

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO.

59 OF 1998

Applicant(s) Shri V. Sekhose

- VS -

Respondent(s) Union of India & Ors

Advocate for Applicant(s) Mr. P.K. Goswami

Mr. D.K. Meshree

Mr. A. Dutta,

Advocate for Respondent(s) Mr. S. Ali, Sr. C.C.S.C

Mr. A.K. Choudhury, Addl.

C.C.S.C

Mr. C.T. Jamir G.A.
Nagaland.

Notes of the Registry	Date	Order of the Tribunal
1. Application filed in form and within time C. F. of Rs. 50/- deposited vide IPO/BD. No. 029071 Dated ... 25.3.98 <i>My Decision</i> H.D.V. Registrar 26/3/98	26.3.98	<p>This application has been filed by the applicant challenging the Annexure-8 proceeding of the Review Selection Committee held on 27.2.1998. The short facts are :</p> <p>A Selection Committee was constituted for recruitment to the IAS Nagaland Cadre for the year 1996-97 and the said Selection Committee sat on 19.2.1997 and 25.3.1997. In the said selection the applicant's name was not included in the select list. Being aggrieved the applicant approached this Tribunal by filing Original Application No.145/97. The contention of the applicant before this Tribunal was that certain material facts were not taken into consideration and for that purpose the Government of Nagaland also wrote to the Union Public Service Commission. However, the UPSC did not reconsider on the</p>

Requisite 6 copies
have been filed.

26/3

contd..

Notes of the Registry	Date	Order of the Tribunal
	26.3.98	<p>ground that they became functus officio which led the applicant to approach this Tribunal. This Tribunal disposed of the said application among others with the following observation :</p> <p>"In view of the above we are of the opinion that the case of the applicant was not properly considered, to which the applicant was entitled. Therefore, for the ends of justice and fitness of things it is necessary for the UPSC to review the selection after taking into consideration of all the materials including the Annexures 2, 3 and 4 letters dated 5.4.1997, 7.4.1997 and 9.6.1997 respectively, and also the letter of appreciation enclosed with Annexure 4 letter of the Chief Minister."</p> <p>Pursuant to the said order a Review Selection Committee meeting was held on 27.2.1998 to review the case of the applicant for promotion to IAS for compliance with the direction of this Tribunal. The Review Selection Committee found that the applicant's case could not be considered. While saying so the Committee observed in the minutes of the meeting as follows :</p> <p>"...Accordingly, the Committee felt that in order to maintain equity and justice, no cognizance of the same should be taken."</p> <p>Hence the present application.</p> <p>We have heard Mr P.K.Goswami, learned senior counsel assisted by Mr D.K.Misra appearing on behalf of the applicant, Mr S.Ali, learned Sr.C.G.S.C for respondent No.1, Mr A.K.Choudhury, learned Addl. C.G.S.C for respondents No.3, 4 and 5 and Mr C.T.Zamir, learned Government Advocate, Nagaland for respondents No.2 and 6. Mr Goswami submits before us that this Tribunal found that the additional materials ought to have been considered and therefore gave direction</p>

Notes of the Registry	Date	Order of the Tribunal
<p><u>31.3.98</u> <u>Copy of the order</u> <u>alongwith the copy of the</u> <u>petition have been sent</u> <u>to the D/Sec. for issuing</u> <u>the same to the parties. There</u> <u>is also a copy for the L/A/mtg for</u> <u>the parties also sent to the</u> <u>D/Sec. for issuing upon them.</u> <u>.....</u></p> <p><u>Leave a copy</u> <u>of the order dttd 26.3.98</u> <u>At the</u> <u>Advocates 30/3/98</u> <u>for the applicant</u></p> <p><u>Issued vide D.N.O.</u> <u>859 to 864 d. 3.4.98</u> <u>.....</u></p>	26.3.98	<p>to UPSC to consider the same. The order was accepted by all parties and thereafter the UPSC had no justification to say "in order to maintain equity and justice no cognizance should be taken." This is contrary to the direction given by this Tribunal. Mr Goswami has also gone little further to submit that this may amount to contempt. Mr Ali submits that this observation of the Review Selection Committee should be reconsidered by them. Mr Choudhury also submits before us that the UPSC should be given an opportunity to comply with the direction given by this Tribunal in the order dated 1.12.1997 passed in O.A.145/97. Therefore, the matter may be remanded to the UPSC. We find the submission of Mr Goswami has sufficient force. We therefore set aside the Annexure-8 minute-s of the Review Selection Committee meeting held on 27.2.1998 and dispose of this application with a direction to respondent No.3-UPSC to comply with the direction given in our order dated 1.12.1997 passed in O.A.145/97. The respondent No.3 must do it as early as possible at any rate within a period of one month from the date of receipt copy of this order.</p> <p>Considering the entire facts and circumstances of the case however, we make no order as to costs.</p> <p style="text-align: right;"> <u>Member</u> <u>Vice-Chairman</u></p>

