

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

04.09.2013

OA No. 608/2013

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)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR.

ORIGINAL APPLICATION NO. 608/2013

Jaipur, the 04th day of September, 2013

CORAM :

HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Hari Prasad Sharma son of Shri Banshi Dhar Sharma, aged 55 years, resident of 769, Rani Sati Nagar, Ajmer Road, Jaipur (Currently posted as Superintendent of Police (Bikaner).

... 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 Additional Chief Secretary (Home), Government of Rajasthan, Jaipur.
6. 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 vide notification dated 01.01.2008 from the select list for the year 2007 (Annexure A/7). The applicant was entitled to seniority of eight 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

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28.12.2005, one Shri Bal Mukund Verma was 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, the applicant, who was junior to Shri Bal Mukund Verma, was also given 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/9). In this seniority list, Shri Bal Mukund Verma has 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 representations to the respondents but they have not taken any decision on the representations of the applicant. Therefore, he submitted that the respondents be directed to consider the applicant's representations and revise the seniority of the applicant in the IPS.


3. Having heard the learned counsel for the applicant, in the interest of justice, I deemed it proper to direct the respondents

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to decide the representation given by the applicant. Accordingly, respondents nos. 4 to 6 are directed to forward the representations dated 18.07.2013 (Annexure A/3) and dated 18.07.2013 (Annexure A/4) 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