

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH ::: GUWAHATI-5.

O.A. NO. 1 of 1997  
T.A. NO.

DATE OF DECISION 19.12.1997

Shri S.B. Ch. Singh

(PETITIONER(S))

Dr N.K. Singh

ADVOCATE FOR THE  
PETITIONER (S)

VERSUS

Union of India and others

RESPONDENT (S)

Mr S. Ali, Sr. C.G.S.C.  
Mr G.N. Sahewala, Govt. Advocate, Manipur,  
Mr A.K. Sikri and Mr V.K. Rao.

ADVOCATE FOR THE  
RESPONDENT (S)

THE HON'BLE MR JUSTICE D.N. BARUAH, VICE-CHAIRMAN  
THE HON'BLE MR G.L. SANGLYINE, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ? *NO*
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.1 of 1997

Date of decision: This the 19th day of December 1997

The Hon'ble Mr Justice D.N. Baruah, Vice-Chairman

The Hon'ble Mr G.L. Sanglyine, Administrative Member

Shri S.B.Ch. Singh, IPS  
Managing Director,  
Manipur State Police Housing Corporation Ltd.,  
Imphal (on deputation). .....Applicant  
By Advocate Dr N.K. Singh.

-versus-

1. The Union of India, represented by the Secretary, Ministry of Home Affairs, New Delhi.
  2. The Secretary, Ministry of Industries, New Delhi.
  3. The State of Manipur, through the Chief Secretary, Government of Manipur, Imphal.
  4. Shri L. Jugeswar Singh, Resident of Kwakeithal, Mayaikoibi, Imphal, Manipur. ....Respondents
- By Advocates Mr S. Ali, Sr. C.G.S.C.,  
Mr G.N. Sahewala, Government Advocate, Manipur,  
Mr A.K. Sikri and Mr V.K. Rao.

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O R D E R

BARUAH.J. (V.C.)

In this application the applicant has challenged the selection and subsequent appointment of the 4th respondent to the ex cadre post of Additional Direction General of Police (ADGP for short), by the impugned Annexure 3 Order dated 3.9.1996. Facts for the purpose of disposal of this case are:

On 10.6.1996, the Government of Manipur accorded sanction to the creation of one ex cadre post of ADGP and thereafter by the impugned Annexure 3 order dated 3.9.1996 the

*XB*

Government of Manipur appointed the 4th respondent to the ex cadre post of ADGP. The 4th respondent joined the said post on 12.9.1996. However, by a Fax message, on the same day his appointment was cancelled by the Ministry of Home Affairs, Government of India, which according to the applicant was the controlling authority. Pursuant to the said order the Government of Manipur passed an order dated 13.9.1996 refusing to accept the joining report submitted by the 4th respondent. Meanwhile, the 4th respondent approached this Tribunal by filing an original application (O.A.NO.203/96) challenging the cancellation order dated 13.9.1996. In due course the said application was admitted and the present applicant also approached this Tribunal with a prayer to implead him as respondent in the said original application. This Tribunal allowed his prayer by making him respondent No.5.


2. The applicant has filed this application challenging the said Annexure 3 order of appointment dated 3.9.1996. The grounds for challenging the appointment of the 4th respondent, among others, are that the appointment of the 4th respondent to the ex cadre post of ADGP was made without holding regular DPC. He also submitted that he being the most meritorious officer his case ought to have been considered and the 4th respondent was not at all fit to be considered for promotion/appointment to the ex cadre post of ADGP, in view of the fact that C.B.I. and vigilance cases were pending against the 4th respondent at time of his promotion.


3. We have heard Dr N.K. Singh, learned counsel for the applicant, Mr S. Ali, learned Sr. C.G.S.C., Mr G.N. Sahewala, learned Government Advocate, Manipur, and Mr A.K. Sikri assisted by Mr V.K. Rao, appearing on behalf of the respondents.

4, The contention raised by Dr Singh is that C.B.I. and vigilance cases were pending against the 4th respondent at the time of his promotion. However, Dr Singh was not in a position to produce any materials. Mr Ali also could not produce any materials in this regard. In the absence of such materials it is difficult for us to come to a specific finding whether the applicant was illegally appointed or not in view of those grounds. Dr Singh was also not in a position to point out any rule to show that holding of the DPC was necessary for promotion/appointment to the ex cadre post of ADGP. In the absence of any such materials it is not possible for us to decide the case.

5. In view of the above we dispose of this case with a direction to the respondents to consider all the points raised by Dr Singh before this Tribunal and pass a reasoned order after considering the relevant rules and the materials available on record. If necessary the respondents may review the appointment of the 4th respondent. This shall be done strictly in accordance with the rules after giving full opportunity of hearing to the parties. Before fixing a date of hearing, the parties shall be intimated about the hearing. If any of the parties is aggrieved by the decision of the respondents he shall have a right to approach this Tribunal.

6. The application is accordingly disposed of. However, in the facts and circumstances of the case we make no order as to costs.

  
( G. L. SANGLYINE )  
MEMBER (A)

  
( D. N. BARUAH )  
VICE-CHAIRMAN