

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR,
JABALPUR

Original Application No. 608 of 2003

Jabalpur, this the 20th day of January, 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

M. Gopal Reddy, aged about 43 years,
S/o. Shri M. Verra Reddy, R/o. XB-4,
Char Imli, Bhopal.

.... Applicant

(By Advocate – Shri Sameer Beohar & Shri Manish Tripathi for Shri R.
Tiwari)

V e r s u s

1. Union of India, through Secretary,
Department of Personnel and Training,
Govt. of India, New Delhi.

2. State of Madhya Pradesh, through the
Secretary, Department of General
Administration, Mantralaya, Bhopal.

.... Respondents

(By Advocate – Shri B.da.Silva for the respondent No. 1 and Shri Om
Namdeo for respondent No. 2)

O R D E R (Oral)

By M.P. Singh, Vice Chairman –

By filing this Original Application the applicant has claimed the
following main relief):

“i. to direct the respondents by issuing an appropriate order to
consider the application of the applicant for appointment to the post
of Director under the Central Staffing Scheme 2003 in terms of the
instructions as contained in the DO letter dated 16.10.2002 and to
issue necessary orders of posting in case the applicant possesses
requisite eligibility conditions for such appointment.”

2. The brief facts of the case are that the applicant is an IAS officer of
1985 batch of Madhya Pradesh cadre. He is aggrieved of the action of the



respondent No. 1 i.e. the Union of India in not considering his application submitted by him for appointment on deputation as Director under the Government of India as per the Central Staffing Scheme for the year 2003. According to him, identically placed officers belonging to the same batch have already been given posting orders, whereas the claim of the applicant has been ignored all together. According to him this action of the respondent No. 1 is thus per se discriminatory offending the applicant's fundamental rights guaranteed under Articles 14 and 16 of the Constitution of India. Hence, this Original Application is filed.

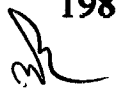
3. The respondents have filed their reply and have stated that on posting under the Central Staffing Scheme against the posts of the rank of Deputy Secretary, Director and Joint Secretary or equivalents, the panels are finalized by the Civil Services Board from the offer list prepared every year by seeking nominations from all the participating services. The offer list is drawn up from amongst the officers sponsored by the respective State Governments, keeping in view the requirements and suitability criteria. In response to the letter dated 1.10.2002, the name of the applicant was offered by his State cadre i.e. the State of Madhya Pradesh along with others for appointment to the post of Director in any Ministry/Department under the Central Staffing Scheme, vide letter dated 14.1.2003. When the suitability of the applicant for appointment to the post of Director under the Central Staffing Scheme was being examined, the Government of India took a decision to freeze 1985 batch of IAS officers from Central deputation at the level of Director. It was observed that a large number of Directors had become eligible for holding the Joint Secretary/equivalent post at the Centre, thereby curtailing the number of vacancies available for eligible officers of senior batches belonging to 1973 to 1982 batch. In order to meet the difficulties arising out of the limited availability of vacancies of Joint Secretary level officers of senior batches, it was decided on 13.2.2003 that IAS officers belonging to 1985 batch may also be frozen for coming on Central Deputation at the level of



Director. As such the name of the applicant was not retained on offer for Central deputation during the year 2003. The names of Shri Ajay Kumar, IAS (KL-85) and that of Shri Bhupinder Singh were received in the years 2002 and 2003 respectively i.e. before the decision to freeze the batch was taken. The representation of the applicant was duly considered by the respondents. The respondents have further stated that at present 1985 batch of IAS has been frozen for deputation at the level of Director and this batch is being taken up shortly for empanelment for holding posts of Joint Secretary/equivalent posts at the Centre. In view of these submissions made above, the OA has no merit and is liable to be dismissed with costs.

4. Heard the learned counsel for the parties and perused the records and pleadings.

5. We have given careful consideration to the rival contentions made on behalf of the parties and we find that the Government of India has taken a policy decision to freeze the appointment of the IAS officers of 1985 batch for appointment as Directors on deputation under the Central Staffing Scheme. As regards the contention by the applicant that persons from his batch have already been appointed to the post of Directors, whereas he has been denied the opportunity of being appointed as Director at the Centre, we find that this contention is totally incorrect as the applications of few IAS officers of his batch were received by the Government before the decision was taken to freeze the batch of 1985. On the other hand the application of the applicant was forwarded by the Government of Madhya Pradesh after the decision is taken by the Central Government to freeze the 1985 batch of IAS officers. Therefore, the contention of the applicant that there is a discrimination as regards the appointment of Directors, is not correct and is accordingly rejected. Now since the respondents have already stated in their reply that the officers of 1985 batch are due for consideration for empanelment on the post of Joint



Secretary or equivalent in the Centre, the relief claimed by the applicant in this Original Application has become infructuous. However, even if the applicant has any grievance left, he may make a representation in this regard, which will be considered by the respondents on merit in accordance with the rules and law.

6. With these directions the Original Application stands disposed of.
No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

"SA"

पृष्ठांकन सं. ओ/व्ज. जबलपुर, दि.
पत्तिविविधि अर्पण दिनांक :-

- (1) सचिव, उच्च न्यायालय कार (एनोरेशियन), जबलपुर
- (2) आवेदन श्री/श्रीमती/कु. के काउंसल
- (3) प्रत्यक्षी श्री/श्रीमती/कु. के काउंसल
- (4) बांधपाल, कोषाध्यक्ष, जबलपुर नगर पंचायत
सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

Issued
On 14-2-05
BS