 3 & 4.

CORAM:
Hon'ble Mr. M.L. Chauhan, Member (Judicial)
Hon'ble Mr. A.K. Bhandari, Member (Administrative)

ORDER (ORAL)

By this order, we want to dispose of OA Nos. 427/2003, OA No. 170/2004 and CP No. 57/2003 by a common order, as common question of facts and law is involved in these cases.

2. The facts of the case are that applicant was initially appointed in the cadre of Rajasthan Administrative Services as direct recruitee in the year 1974. The applicant was given promotion to the selection scale of RAS vide order dated 22.7.1993 and was given seniority of 1988-89. In that seniority list, the name of the applicant appeared at sl. No. 8 whereas the name of S/Shri S.S. Rajvi, Jayanti Lal Modi and Karni Singh Rathore appeared at sl. nos. 9, 10 and 12 respectively. It is further pleaded that S/Jayanti Lal Modi and Karni Singn Rathore who were promoted to IAS on the basis of merit. but the applicant was not promoted. The applicant was promoted to IAS on the basis of 'Seniority cum merit' in the year 1994. The applicant was appointed as IAS on 1.1.1996. It is further the case of the applicant that seniority of various officers of RAS cadre was reviewed and the applicant's seniority year 1988-89 was upgraded to 1987-88 on the basis of merit whereas the seniority year of Shri Karni Singh Rathore was lowered down from 1988-89 on merit basis to 1990-91 on seniority cum merit basis. The further case of the applicant is that he filed OA before this Tribunal, which was registered as OA No. 69/97. This OA was allowed by this Tribunal vide order dated 24.6.1999 and direction was issued to the respondents to convene a meeting of the Review Selection Committee for reconsideration of the case of the applicant for appointment for promotion to the IAs on the basis of the revised seniority list issued on 23.2.1996 and 4.4.1998 as expeditiously as possible .

2.1 The further case of the applicant is that he also made a representation for implementation of the decision of this Tribunal and also made repeated representations to the respondents to implement the

directions given by this Tribunal vide order dated 24.6.1999. Since no effective steps have been taken by the official respondents for implementation of direction issued by this Tribunal in earlier OA No. 69/1997, The applicant has filed the OA No. 427/2003 whereby praying that the direction be issued to the respondents to convene a Review Selection Committee in compliance to the judgement of this Tribunal dated 24.6.1999 passed in OA No. 69/1997. It was further prayed that till the decision is not taken by the Review Selection Committee, the respondents may be restrained from convening Screening Committee of IAS Officers of 1987 Batch for promotion from selection scale to supertime scale likely to be held on 11.9.2003.

2.2 When this OA was listed before this Tribunal on 11.9.2003, this Tribunal passed an ex-parte interim stay to the effect that Screeniog Committee may consider the matter for Super Time Scale of IAS but the said selection shall not be declared till the next date. Subsequently, the interim order was not extended.

3. The applicant has also filed Contempt Petition No. 57/2003 for non compliance of the order dated 24.6.1999 passed in OA No. 69/1997. Subsequently, the applicant has also filed an OA No. 170/2004 as the respondents were further holding DPC Selection Committee for giving promotion to the IAS of 1988 Batch. When the matter was listed on 20.4.2004, this Tribunal has granted ex-parte stay to maintain status-quo with regard to the promotion to be made to the Super Time Scale of 1988 Batch so far as it concerned to the Promotion Batch of 1993-1994 till the next date. This stay is still continuing.

It is on all these facts that the applicant has filed the aforesaid OAs and CP.

4. Notice of the OAs as well as CP was given to the respondents. The respondents have filed reply. In the reply, the State of Rajasthan has explained the circumstances under which the matter could not be sent to

the UPSC for the purpose to convene Review Selection Committee. The respondent No. 2 i.e. State Govt., has also filed reply to the interim prayer in OA No. 170/2004 thereby opposing the continuance of the interim prayer. It has also been stated that State of Rajasthan has made a reference to the UPSC for convening a Review Selection Committee in compliance to the order dated 24.6.1999 given by this Tribunal in OA No. 69/1997, which was filed by the applicant earlier. A copy of the letter dated 10.5.2004 by which the State Govt. has made a reference has been annexed with the interim reply as Annexure R-2/1. It is further stated that the said reference has been received in the office of the Commission on 11.5.2004. Thus, according to the State of Rajsthan, process nas been initiated for holding of the Review Selection Committee meeting in compliance of the order dated 24.6.1999. As such, these OAs and CP does not survive. The State of Rajasthan has also taken objection regarding maintainability of the OA as well as CP on the ground of delay/limitation.

5. We have heard the learned counsel for the parties. We are of the view that in view of the subsequent development, these OAs and CP does not survive. The State Govt. has made a reference to the UPSC for the purpose to convene Review Selection Committee in compliance of the order dated 24.6.1999 given by the Tribunal in OA No. 69/97. After publishing the final seniority list, the reference has also been received by the Commission on 11.5.2004. Thus the grievance of the applicant stand substantially redressed. In the facts and circumstances of this case. The only direction which needs to be given is to direct the UPSC to expedite the meeting of the Review Selection Committee.

6, In view of what has been stated and without going into merit of the case, we direct the UPSC to convene the meeting of the Review Selection Committee as early as possible and not later than six weeks from the date of receipt of a copy of this order. In case the applicant is found suitable in the Review Selection Committee for earlier years, his case for grant of Supertime scale shall be considered on the basis of year of allotment by the Central Govt pursuant to the Review DPC.

7. With these observations, both these OA No. 427/2004, OA No. 170/2004 are disposed of. CP No. 57/2003 is also disposed of. Notices issued to the respondents are discharged. The interim stay granted on 20.4.2004 in OA No. 170/2004 is not extended in view of the what has been stated above.

8. MA No. 163/2004 filed by respondent No. 4 to 6 for vacation of stay also does not survives and the same is dismissed.

(A.K. BHANDARI)
MEMBER (A)

(M.L. CHAUHAN)
MEMBER (J)

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