

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH


Date of Order: 09.12.2014


OA No. 798/2013

Mr. Banwari Sharma, counsel for applicant.
Mr. Mukesh Agarwal, counsel for respondent nos. 1 & 4.
Mr. V.D. Sharma, counsel for respondent nos. 2 & 3.

Arguments heard.

Order reserved.


(ANIL KUMAR)
ADMINISTRATIVE MEMBER


(B. V. RAO)
JUDICIAL MEMBER


Kumawat

11/12/14

order
pronounced
today

in the
open
Court
by me

as per said.
Bench

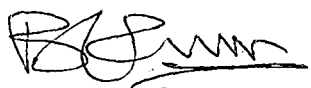

11/12/14
C.O.

**CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.**

**Draft/pre-delivery order in OA No. 798/2013
(V.K. Gaur vs. Union of India & Others) is submitted
herewith for approval.**



Anil Kumar
**(Anil Kumar)
Member (A)**



**Hon'ble Mr. B.V. Rao
Member (J)**

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

ORIGINAL APPLICATION No. 798/2013

ORDER RESERVED ON 09.12.2014

DATE OF ORDER : 11.12.2014

CORAM :

HON'BLE MR. B.V. RAO, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

V.K. Gaur son of Shri R.C. Sharma, aged about 59 years,
resident of 21, Indralok Colony, Krishna Nagar, Mathura (U.P.),
presently posted as Addl. S.P. C.I.D/CB, Jaipur.

... Applicant

(By Advocate: Mr. Banwari Sharma)

Versus

1. Union of India through the Home Secretary, Ministry of Home Affairs, New Delhi.
2. The State of Rajasthan through the Principal Secretary, Home Department, Government Secretariat, Jaipur.
3. The Principal Secretary, Department of Personnel, Government of Rajasthan, Secretariat, Jaipur.
4. The Union Public Service Commission, through its Chairman, New Delhi.

... Respondents

(By Advocate: Mr. Mukesh Agarwal – Respondent nos. 1 & 4
Mr. V.D. Sharma – Respondent nos. 2 & 3.)

ORDER

PER HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

The applicant has filed the present OA praying for the following reliefs:-

"The respondents may kindly be directed to implement the order dated 1.4.2013 passed by this Hon'ble Tribunal and respondents may kindly further be directed to consider the name of the applicant for promotion to IPS against the vacancies of 2007 as per his seniority now revised under the orders of the Hon'ble Division Bench and in the event of his selection, his name be included in the list of IPS for the year 2007 and he be given

Anil Kumar

promotion to IPS from the date his junior, Shri Bal Mukund Verma, has been promoted.

- (i) Award cost of this Original Application; and
- (ii) Grant such other and further relief/s, as may be deemed just and expedient in the facts and circumstances of the case so as to give full relief to the applicant.

2. The learned counsel for the applicant at the outset submitted that the UPSC, respondent no. 4, has convened Review DPC on 11.12.2014. The name of the applicant has been sent to the UPSC by the State Government for consideration as per his revised seniority. Thus, the applicant would be considered for promotion to the IPS from the State Police Service by UPSC according to the rules. That the applicant is retiring on 31.12.2014. Therefore, he prayed that the respondents be directed to issue appointment order with respect to the applicant prior to his retirement in case he is found fit for promotion by the Review DPC, which is being held on 11.12.2014.

3. The respondents have not denied the basic fact that the UPSC has convened Review DPC on 11.12.2014 and that the name of the applicant has been included in the list of eligible officers for promotion to the IPS from State Service based on his revised seniority. The learned counsel for the respondents argued that the question of issuing the appointment order to the applicant to the IPS would arise only when he is considered fit for promotion by the Review DPC. It is natural that sometime is taken by the respondents to issue appointment/promotion

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orders after the Review DPC of those candidates who are selected and are found fit for promotion to IPS from the State Police Service due to the procedure involved such as minutes to be finalized by the Review DPC, the approval of the minutes by the UPSC, its concurrence by the State Government and then the orders to be issued from the Ministry of Home Affairs. As on date it is not clear whether the applicant would be found fit or not by the Review DPC. Therefore, it would be premature to presume that the applicant would be included in the select list and hence no directions can be issued to the respondents that the promotion order of the applicant to the IPS be issued prior to 31.12.2014.

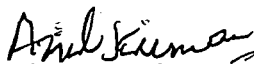
4. Heard the learned counsel for the parties and perused the documents on record. In the relief clause of the present OA, the applicant has prayed for a direction to be issued to the respondents to consider his name for promotion to the IPS against the vacancies of 2007 as per his seniority now revised under the orders of the Hon'ble Division Bench and in the event of his selection, his name be included in the list of IPS for the year 2007 and he be given promotion to IPS from the date his junior, Shri Bal Mukund Verma, has been promoted. From the arguments of both the parties, it is clear that a Review DPC is being held on 11.12.2014 and the name of the applicant would be considered by the Review DPC for promotion to IPS. Thus basic relief claimed by the applicant has been given by the respondents by convening the Review DPC on 11.12.2014. Further action in the matter would be taken by the respondents

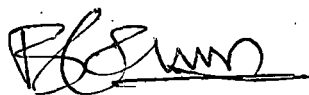
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OA No. 798/2013

after the Review DPC is held and the question of promotion of the applicant would arise only in case he is found fit for promotion by the Review DPC. However, presuming that the applicant would be found fit for promotion to IPS, it is expected from the respondents that after the Review DPC is held and the name of the applicant finds place in the select list then they would act expeditiously and would make efforts to finalize the select list and issue appointment order based on the recommendations of the Review DPC before 31.12.2014 i.e. before the date of retirement of the applicant.

8. With these observations the OA is disposed of with no order as to costs.


(Anil Kumar)
Member (A)


(B.V. Rao)
Member (J)

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