

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

04.09.2013

OA No. 609/2013

Mr. S.S. Hora, Counsel for applicant.

Heard learned counsel for the applicant.

The OA is disposed of by a separate order.

Anil Kumar
(Anil Kumar)
Member (A)

ahq

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR.

ORIGINAL APPLICATION NO. 609/2013

Jaipur, the 04th day of September, 2013

CORAM :

HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

Bahadur Singh Rathaur son of Shri Khem Singh Rathaur, aged 58 years, resident of C-5, Indrapuri, Lal Kothi, Jaipur. S.P. Headquarter, PHQ, Jaipur.

... Applicant
(By Advocate: Mr. S.S. Hora)

Versus

1. Union of India through Ministry of Personnel, Public Grievances & Pension through its Secretary, Government of India, New Delhi.
2. The Union Public Service Commission through its Secretary, Shajahan Road, New Delhi.
3. Secretary, Ministry of Home Affairs, North Block, Government of India.
4. The State of Rajasthan through Chief Secretary, Secretariat, Jaipur.
5. The Director General of Police, Rajasthan, Jaipur.
6. The Additional Chief Secretary (Home), Government of Rajasthan, Jaipur.
7. The Principal Secretary, Department of Personnel, Government of Rajasthan, Secretariat, Jaipur.

... Respondents
(By Advocate: -----)

ORDER (ORAL)

Heard the learned counsel for the applicant. He argued that the applicant was promoted to Indian Police Service on 01.02.2010 against the vacancy of 2009. The applicant was entitled to seniority of nine years while being promoted in the IPS in terms of IPS (Regulation of Seniority) Rules, 1988. However, he was granted seniority from the year 2001. In the seniority list dated 28.12.2005, Shri Bal Mukund Verma and Shri

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Prem Prakash Tak were shown senior to the applicant. Shri Bal Mukund Verma is an officer of ST category and was granted accelerated promotion and seniority. Shri Bal Mukund Verma on promotion to the IPS was granted 2001 batch because he was entitled to seniority of six years. Consequently, Shri Hari Prasad Sharma and Shri Mukesh Kumar Goyal, who were junior to Shri Bal Mukund Verma, were also given seniority from the year 2001. Similarly, the applicant was also granted the seniority from the year 2001 as it was restricted with reference to the year of allotment assigned to the senior officers in the same select list.

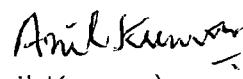
2. Subsequently in view of the various judicial pronouncements pertaining to seniority and promotion of officers belonging to SC & ST, a final seniority list for grant of selection scale in the Rajasthan Police Service (RPS) was issued on 15.03.2013 (Annexure A/10). In this seniority list, Shri Bal Mukund Verma and Shri Prem Prakash Tak have been placed junior to the applicant. Therefore, the seniority list of the IPS has also to be reviewed accordingly. The learned counsel for the applicant submitted that the applicant be assigned correct seniority in the IPS in view of these changed circumstances and to this effect, the applicant has given representation to the respondents but they have not taken any decision on the representation of the applicant. Therefore, he submitted that the respondents be directed to consider the applicant's representation and revise the seniority of the applicant in the IPS.

Anil Kumar.

3. Having heard the learned counsel for the applicant, in the interest of justice, I deemed it proper to direct the respondents to decide the representation given by the applicant. Accordingly, respondents nos. 4, 6 and 7 are directed to forward the representation dated 08.02.2013 (Annexure A/1) submitted by the applicant with their detailed comments to respondent no. 3 that is Secretary, Ministry of Home Affairs, North Block, Government of India, within a period of one month from the date of receipt of a copy of this order. Thereafter, respondent no. 3 that is Secretary, Ministry of Home Affairs, North Block, Government of India, is directed to decide the representation of the applicant by a reasoned & speaking order according to the provisions of law expeditiously but not later than a period of two months from the date of receipt of the representation and comments thereon of the State Government of Rajasthan.

4. If the applicant is aggrieved by the decision taken by the respondents, he would be at liberty to redress his grievances before the appropriate forum.

5. With these observations, the OA is disposed of at admission stage itself with no order as to costs.


(Anil Kumar)
Member (A)

AHQ