

50/100

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

4

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

O.A./T.A No. 37/96  
R.A/C.P No. ....  
E.P/M.A No. ....

1. Orders Sheet. OA-37/96 Pg. 1 to 3
2. Judgment/Order dtd. 30/05/96 Pg. No departed order Dissee
3. Judgment & Order dtd. .... Received from H.C/Supreme Court
4. O.A. 37/96 Pg. 1 to 38
5. E.P/M.P. NIL Pg. .... to .....
6. R.A/C.P. NIL Pg. .... to .....
7. W.S. Pg. 1 to 15
8. Rejoinder. NIL Pg. .... to .....
9. Reply. .... Pg. .... to .....
10. Any other Papers. .... Pg. .... to .....
11. Memo of Appearance. ....
12. Additional Affidavit. ....
13. Written Arguments. ....
14. Amendment Reply by Respondents. ....
15. Amendment Reply filed by the Applicant. ....
16. Counter Reply. ....

Affidavit opposition filed Pg-1 to-4

SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH  
GUWAHATI

ORIGINAL APPLN.NO. 37 OF 1996  
TRANSFER APPLN.NO. OF 1995  
CONTEMPT APPLN.NO. OF 1995 (IN OA NO.  
REVIEW APPLN. NO. OF 1995 (IN OA NO.  
MISC. PETN. NO. OF 1995 (IN OA NO.

B. B. Sharma APPLICANT(S)

-VS-  
H. C. I. Jom. RESPONDENT(S)

FOR THE APPLICANT(S) MR. T. N. Singh

MR.  
MR.  
MR.

FOR THE RESPONDENTS MR. S. Ali, Sr. C.A.

OFFICE NOTE	DATE	ORDER
<p>Application is in form and within time. C.F. of Rs. 50/- deposited vide IPO/BD No. 360673-77 Dated 4.3.96</p> <p><i>[Signature]</i> Secretary</p>	8.3.96	<p>Learned counsel Mr T.N.Singh for the applicant. Learned Sr.C.G.S.C Mr S.Ali for the respondents.</p> <p>The applicant is a senior member of the Manipur Civil Service. It has been stated that he was selected for appointment to the IAS in the Manipur-Tripura Joint Cadre on 24.3.95 and that he occupied second position in that Select List which was approved by the UPSC on 10.10.95. Further, it has been stated that there are two substantive vacancies in the joint cadre as on 30.11.95 and they are still vacant. The Government of Manipur has recommended appointment of the applicant to the IAS by their letter dated 4.1.96 and the Government of Tripura has also concurred to the appointment of the applicant in the IAS. However, the Government of India has not issued appointment order for appointment of the applicant to the IAS till date.</p> <p>In this application the applicant prays for a direction on the respondents to appoint the applicant in the IAS on the basis of the selection</p>

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH  
GUWAHATI

ORIGINAL APPLN.NO. (2) OF 1995 O.A. 37/96  
TRANSFER APPLN.NO. OF 1995  
CONTEMPT APPLN.NO. OF 1995 (IN OA NO. )  
REVIEW APPLN. NO. OF 1995 (IN OA NO. )  
MISC. PETN. NO. OF 1995 (IN OA NO. )

..... APPLICANT(S)

-VS-

..... RESPONDENT(S)

FOR THE APPLICANT(S) ...MR.

MR.

MR.

MR.

FOR THE RESPONDENTS ...MR.

OFFICE NOTE

DATE

ORDER

8.3.96

made on 24.3.1995 against the substantive vacancy.

Issue notice on the respondents to show cause as to why this application should not be admitted and relief sought should not be granted.

List on 24.4.96 for show cause and consideration of admission.

Heard counsel of the parties on the interim relief prayer. Pendency of disposal of show cause and consideration of admission of this application shall not be a bar ~~for~~ to the respondents to appoint the applicant to the IAS before the next selection takes place, if there is no special circumstance preventing the appointment of the applicant in the IAS.

Copy of this order may be sent to the respondent No.1 by speed post at the cost of the applicant as requested by his counsel.

Copy of this order be furnished to the counsel of the parties.

Steps in issuing notice not yet received.

Order & all concerned issued v.m. 515-520 dt. 11.3.96.

Copy for R.no. 1 sent by

8/10/96

8/11/96

Requisites are issued on 18.3.96 & issued

v.m. 581-83 dt. 19.3.96 pg

Member 8/3/96

1993

O.A. 37/96

25.4.96

Mr S.Ali, Sr.C.G.S.C for respondents No.1 and 2.

Respondent No.3 submitted affidavit in opposition on 24.4.96 and duly served. The applicant prays for adjournment by a letter as he was detailed for election duty.

List on 30.5.96 for show cause and consideration of admission.

*Go*  
Member

pg

30.4.96

30.5.96

*Affidavit-in-Opposition  
on behalf of Respondent No.3.  
has been submitted.*

None present for the applicant Mr S. Ali, learned Sr. C.G.S.C., for the respondent Nos.1 and 2. None present for respondent No.3.

The application is dismissed for default.

*Go*  
Member (A)

*f*  
Member (J)

28.5.96

nk m

*W/s filed on behalf  
of Respondent No.1 & 2.*

*Service Reports ~~have~~  
are still awaited.*

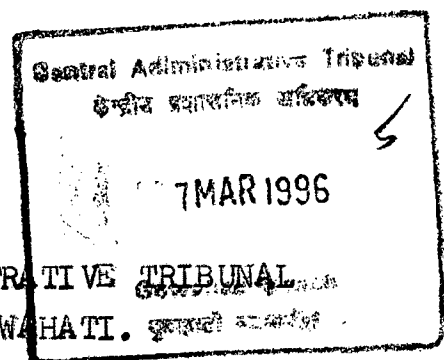
5.6.96

*No further duty served  
or reports. 2.*

*Bv*  
14.10.96

*Copy of order*

*35316 3532 16/10/96.*



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GAUHATI BENCH : GUWAHATI.

O.A. NO. 37 OF 1996

BETWEEN :

Shri B. Badrinarayan Sharma,  
aged about 39 years,  
S/O late B. Bidyasunder Sharma,  
M.C.S. Grade-I, at present  
working as Administrative Officer  
in the Power Department,  
Government of Manipur.

.... APPLICANT.

- VERSUS -

1. The Union of India represented  
by the Secretary to the  
Government of India, Department  
of Personnel and Administrative  
Reforms (Personnel Division),  
North Block, New Delhi.

.... RESPONDENT.

2. The Union Public Service  
Commission represented by its  
Secretary, Dholpur House,  
Shahajahan Road, New Delhi and  
another.

.... PROFORMA-RESPONDENT.

I N D E X

Sl. No.	PARTICULARS.	PAGE NO.
---------	--------------	----------

Application of the present  
Applicant.

1 - 24

Contd. . . P/ii.

Received copy.

File  
S.C.S.G.  
7/3/96

-: ( ii ) :-

Sl. No.	PARTICULARS.	PAGE NO.
2.	Final Seniority list of the M.C.S. Officers including the Applicant vide orders of the Governor of Manipur being No.22/ 1/88-MCS/DP dated 8.1.1992 ( <u>ANNEXURE-A/1</u> )	25 - 27
3.	Orders of the Governor of Manipur being No.3/9/90-MCS/DP(I) dated 9/9/1993 for appointing the Applicant and others as M.C.S. Grade-I on promotion. ( <u>ANNEXURE-A/2.</u> )	28 - 29
4.	Notification being No.F.14015/3/ 94-AIS(I) dated 15/9/1994 for appointing 2(two) M.C.S. Officers to the Indian Administrative Service by the President of India ( <u>ANNEXURE-A/3</u> )	30 - 31
5.	Notification being No.F.14015/3/ 94-AIS(I) dated 16/2/1995 for appointing Y. Jugindro Singh, M.C.S. Officer to the Indian Administrative Service by the President of India ( <u>ANNEXURE-A/4</u> )	32 - 33

A

-: ( iii ) :-

Sl. No.	PARTICULARS.	PAGE NO.
6.	Letter of the Under Secretary(DP), Govt. of Manipur being No.3/17/94- IAS/DP dated 24/4/1995 to the Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi-110011 ( <u>ANNEXURE-A/5</u> )	34 - 35
7.	Judgment and Order of the Hon'ble Central Administrative Tribunal Guwahati Bench : : Guwahati dated 27-6-1995 passed in O.A. 102 of 1995, ( <u>ANNEXURE-A/6</u> )	36 - 37
8.	Copy of the Message issued by the Chief Secretary, Tripura Agartala dated 27/1/1996 to the Chief Secretary, Manipur, Imphal ( <u>ANNEXURE-A/7</u> )	38
9.	Affidavit in opposition on b/o R.no.3	39 - 44
10.	W/s on b/o R.no. 4.	45 - 60

-----

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GAUHATI BENCH : GUWAHATI.

O.A. No.                      of 1996.

. Between :

Shri B. Badrinarayan Sharma,  
aged about 39 years,  
S/O late B. Bidyasunder Sharma,  
M.C.S. Grade-I, at present  
working as Administrative Officer  
in the Power Department,  
Government of Manipur.

... APPLICANT.

- Versus -

1. The Union of India represented  
by the Secretary to the  
Government of India, Department  
of Personnel and Administrative  
Reforms (Personnel Division),  
North Block, New Delhi.

... RESPONDENT.

2. The Union Public Service  
Commission represented by its  
Secretary, Dholpur House,  
Shahajahan Road, New Delhi.

Contd. . . P/2.

Filed by ,  
Jh. Modhu Singh  
Advocate 6.3.96



9

-( 2 ) :-

3. The State of Manipur represented by the Secretary (Department of Personnel), Government of Manipur, Manipur Secretariat, Imphal - 795001.

..... PROFORMA-RESPONDENT.

IN THE MATTER OF

The humble Application of the Applicant abovesaid under Section 19 of the Administrative Tribunals Act, 1985.

Most Respectfully Sheweth :

1. That, the Applicant declares that the subject matter of the present application is the matter concerning with the appointment of the applicant to the Indian Administrative Service by promotion ; and as such the Central Administrative Tribunal has jurisdiction to take up the present application and also that the applicant is the member of the Manipur Civil Service, Grade-I of

Contd. . . P/3.

10

-: ( 3 ) :-

the Government of Manipur. The present application can be taken up by the Central Administrative Tribunal, Gauhati Bench, Guwahati.

2. That, the applicant declares that the subject matter of the present application in which he sought his redressal is within the jurisdiction of the Central Administrative Tribunal, Gauhati Bench.

3. That, the applicant declares that the present application is within the limitation period prescribed in Section 21 of the Central Administrative Tribunals Act 1985 inasmuch as the cause of action of the present application arose on 10-10-1995 on which the Union Public Service Commission approved the select list of the members of the State Civil Service prepared by the Committee for appointment in the joint cadre of the Indian Administrative Service for the States of Manipur and Tripura or on 4-1-1996 on which the State Government of Manipur sent the name of the applicant whose name at Sl.No. 2 of the said select list approved by the Union Public Service Commission to the Central Government for appointment to the Indian Administrative Service.

4. That, the succinct facts of the Applicant's case are tersely put up hereunder :

(A) That, the Applicant was appointed by direct recruitment to the Manipur Civil

-: ( 4 ) :-

Service Grade-II vide orders of the Governor of Manipur dated 12.5.83. In pursuance of the said appointment order dated 12.5.83, the Applicant joined his service as M.C.S. Officer and discharged his duties very sincerely, honestly, diligently and efficiently to the entire satisfactions of his senior officers, fellow colleagues and his subordinates. The Governor of Manipur in exercise of power under rule 28 of the Manipur Civil Services Rules 1965 and in consultation with the Manipur Public Service Commission fixed the seniority of the M.C.S. Officers vide orders of the Governor of Manipur being No.22/1/88-MCS/DP Imphal, the 8th January, 1992.

A true copy of the said final seniority list of the M.C.S. Officer dated 8.1.1992 is enclosed herewith and marked as Annexure-A/1.

- (B) That, after serving more than 10(ten) years as M.C.S. Officer Grade-II, the applicant was considered by Selection Committee constituted under Rule 30 of the M.C.S. Rules 1965 read <sup>with</sup> rule 5(1) of the M.C.S. (Amendment) Rules 1991 for promotion to M.C.S. Grade-I.

12

-: ( 5 ) :-

On the recommendation of the said selection Committee, the Governor of Manipur was pleased to appoint the Applicant and 19(nineteen) other M.C.S. Grade-II Officers on promotion to M.C.S. Grade-I with immediate effect vide orders of the Governor of Manipur being No.3/9/90-MCS/DP(1) Imphal dated the 9th September, 1993.

A true copy of the said order dated 9.9.1993 is enclosed herewith and marked as Annexure-A/2.

(C) That, it may here be mentioned that under Rule 4 of the Indian Administrative Service (Recruitment) Rules 1954, methods of recruitment to the Indian Administrative Service are

(a) by a competitive examination ;

(aa) by selection of persons from among the Emergency Commissioned Officers and Short Service Commissioned Officers of the Armed Forces of the Union who were commissioned on or after the 1st November, 1962 but before the 10th January 1968 or who had joined any

13

-: ( 6 ) :-

pre-commission training before the later date but who were commissioned on or after that date ;

- (b) by promotion of substantive member of a State Civil Service ;
- (c) by Selection, in special cases from among persons who hold in a substantive capacity gazetted posts in connection with the affairs of a State and who are not members of a State Civil Service.

Under Rule 8 of the Indian Administrative Service (Recruitment) Rules 1954, the Central Government may on the recommendation of the State Government concerned and in consultation with the commission and in accordance with such regulations as the Central Government may, after consultation with the State Government and the Commission, from time to time, make, recruit to the service persons by promotion from amongst the substantive members of a State Civil Service ;

- (D) That, in pursuance of Sub-Rule (1) of Rule 8 of the Indian Administrative Service (Recruitment) Rules 1954, the Central Government may, on the recommendation of the State Government

14

-: ( 7 ) :-

concerned and in consultation with the Commission and in accordance with such regulations as the Central Government may, after consultation with the State Government and the Commission, from time to time, make, recruit to the service person by promotion from amongst the substantive members of a State Civil Service.

Under Regulation No.3 of the Indian Administrative Service (Appointment by Promotion) Regulations 1955, there shall be State Cadre or a joint cadre and a Committee shall be constituted to make selection for appointment to the State cadre or joint cadre of the Indian Administrative Service.

According to Regulation 5 of the Indian Administrative Service (Appointment by Promotion) Regulations 1955, the Committee constituted under Regulation 3 shall ordinarily meet at intervals not exceeding 1(one) year and prepare a list of such members of the State Civil Service as are held by them to be suitable for promotion to the service. The number of members of the State Civil Service to be included in the list shall be calculated as the number of substantive vacancies anticipated in the course of the period of 12(twelve) months,

Contd. . . P/8.

15

-: ( 8 ) :-

commencing from the date of preparation of the list, in the post available for them under Rule 9 of the Recruitment Rules plus 20% of such number or 2(two), whichever is greater ;

- (E) That, the list of suitable officers (i.e. members of the State Civil Service) prepared under Regulation 5 of the IAS (appointment by promotion) Regulation 1955 shall be forwarded to the Commission by the State Government in compliance of the Regulation 6 of the IAS (Appointment by Promotion) Regulation 1955. The said list finally approved by the Commission shall form the select list of the member of the State Civil Service ;
- (F) That, according to Regulation 9 of the IAS (Appointment by Promotion) Regulations 1955, appointment of the member of the State Civil Service to the Indian Administrative Service shall be made by the Central Government on the recommendation of the State Government in the order in which names of the members of the State Civil Service appeared in the select list for the time being in force ;
- (G) ✓ That, on 27.3.94 the Committee constituted under Regulation 3 of the I.A.S. (appointment by Promotion) Regulations 1955, held its

Contd. . . P/9.

16

- ( 9 ) :-

meeting for preparation of the select list of the M.C.S. Officers for 3(three) Substantive vacancies anticipated in the I.A.S. in the course of the period of 12(twelve) months commencing from the date of preparation of the list. In the select list prepared by the Committee in its meeting held on 27.3.94, name of the Applicant appeared at serial No.4 in order of merits and the names of the M.C.S. Officers appeared at serial Nos.1 to 3 in the said select list are

(1) Shri H. Imocha Singh.

(2) Dr. R.K. Nimai Singh.

/(3) Shri Y. Jugindro Singh.

The Commission (U.P.S.C.) approved the said select list prepared by Committee in its meeting held on 27.3.94 finally after due consideration in the month of August 1994 i.e. on 10.8.94 ;

(H) That, the M.C.S. Officers whose names appeared at serial No.1 to 3 in the said select list prepared by the Committee in its meeting held on 27.3.94, had been appointed to the Indian Administrative Service by the President of India vide notification No.F.14015/3/94.A.I.S.(1) New Delhi the 15th September 1994 and notification No.14015/3/

Contd. . . P/10.



94-A.I.S.(1) New Delhi the 16th February, 1995 respectively.

True copies of the said notifications dated 15.9.94 and 16.2.95 are enclosed herewith and marked as Annexures-A/3 and A/4 respectively.

- (I) That, while the said select list in which the name of the applicant appeared at Sl.No.2 was in force, one substantive vacancy in the Indian Administrative Service in the promotion quota in the joint cadre of Manipur and Tripura arose on 15-3-1995 due to the sudden demise of one Shri A. Dwijamani Singh, IAS. But the Government of Manipur did not recommend the name of the Applicant to the Central Govt. for appointment to the said vacancy in the joint cadre of IAS for Manipur and Tripura ;
- (J) That, the Applicant filed an application under Section 19 of the Administrative Tribunals Act 1985 being O.A. No.102 of 1995 against (1) The State of Manipur represented by the Chief Secretary to the Government of Manipur, Imphal, Manipur, (2) The Secretary (Department of Personnel), Government of Manipur, (3) The Union of India represented

Contd. . . P/11.

8

-: ( 11 ) :-

by the Secretary to the Govt. of India, Department of Personnel and Administrative Reforms (Personnel Division), North Block, New Delhi and (4) The Union Public Service Commission represented by its Secretary, Dholpur House, Shahajahan Road, New Delhi for a direction to the Respondents and Porforma-Respondents to appoint the Applicant to the said substantive vacancy in the IAS arose on 15-3-1995 ;

135  
244

(K) That, it may here be mentioned that meeting of the fresh Select Committee was held on 24-3-1995 for preparation of the list of suitable Officer who are the member of the State Civil Service i.e. State Civil Service of the States of Manipur and Tripura in compliance of the Regulation 5 of the IAS (Appointment by Promotion) Regulations 1955. In the said list prepared by the fresh Select Committee held on 24-3-1995, the name of the Applicant appeared at Sl.No.2. The said list prepared by the fresh Select Committee on 24-3-1995 was forwarded to the Secretary, Union Public Service Commission, Dholpur House, Shahajahan Road, New Delhi - 110011 for approval vide letter of the Under Secretary(DP), Government of Manipur being No.3/17/94 IAS/DP Imphal, the 24th April,1995.

Contd. . . P/12.

9

-: ( 12 ) :-

A true copy of the said letter of the Govt. of Manipur dated 24-4-1995 is enclosed herewith and marked as Annexure-A/5.

(L) That, the Ld. Central Administrative Tribunal, Gauhati Bench, Guwahati disposed of O.A. No.102 of 1995 vide final judgment and order dated 27-6-1995 with the direction and observation that since the meeting of the fresh Select Committee was held on 24-3-1995, the claim of the Applicant for appointment to the said vacancy arose on 15-3-1995 on the basis of the Select List prepared by the earlier Select Committee in its meeting held on 27-3-1994 is covered by the latest decision of the Central Administrative Tribunal, Gauhati Bench dated 20-6-1995 passed in O.A. No.176 of 1994 and that liberty to the Applicant to agitate the contention that had been urged in support of the present application in the fresh application if occasion arises was granted to the Applicant.

A true copy of the said Judgment and Order dated 27-6-95 is enclosed herewith and marked as Annexure-A/6.

Contd. . . P/13.

-: ( 13 ) :-

(M) That, the said list of suitable Officers prepared by the fresh Select Committee in its meeting held on 24-3-1995 was finally approved by the Union Public Service Commission on 10-10-1995 and Union Public Service Commission under its letter dated 10-10-1995 had conveyed the said approval of the Union Public Service Commission dated 10-10-1995 to the Government of Manipur. As such the said list of the suitable Officers prepared by the fresh Select Committee in its meeting held on 24-3-1995 on the approval of the Union Public Service Commission shall form the select list of the member of the State Civil Service for appointment to the joint cadre of IAS for the States of Manipur and Tripura ;

(N) That, while the said select list approved by the Union Public Service Commission on 10-10-95 is in force, another substantive vacancy in the joint cadre of IAS for the States of Manipur and Tripura arose on 30-11-1995 due to retirement of one Shri Ch. Ibohal Singh on superannuation. As such there are, at present, two substantive vacancies in the joint cadre i.e. (i) one vacancy due to expiry of the said Shri A. Dwijamani Singh, IAS and (ii) one vacancy

Contd. . . P/14.

21

-: ( 14 ) :-

due to retirement of the said Shri Ch. Ibohal Singh, IAS on superannuation ;

- (O) That, the Government of Manipur recommended name of the Applicant whose name appear at Sl.No.2 in the said select list prepared by the said fresh Select Committee in its meeting held on 24-3-1995 and approved by the Union Public Service Commission on 10.10.95 for appointment to the second substantive vacancy arose on 30-11-1995 due to retirement of Shri Ch. Ibohal Singh, IAS on superannuation vide letter of the Govt. of Manipur being No.3/17/94-IAS/DP(Pt) dated 04-01-1996. The Govt. of Tripura also gave its concurrence to the said proposed appointment of the Applicant vide wireless message of the Chief Secretary, Govt. of Tripura dated 27th January, 1996.

A true copy of the said message of the Chief Secretary, Govt. of Tripura dated 27-1-1996 is enclosed herewith and marked as Annexure-A/7.

- (P) That, it may here also be mentioned that one vacancy which arose due to the expiry of one Shri A. Dwijamani Singh on 15-3-1995 in the joint cadre of IAS is kept vacant for the

Contd. . . P/15.

22

-: ( 15 ) :-

Officer whose name appears at Sl. No.1 of the said select list prepared by the fresh Select Committee in its meeting held on 24-3-1995. But due to some reasons, the Government of Manipur did not recommend the name of the Officer whose name appears at Sl.No.1 of the said Select List ;

(Q) That, it is also pertinent to mention that in the earlier instances also name of the Officer (Shri Kh. Dinamani Singh) whose name appears at Sl.No.2 of the said Select List ~~1992~~<sup>1993-94</sup> for appointment in the joint cadre of IAS for the States of Manipur and Tripura was appointed earlier to the Officer whose name appeared at Serial No.1 vide notification of the Central Govt. being No.F 14015/S/92-AIS(I) dated 31-12-1993 ; and Mrs. Kipgen whose name appears at Sl.No.1 of the said Select List ~~1992~~<sup>94</sup> was appointed to the joint cadre of IAS for the States of Manipur and Tripura latter on vide notification of the Central Govt. being No.F/14015/5/92-AIS(I) dated 3-3-94 ;

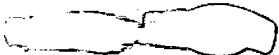
(R) That, the Central Government has not issued order for appointment of the applicant whose name had been recommended by the State Govt.

Contd. . . P/16,

23

- ( 16 ) :-

under its letter dated 4-1-1996 to the said vacancy arose on 30-11-1995 due to the retirement of Shri Ch. Ibohal Singh, IAS on superannuation for the reasons best known to the Central Government .



5. That, in the facts and circumstances of the present case, there is no remedy available to him except the present application for the reliefs sought for hereunder. Over and above, because of the very urgent situation in the present case, there cannot be delay in approaching the Central Administrative Tribunal by filing the present application.

6. That, in the view of the facts mentioned in para no.4 above, the Applicant filed the present application for the reliefs mentioned hereunder on the following

G R O U N D S

- (a) For that, the Respondent No.1 had failed to discharge its public duties and statutory duties under Rule 8 of the Indian Administrative Service (Recruitment) Rules 1954 and Regulation No.9 of the Indian Administrative Services (Appointment by Promotion) Regulations 1955 ;

Contd. . . P/17.

-: ( 17 ) :-

- (b) For that, Hon'ble Supreme Court of India in Union of India and Another V Cynamide India and Another etc. reported in AIR 1987 S.C. 1802 held that aggrieved party may seek a mandamus from the Court to direct the Govt. to discharge their duties within a time frame work ;
- (c) For that, Hon'ble Supreme Court of India in Sharif Ahmad and others Versus Regional Transport Authority, Meerut and others (1978)1 S.C.C. 1 held that a writ of mandamus may be issued to an authority to perform its Ministerial functions ;
- (d) For that, Hon'ble Supreme Court of India in U.P. State Road Transport Corporation and Another Versus Mahd. Ismail and others reported in (1991)3 S.C.C. 239 (Para 12) held that a writ of mandamus would be issued to commend a statutory authority to perform its duties in exercise of its discretions according to law but not to exercise its discretion in a particular manner ;
- (e) For that, the applicant has the right to be appointed to the said substantive vacancy in the joint cadre of IAS for the States of Manipur and Tripura arose on 30-11-1995 ;

Contd. . . P/18.



- (f) For that, the Central Govt. in the earlier instance mentioned in above para No.4(Q) appointed officer whose name appeared at Sl.No.2 earlier to the Officers whose name appear at Sl.No.1 of the Select List to the joint cadre of IAS for the States of Manipur and Tripura as the name of the Officer at Sl. No.1 could not be sent to the Central Govt. due to certain reasons earlier to the Officer whose name appeared at Serial No. 2 ;
- (g) For that, in the present case also the name of Shri K.K. Chhetry which appeared at Sl. No.1 of the said Select List prepared by the fresh select Committee in its meeting held on 24-3-1995 could not be sent to the Central Government for appointment to the joint cadre of I.A.S. for the States of Manipur and Tripura by the Government of Manipur reportedly, due to pendency of case against him ;
- (h) For that, the applicant shall not suffer because of the inaction of the Respondent No.1 ;

Contd. . . P/19.

-: ( 19 ) :-

- (i) For that, rights of the Applicant under Article 14 and 16 of the Constitution of India had been denied by the Respondents ;
- (j) For that, there are other sufficient reasons for allowing the present application.

In view of the above facts, the Applicant prays that Your Lordship be pleased :-

- (a) admit the present application ;
- (b) to call for the record ;
- (c) to issue notice to the Respondents and the Proforma-Respondents to show cause as to why directions should not be made to appoint the Applicant to the said substantive vacancy in the IAS cadre on 30-11-1995 by promotion ;
- (d) upon hearing the parties to make the rule absolute ;
- (e) to pass any other orders or/directions appropriate in the facts and circumstances of the present case ;

- A N D -

Contd. ... P/20.

29

- ( 20 ) :-

Pending disposal of the present application  
Your Lordship may be pleased to pass any  
appropriate interim order in the facts  
and circumstances of the present case.

Your Lordship's humble Applicant as in duty bound  
shall ever pray.

*B. Badrinarayan Saena*  
Signature of the Applicant :

Particulars of the postal order in  
respect of the application fee :-

Indian Postal Order being No.6 50 360073 to 6 50 360077  
in favour of the Registrar, Central Administrative  
Tribunal, Guwahati Bench, Guwahati for Rs.50/-  
( 10 + 10 + 10 + 10 + 10 )

  
COMMISSIONER  
GUWAHATI HIGH COURT : IMPHAL BENCH

28

-: ( 21 ) :-

List of Enclosures :

- (1) Final Seniority list of the  
M.C.S. Officers dated 8.1.1992  
vide orders of the Governor of  
Manipur being No.22/1/88-MCS/DP  
( ANNEXURE-A/1 ).
- (2) Orders of the Governor of Manipur  
being No.3/9/90-MCS/DP(I) dated  
9/9/1993.  
( ANNEXURE-A/2 )
- (3) Notification being No.F.14015/3/  
94-AIS(I) dated 15/9/1994 for  
appointing the M.C.S. Officers  
to the Indian Administrative Service  
by the President of India  
( ANNEXURE-A/3 )
- (4) Notification being No.F.14015/3/94-  
AIS(I) dated 16/2/1995 for appointing  
Y. Jugindro Singh, M.C.S. Officer  
to the Indian Administrative Service  
by the President of India  
( ANNEXURE-A/4 )
- (5) Letter of the Under Secretary(DP),  
Govt. of Manipur being No.3/17/94-IAS/DP  
dated 24/4/1995 to the Secretary,  
Union Public Service Commission,  
Dholpur House, Shahjahan Road,  
New Delhi - 110011.  
( ANNEXURE-A/5 )

Contd. . . P/22.

-: ( 22 ) :-

(6) Judgment and Order of the Central  
Administrative Tribunal, Guwahati Bench,  
Guwahati dated 27-6-95 passed in  
O.A. 102 of 1995.

( ANNEXURE-A/6 )

(7) Message of the Chief Secretary,  
Tripura Agartala dated 27.1.96  
to the Chief Secretary, Manipur,  
Imphal.

( ANNEXURE-A/7 )

Contd. . . P/23.

30

- ( 23 ) :-

V E R I F I C A T I O N

I, B. Badrinarayan Sharma, aged about 38 years, S/O late B. Bidyasunder Sharma working as Administrative Officer in the Power Department, Government of Manipur, resident of Bishenpur Bazar, Manipur, do hereby verify that the statements made in the above paras No.1 to 6 are true to my knowledge excepting legal points and those legal points, grounds and those rest of paras are based from my counsel which I verily believe to be true.

*B. Badrinarayan Sharma*  
Signature of the Applicant :

Dated : 4 March 1996

Place : Imphal.

To

The Registrar,  
Central Administrative Tribunal,  
Gauhati Bench, Guwahati.

Contd. . . P/24.

31

- ( 24 ) :-

A F F I D A V I T

I, B. Badrinarayan Sharma, aged about 38 years, S/O late B. Bidyasunder Sharma working as Administrative Officer in the Power Department, Government of Manipur, resident of Bishenpur Bazar, Manipur, P.O. & P.S. Bishenpur, do hereby make oath and say as follows :-

1. That, I am the Applicant in the accompanying Application and as such I am fully well acquainted with the facts and circumstances of the case. I have understood the contents of the said Application. I am giving my affidavit in support of the said Application. This is true to my knowledge.
2. That, the statements made in the above paras No.1 to 6 of the accompanying Application are true to my knowledge excepting legal points and those legal points, grounds and those rest of paras are based from my counsel which I verily believe to be true.
3. That, the Annexures-A/1 to A/7 annexed hereto are true copies of the original ones. This is true to my knowledge.

Imphal

Dated : 4 March '96

Signature of the Deponent :

B. Badrinarayan Sharma

By :-

Advocate.

Solemnly affirmed before me this the 4<sup>th</sup> day of March 1996 The declarant is identified by 10-37 A.M. /personally known to me.

I certify that I read over and explained the contents to the declarant and that the declarant seemed perfectly to understand them

4/3/96.

COMMISSIONER OF AFFIDAVIT  
JAUHATI HIGH COURT : IMPHAL BENCH

GOVERNMENT OF MANIPUR  
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS  
(PERSONNEL DIVISION)

ORDERS BY THE GOVERNOR: MANIPUR

Imphal, the 8th January, 1992.

No.22/1/88-MCS/DP : Under rule 28 of the MCS Rules, 1965  
(as amended from time to time) and in consultation with  
the Manipur Public Service Commission, the Governor of  
Manipur is pleased to fix the seniority of the MCS Officers  
as Below :-

Sl. No.	Name of Officers.	Dt.of birth.	Date of apptt. to MCS	Method of recruit- ment.
(1)	(2)	(3)	(4)	(5)
	<u>S/Shri</u>			
1.	Raghunath Prasad	12-11-45	10-3-69	Direct.
2.	K. K. Hugh	16-12-35	20-5-75	Promotee.
3.	S.Ningthemjao Singh.	1-4-36	20-5-75	Promotee.
4.	A.Ibocha Singh	1-3-50	6-3-75	Direct.
5.	L.M. Haokip	1-11-43	6-3-75	Direct.
6.	T.L. Singson	1-3-43	6-3-75	Direct.
7.	S. Jerol	1-1-45	6-3-75	Direct.
8.	N. Tombi Singh	1-5-37	20-5-75	Promotee.
9.	Smt. C. Kipgen	1-2-49	6-3-75	Direct.
10.	A.Dwijamani Singh	1-6-37	20-5-75	Promotee.
11.	Kh. Dinamani Singh	1-3-47	6-3-75	Direct.
12.	S.Kritibash Sharma	1-3-44	7-8-75	Promotee.
13.	N.Ibotombi Singh	1-8-38	7-8-75	Promotee.

Seniority of the above 13 Officers has already been fixed  
vide Order No.23/10/78-DP dated 31-1-1982)

14.	S.R.Bhattacharjee		21-11-81	Promotee.
15.	K.K. Chhetry	4-3-53	12-5-83	Direct.



- ( 2 ) :-

1.	2.	3.	4.	5.
16.	H. Imocha Singh	1-9-54	12-5-83	Direct.
17.	Dr.R.K.Nimai Singh	13-8-54	12-5-83	Direct.
18.	Y.Jugindro Singh	1-2-55	12-5-83	Direct.
19.	B.Badrinarayan Sharma	14-3-57	12-5-83	Direct.
20.	S.Sunderlal Singh	1-3-54	12-5-83	Direct.
21.	Y.Thamkishore Singh	1-2-55	12-5-83	Direct.
22.	Norbert Disinang	1-3-56	12-5-83	Direct.
23.	T.Sitlhou	1-1-60	24-9-83	Direct.
24.	Kh.Panmei	1-9-51	24-9-83	Direct.
25.	P. Kipgen	1-10-34	10-5-84	Promotee.
26.	D.Chakravarty	18-10-36	10-5-84	Promo tee.
27.	L. Ibomcha Singh	1-12-34	10-5-84	Promo tee.
28.	S. Ira Singh	11-2-37	10-5-84	Promo tee.
29.	L.Guneshwor Sharma	1-1-42	10-5-84	Promo tee.
30.	L.Mokundo Singh	1-3-40	10-5-84	Promo tee.
31.	Th.Rohinikumar Singh	1-4-41	10-5-84	Promo tee.
32.	R.H. Nungate	1-2-37	10-5-84	Promo tee.
33.	H. Lakshmikumar Singh.	1-7-59	31-12-85	Direct.
34.	K. Radhakumar Singh.	1-3-58	31-12-85	Direct.
35.	Th.Chittaranjan Singh	1-1-58	31-12-85	Direct.
36.	H. Deleep Singh	16-4-59	31-12-85	Direct.
37.	Jason	1-3-58	31-12-85	Direct.
38.	A. Tombikanta Singh	1-9-59	11-8-89	Direct.
39.	R.H. Gonmei	1-3-55	22-12-87	Direct.
40.	Th. Gopen Meitei	1-3-60	9-2-88	Direct.
41.	Muivah Athem	17-3-59	9-2-88	Direct.
42.	Luikham Maranchan	14-11-58	9-2-88	Direct.
43.	H.Cyanprakash	29-7-56	9-2-88	Direct.

Contd. . . P/3.

-( 3 ) :-

1.	2.	3.	4.	5.
44.	M. Harekrishna	3-12-64	9-2-88	Direct.
45.	Th.Sibadutta Singh	1-4-42	1-12-90	Promotee.
46.	Kh.Birachandra Singh	1-1-34	1-12-90	Promotee.
47.	Ch.Budhichandra Singh	1-6-35	1-12-90	Promotee.
48.	Th. Shampha Singh	1-11-48	1-12-90	Promotee.
49.	B. Achouba Sharma	1-9-40	1-12-90	Promotee.
50.	Th.Bihari Singh	1-5-44	1-12-90	Promotee.
51.	Th.Ramananda Singh	1-9-36	1-12-90	Promotee.
52.	Kh. Amujao Singh	1-3-43	1-12-90	Promotee.
53.	L. Thangtawn	1-1-50	1-12-90	Promotee.
54.	A.S. Shimray	1-3-51	1-12-90	Promotee.
55.	Keishing Somi	25-3-41	1-12-90	Promotee.
56.	Mongjam Joy Singh	1-1-65	23-9-91	Direct.
57.	Motum Yaiskul Meitei	10-4-63	23-9-91	Direct.
58.	Kh.Raghumani Singh	1-2-63	23-9-91	Direct.
59.	T. Ranjit Singh	1-2-64	23-9-91	Direct.
60.	Bobby Waikhom	12-10-64	23-9-91	Direct.
61.	Limneikim Singson	30-6-58	23-9-91	Direct.
62.	Lunminthang Haokip	1-3-58	23-9-91	Direct.
63.	S. Minlianhang Vaiphei	13-7-56	23-9-91	Direct.

By order & in the name of  
Governor,

Sd/-

(Kh.Tuleshwar Singh)  
Under Secretary(DP), Govt. of Manipur.

GOVERNMENT OF MANIPUR  
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS  
(PERSONNEL DIVISION)

ORDERS BY THE GOVERNOR OF MANIPUR

Imphal, dated the 9th Sept., 1993.

No.3/9/90-MCS/DP(I) : On the recommendation of the Selection Committee constituted under Rule 30 of the M.C.S. Rules, 1965 read with rule 5(1) of M.C.S. (Amendment) Rules, 1991, the Governor of Manipur is pleased to appoint the following M.C.S. Grade-II Officers on promotion to M.C.S. Grade-I with immediate effect until further orders :

1. Shri S. Ningthemjao Singh.
2. Shri A. Ibocha Singh.
3. Shri Kh. Dinamani Singh.
4. Shri S. Kritibash Sharma.
5. Shri N. Ibotombi Singh.
6. Shri K. K. Chhetri.
7. Shri H. Imocha Singh.
8. Shri R.K. Nimai Singh.
9. Shri Y. Jugindro Singh.
10. Shri B.Badrinarayan Sharma.
11. Shri S.Sunderlal Singh.
12. Shri Y.Thamkishore Singh.
13. Shri Norbert Disinang.
14. Shri T. Sitlhou.
15. Shri Kh. Panmei.
16. Shri D.Chakravorty.
17. Shri S. Ira Singh.
18. Shri L. Guneshwar Sharma.

Contd. . . P/2.

-( 2 ) :-

19. Shri Mukunda Singh.
20. Shri Th. Rohinikumar Singh.
21. Shri R. H. Nungate.

2. However, the appointments on promotion shall be subject to any direction passed by the Hon'ble Gauhati High Court in the pending cases filed by some of the M.C.S. Officers.

3. Separate orders will be issued regarding their postings.

By order and in the name of Governor,

Sd/- 9/9/93

(Kh. Tuleshwar Singh)  
Under Secretary(DP), Govt. of Manipur.

Copy to :-

1. The Secretary to Governor, Manipur,  
Raj Bhawan, Imphal.
2. The Secretary to Chief Minister,  
Manipur.
3. The P.S. to Deputy C.M., Manipur.

ANNEXURE-A/3.

(TO BE PUBLISHED IN PART I SECTION OF THE GAZETTE OF INDIA)

No.F.14015/3/94-AIS(I)

Government of India  
 Ministry of Personnel, P.G. & Persons  
 (Department of Personnel & Training)

New Delhi, the 15th September 1994.

NOTIFICATION

In exercise of the powers conferred by sub-rule (1) of rule 8 of the Indian Administrative Service (Recruitment) Rules, 1954 read with sub-regulation (1) of regulation 9 of the Indian Administrative Service (Appointment by Promotion) Regulations, 1955, the President is pleased to appoint S/Shri H. Imocha Singh and Dr. R.K. Nimai Singh, members of the State Civil Service of Manipur to the Indian Administrative Service on probation with immediate effect and to allocate them to the Joint Cadre of Manipur-Tripura under sub-rule (1) of rule 5 of the Indian Administrative Service (Cadre) Rules, 1954.

Sd/-

(R. VAIDYANATHAN)  
 DESK OFFICER

To

The Manager,  
 Government of India Press,  
 Paridabad (Haryana).

F.No.14015/3/94-AIS(I) Dated the 15th September, 1994.

Copy forwarded for information to :-

1. The Chief Secretary to the Government of Manipur, Tripura Imphal( with 4 spare copies for onward transmission to the officers concerned etc.).  
 The officers below the age of 50 years may be advised to exercise their option for membership of C.G.E.I.S. or S.I.S. failing which they will be treated as deemed to have opted for C.G.E.G.I.S.

Contd. . . P/2.

-: ( 2 ) :-

2. The Chief Secretary to the Govt. of Tripura, Agartala.
3. Accountant General, Manipur, Imphal.
4. Secretary, UPSC, New Delhi, (Shri G.C. Yadav, S.O. (AIS) .
5. E.O. to the Government of India, New Delhi.

Sd/-

( R. VAIDYANATHAN )  
DESK OFFICER.

INTERNAL DISTRIBUTION

U.S.( S.III)/RO(QM)/EO(PR)/Training Division.

AVD.I/AIS.III Sections(with one spare copy) for civil list.

10 spare copies.

32

99

ANNEXURE-A/4.

(TO BE PUBLISHED IN PART I SECTION 2 OF THE GAZETTE OF INDIA)

No.F.14015/3/94-AIS(I)  
Government of India  
Ministry of Personnel, P.G. & Pensions  
(Department of Personnel & Training)

New Delhi, the 16th Feb., 1995.

NOTIFICATION.

In exercise of the powers conferred by sub-rule (1) of rule 8 of the Indian Administrative Service (Recruitment) Rules, 1954 read with sub-regulation (1) of regulation 9 of the Indian Administrative Service (Appointment by Promotion) Regulations, 1955, the President is pleased to appoint Shri Y. Jugindro Singh, a member of the State Civil Service of Manipur to the Indian Administrative Service on probation with immediate effect and to allocate them to the Joint Cadre of Manipur-Tripura under sub-rule (1) of rule 5 of the Indian Administrative Service (Cadre) Rules, 1954.

Sd/-

(R. VAIDYANATHAN)  
DESK OFFICER.

To

The Manager,  
Government of India Press,  
Faridabad (Haryana).

F.No.14015/3/94-AIS(I)

Dated the 16th Feb., 1995.

Copy forwarded for information to :-

1. The Chief Secretary to the Government of Manipur, Tripura Imphal (with 2 spare copies for onward transmission to the officers concerned etc.). The officers below the age of 50 years may be advised to exercise their option for membership of C.G.E.I.S. or S.I.S. failing which they will be treated as deemed to have opted for C.G.E.G.I.S.

Contd. . . P/2.

-( 2 ) :-

2. The Chief Secretary to the Govt. of Tripura, Agartala.
3. Accountant General, Manipur, Imphal.
4. Secretary, UPSC, New Delhi, (Shri G.C. Yadav, S.O. (AIS))
5. E.O. to the Government of India, New Delhi.

Sd/-

(R. VAIDYANATHAN )  
DESK OFFICER

INTERNAL DISTRIBUTION

U.S.(S.III)/RO(CM)/EO(PR)/Training Division.

ADV.I/AIS.III Sections (with one spare copy) for civil List.

10 spare copies.



ANNEXURE -A/5.

BY SPEED POST.

No.3/17/94-IAS/DP  
Government of Manipur  
Department of Personnel & Administrative Reforms  
(Personnel Division)

Imphal, the 24th April, 1995.

To

The Secretary,  
Union Public Service Commission,  
Dholpur House, Shahjahan Road, New Delhi-110011.

Sub :- Approval of the Commission to the recommendation of IAS Selection Committee for preparation of IAS Select List for Manipur Part of the Joint Manipur-Tripura.

Sir,

I am directed to forward herewith a photostat copy of the recommendation of the IAS Selection Committee (i.e. for the meeting held on 24-3-95 at Delhi) for preparation of IAS Select List of the Manipur Part of the Joint IAS Cadre of Manipur-Tripura and to request you kindly to convey necessary approval of the Commission.

2. The services particulars of all members of the State Civil Service Officers included in the list and also of those who are proposed to be superceeded by the recommendation made in the list are enclosed as Annexure "B/C". The ACRs are not returned so far from UPSC.

The relevant particulars of the State Civil Service Officers recommended by the Selection Committee for inclusion in the select list for promotion to IAS are shown at Annexure 'A'.

Contd. . . P/2.

-( 2 ) :-

3. The Joint Cadre Authority of Tripura has been requested hereunder to convey their concurrence to the recommendation of the IAS Selection Committee direct to the UPSC under intimation to the Government of India and the JCA Manipur.

4. In view of the above, approval of the Commission may kindly be conveyed at an early date.

Yours faithfully,

Sd/-

( Kh. Tuleshwar Singh )  
Under Secretary(DP), Govt. of Manipur.

Copy to :-

1. The Secretary to the Govt. of India,  
Department of Personnel & Training,  
New Delhi, along with copies of aforesaid documents.
2. The Chief Secretary, Govt. of Tripura-Agartala,  
along with abovementioned documents for kind consideration and conveying concurrence of the JCA Tripura direct to the UPSC under intimation to the Govt. of India and the JCA Manipur at an early date.

ANNEXURE-A/6.

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH ::::: GUWAHATI.

O.A. 102 of 1995.

B. Badrinarayan Sharma. ... Applicant.  
- Vs.  
State of Manipur. ... Respondents.

For the Petitioner :- Mr. T.Nandakumar, Mr. Mani Lal Singh,  
Mr. Hemchandra, Mr. I. Umilal Singh.

For the Respondents:- Mr. A.K. Choudhury, Addl.C.G.S.C.

- B E F O R E -

THE HON'BLE SHRI M.G. CHOUDHARI, VICE CHAIRMAN.  
THE HON'BLE SHRI G.L. SANGLYINE, MEMBER (A).

Date.  
27-6-95.

O R D E R

Mr. T. Nandakumar for the applicant, Mr. N.  
Promode Chandra Singh for respondents 1 & 2.

Heard the learned counsel for both the sides.  
From the show cause reply filed by the respondents  
1 & 2, It appears that the Meeting of the Select  
Committee was held on 24-3-95. The learned counsel  
for the respondents 1 & 2 states on instructions  
that the name of the applicant was included in the  
list of officers considered at the said Select  
Committee Meeting. The reply shows that the list  
has been forwarded to the Union Public Service  
Commission on 24-4-95. The out come of recommenda-  
tions of the Select Committee is awaited.

Since claim of the applicant is relating to  
vacancy that arose during the currency of the earlier  
i.e. 1994 list, that question is covered by the latest

Contd. . . P/2.

-( 2 ) :-

decision of this Bench (Hon'ble Chairman, S.C. Mathuo and G.L.Sanglyine, Member (A) in O.A. No.176/94 dated 20-6-95. The applicant can hope to pursue his remedy only after the decision on selection is finally taken by the Government. In that view of the matter with liberty to the applicant to seek his remedy in accordance with the law including approaching Tribunal in the event of he being eventually not selected at the selection made by the Select Committee in 1995, the application is disposed of with no further order thereon. We give liberty to the applicant to agitate the contentions that have been urged in support of the present application in the fresh application if occasion would arise. No order as to cost.

The Ad-interim order dated 24-5-95 does not survive and is hereby vacated. Copy of these minutes to be supplied to both the counsel.

Sd/- M.G. Choudhari  
Vice-Chairman.

Sd/- G.L. Sanglyine,  
Member (A)

Memo No .102/95/2737

Dated, the 29-6-95

Copy for information to :-

1. Shri T. Nandakumar Singh, Sr. Advocate, Keishamthong Top Leirak, P.O. Imphal.
2. Shri N. Pramod Chandra Singh, Advocate, Chingamakha Liwa Road, Bakul Makhong, P.O. Singjamei, Imphal.
3. Shri A.K. Choudhury, Adl.CGSC, C.A.T. Guwahati.

BY ORDER

Sd/-  
SECTION OFFICER(J)

ANNEXURE-A/7.

C R A S H

( WIRELESS MESSAGE )

TO : CHIEF SECRETARY  
MANIPUR IMPHAL (.)

INFO : SECRETARY  
GOVERNMENT OF INDIA  
DEPARTMENT OF PERSONNEL & TRAINING  
NEW DELHI (.)

FROM : CHIEF SECRETARY  
TRIPURA AGARTALA(.)

T.O.O. \_\_\_\_\_ HRS (.)

-----  
 ORIGINATOR'S NO.F.2(29)-GA/94(L):DATED AGARTALA,THE 27th Jan.96.  
 -----

REF GOVT. OF MANIPUR LETTER NO.3/17/94-IAS/  
 DP(PT) DATED 04-01-1996 REGARDING APPOINTMENT OF SHRI  
 B. BADRINARAYAN SHARMA TO THE IAS OF MANIPUR PART OF THE  
 MANIPUR TRIPURA JOINT CADRE (.) JCA TRIPURA CONCURS TO  
 THE PROPOSED APPOINTMENT OF SHRI SHARMA IN IAS (.)

-----  
 Forwarded to :-

The O/C, I.S.P.W., Kunjaban, Agartala with request  
 to transmit the above message immediately.

/

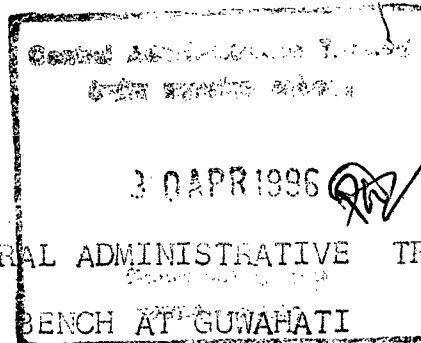
( A. Sarkar )  
 Under Secretary to the  
 Government of Tripura.

Copy by post in confirmation forwarded to :-

1. The Chief Secretary, Manipur, Imphal.
2. The Secretary, Govt. of India, Department of  
personnel & Training, New Delhi.

Sd/-  
 ( A. Sarkar )  
 Under Secretary to the  
Government of Tripura.

1202  
24/4/96



34

46

PRESENTED BY:-  
N. Pramod Chandra Singh

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH AT GUWAHATI

O.A. NO. 37 OF 1996

Sri B. Badrinarayan Sharma. ... Applicant

- Versus -

The Union of India and 2

others.


... Respondents

I N D E X

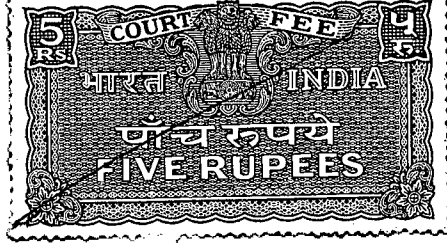
Sl.No.	Particulars	Pages
1.	Affidavit-in-opposition on behalf of Respondent No. 3.	1-3
2.	Annex. R/1 = Message dt. <u>17-4-96</u>	
3.	Annex. R/2 = Message dt. <u>19-4-96</u>	
4.	Vakalatnama	

Dated

The 24<sup>th</sup> April, 1996.

  
(N. Pramod Chandra Singh)  
Advocate

For Respondent No. 3.



40

48

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH AT GAUHATI

---

O.A. NO. 37 OF 1996

IN THE MATTER OF -

Affidavit-in-opposition on behalf  
of the Respondent No. 3 - in  
reply to the application filed  
in O.A. No. 37/96.

A N D

IN THE MATTER OF -

Sri B. Badrinarayan Sharma

... Applicant

- Versus -

The Union of India and

2 others.

... Respondents

Contd...2/-

AFFIDAVIT-IN-OPPOSITION ON BEHALF OF THE RESPET. NO. 3

I, **V.K. THAKRAL** <sup>COMMISSIONER</sup> Secretary to  
the Government of Manipur in the Department of  
Personnel and Administrative Reforms do hereby  
solemnly affirm as under :-

1. That, I have carefully gone through  
the application filed by the Petitioner in the  
present case and have understood the contents  
thereof as well as the facts and circumstances  
of the case. I swear this affidavit on behalf  
of the Respondent No. 3 in reply to the appli-  
cation filed by the Petitioner.
2. That, save and except, those which are  
specifically admitted by me in this affidavit,  
I deny all the allegations and contention  
made by the Petitioner in the application under  
reply.
3. That, as regards paragraph No. 1, 2 and  
3 of the application, I have nothing to comment.
4. That, as regards paragraph No. 4A to 4R  
of the application, I state that so far as the

Contd...3/-



State Govt. of Manipur is concerned, after obtaining concurrence from the J.C.A. Tripura, a proposal has already been communicated to Secy. Govt. of India, Department of Personnel and Financing, New Delhi requesting for issuing necessary order for appointment of the applicant and another to the I.A.S. on promotion against the 2 existing vacancies in the State.

vide <sup>Message</sup> ~~Letter~~ No. 3/17/94-195/DP dated 17-4-96 and 19-4-96 subsequent to one letter 4-1-96 and its reminder dated 29-3-96.

True copies of the said message dt. 17-4-96 & 19-4-96 are annexed hereto and marked Annexure R/1 & R/2

5. That, as regards paragraph No. 5 and 6 of the application, I state that as stated above so far as the State Government is concerned all that are incumments on it have been done and the matter is now lying with the Respondent No. 1.

### VERIFICATION

I, V.K. Thakral, Commissioner (DP), do hereby verify that the statements made in paragraph No. 1 to 5 above are true to my knowledge based on official records.

Verified at Imphal by the deponent on

Solemnly affirmed before me this the 22nd day of April, 1996.

Day of 22/4 19 96 The declarant is 3-00 P.M. identified by Drawn by :-

/personally known to me.

I certify that I read over and explained the contents to the declarant and that (N.P.C. Singh) Advocate

V.K. Thakral  
(VK THAKRAL)

DEPONENT

22/4/96  
COMMISSIONER OF AFFIDAVIT  
LAHATI HIGH COURT : IMPHAL BENCH

43

IN LIEU OF MESSAGE FORM

TO : CHIEF SECRETARY TRIPURA AGARTALA

INFO: SECRETARY GOVT. OF INDIA DEPARTMENT OF PERSONNEL  
AND TRAINING NEW DELHI.

FROM: CHIEF SEC MANIPUR

NO. 3/17/94-IAS/DP

DATED 17-4-1996

U/C

REF IS INVITED TO LETTER OF EVEN NUMBER DATED  
29-3-1996 ADDRESSED TO SECRETARY DOPT GOI REGARD-  
ING APPOINTMENT OF SHRI K.K. CHHETRY MCS COMMA  
IAS SELECT LIST TO IAS (.) JCA TRIPURA MAY KINDLY  
CONCUR WITH PROPOSAL MADE (.) MATTER MAY BE  
TREATED AS MOST URGENT (.) SAME MAY BE TREATED  
AS MOST EXPEDITED AS RELATED CASE IS COMING  
UP ON 24-4-1996 BEFORE CAT (.) FOR SECRETARY GOI  
ONLY (.) KINDLY EXPEDITE NOTIFICATION OF SHRI K.K.  
CHHETRY AND SHRI BADRINARAYAN SHARMA (.) SAME MAY  
BE DONE IN ANTICIPATION OF JCA TRIPURA CONCURRENCE  
IN RESPECT OF SHRI K.K. CHHETRY (.) IN RESPECT OF  
SHRI BADRINARAYAN SHARMA CONCURRENCE OF JCA  
TRIPURA HAS ALREADY BEEN GIVEN VIDE THEIR W.T.  
MESSAGE NO. P.2(29)/GA/949L DATED 27-1-1996 (.)

MOST IMMEDIATE

(SIRAM TERAHIKANTI)

DE. SECRETARY (DP) GOVT. OF MANIPUR

Copy by post in confirmation to :-

Deputy Secretary DP  
GOVT. OF MANIPUR

1. The Secretary to the Govt. of India,  
Department of Personnel & Training, New Delhi.
2. The Chief Secretary to the Govt. of Tripura-  
Agartala.



COMMISSIONER OF AFFIDAVIT  
JAMHATI HIGH COURT IMPHAL BENCH

IN LIEU OF MESSAGE FORM



TO : SECRETARY  
GOVERNMENT OF INDIA  
DEPARTMENT OF PERSONNEL & TRAINING  
NEW DELHI

INFO : CHIEFSEC TRIPURA AGARTALA  
FROM : CHIEFSEC MANIP-UR IMPHAL

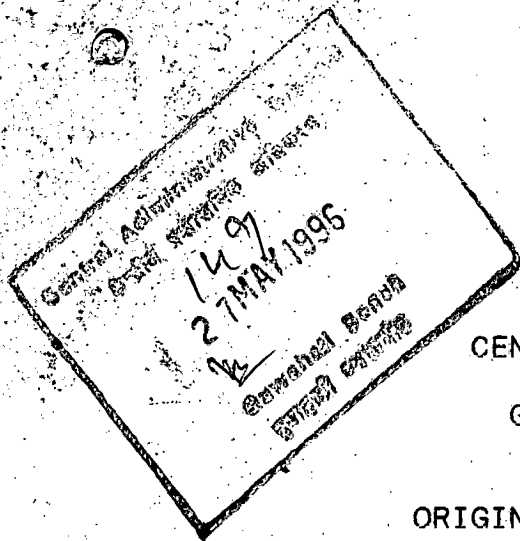
NO.3/17/94-IAS/DP      DATED 19-4-1996      U/C

REFERENCE OUR MESSAGE OF EVEN NUMBER DATED  
17-4-1996 REGARDING APPOINTMENT OF S/SHRI K.K.  
CHHETRY AND B.BADRINARAYAN SHARMA BOTH IAS SELECT  
LIST OFFICERS TO IAS (.) KINDLY EXPEDITE NOTI-  
FICATION OF SHRI K.K.CHHETRY AND B.BADRINARAYAN  
SHARMA APPOINTING THEM TO IAS(.) PARA (.) FOR  
JCA TRIPURA (.) KINDLY EXPEDITE CONCURRENCE OF  
JCA TRIPURA TO THE APPOINTMENT OF SHRI K.K.  
CHHETRY IF NOT DONE EARLIER (.)

MOST IMMEDIATE

  
( SMT. RANJITA KANTI )  
DY. SECY. (DP) GOVERNMENT OF MANIPUR

C-copy by post in confirmation to :- Deputy Secretary, DP,  
GOVT. OF MANIPUR  
(1) The Secretary to the Govt. of India,  
Department of Personnel & Training, New Delhi.  
(2) The Chief Secretary to the Government of  
Tripura-Agartala.



45

Central Administrative Tribunal  
GUWAHATI BENCH, GUWAHATI.

ORIGINAL APPLICATION No.37 of 1996.

Shri B. Badrinarayan Sharma ..... Applicant

Versus

Union of India & Others ..... Respondent

INDEX

S.No.	Contents	Page No.
1	Reply on behalf of Respondent No.1	1 - 12
2	Annexure - R.1	13
3	Annexure - R.II	14
4	Annexure - R.III	15

Counsel for Respondent No. 1

46

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

ORIGINAL APPLICATION NO.37 of 1996

Shri B. Badrinarayan Sharma ..... Applicant

Versus

Union of India & Others ..... Respondent

WRITTEN STATEMENT ON BEHALF OF THE RESPONDENT NO.1

I, R. Vaidyanathan, S/o Late Shri T.N. Ramachandran, resident of New Delhi, presently working as Desk Officer in the Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training having my office at North Block, New Delhi, do hereby affirm and state that on the basis of the record maintained in my office, I am fully conversant with the facts of the case. Having been authorised, I am competent to file the reply on behalf of Respondent No.1.

2. That in reply to the averments made by the Applicant in the Original Application, the Answering Respondent submits as follows.

3. That the Applicant was considered for promotion to the Indian Administrative Service, Manipur-Tripura Joint Cadre from among the State Civil Service Officers of Manipur by the Selection Committee in its meeting held on 29/30th March, 1994 and was included at Sl.No.4 of the 1993-94 Select List. The Selection

*R.V.*

Contd ...2

Filed by 33  
Manuatale  
Central Govt. Standing Committee  
Central Administrative Tribunal  
Guwahati Bench, Gauhati.

Committee was reported with three vacancies in the Manipur Segment of the Indian Administrative Service, Manipur-Tripura Joint Cadre and in terms of Regulation 5(1) of the I.A.S. (Appointment by Promotion) Regulations, 1955, (hereinafter called the "Promotion Regulations") a Select List carrying the names of five Manipur Civil Service Officers was prepared by the Committee. The Manipur Civil Service Officers included at Sl.No. 4 and 5 of the Select List were to be appointed to the Indian Administrative Service against any unforeseen/fortituous vacancies arising in the State Cadre during the period of twelve months from the date of the meeting. The Select List was approved by the Union Public Service Commission on 10.08.1994, under Rule 7(3) of the Promotion Regulations.

4. That in terms of Regulation 9(1) of the Promotion Regulations, the appointment of members of the State Civil Service to the Indian Administrative Service shall be made by the Central Government on the recommendation of the State Government in the order in which the names of the members of the State Civil Service appear in the Select List for the time being in force. In terms of the first proviso to Regulation 7(4) no appointment to the Service under Regulation 9 shall be made after the meeting of the fresh Committee to draw up a fresh list under Regulation 5 is held. On the

*Plur*

Contd ...3

recommendations of the Government of Manipur, S/Shri H. Imocha Singh and Dr. R.K. Nirmal Singh, Manipur Civil Service Officers included at Sl.No.1 & 2 of the Select List were appointed to the Indian Administrative Service on 15.09.1994 and Shri Y. Jugindro Singh at Sl.No.3 of the List appointed to the Service on 16.02.1995.

5. That the next meeting of the Selection Committee for preparation of a fresh Select List was held on 24.03.1995. No proposals were received by the Answering Respondent from the Government of Manipur to fill up any fortituous/unforeseen vacancy arising during 1994-95 in the State IAS Cadre and accordingly the Answering Respondent did not have an occasion to consider the appointment of the Applicant to the I.A.S. from the 1993-94 Select List.

6. That the averments made in the Original Application in regard to non-consideration of the claims of the Applicant for promotion to the Indian Administrative Service from the 1993-94 Select List towards the vacancy that arose in the State Cadre due to sudden demise of Shri A. Dwijamani Singh on 15.03.1995 and that the Government of Manipur did not recommend the name of the Applicant to the Central Government for appointment to the Indian Administrative Service, are matters with which the Government of Manipur is concerned.

R. L. S.

Vs. 24.3.95

7. That the meeting of the next Selection Committee for the Manipur Segment of the Indian Administrative Service, Manipur-Tripura Joint Cadre was held on 24.03.1995. Two anticipated vacancies were reported by the State Government to the Selection Committee as anticipated on 01.02.1996 and 01.12.1995. The size of the Select List was computed as "four" under Regulation 5(1) of the Promotion Regulations and a list carrying the names of four Manipur Civil Service Officers were prepared:-

1. Shri K.K. Chhetry
- ✓2. Shri B. Badrinarayan Sharma
3. Shri S. Sunderlal Singh
4. Shri Y. Tham-Kishore Singh.

8. That the Applicant was included in the list provisionally subject to grant of integrity certificate by the State Government. The Select List was approved by the Commission on 10.10.95. The Government of Manipur in their letter dated 04.01.1996 addressed the Answering Respondent with a proposal for appointment of the Applicant to the Indian Administrative Service. It was inter-alia stated that a separate proposal was also being made in respect of Shri K.K. Chhetry, Manipur Civil Service, who is No.1 in the Select List. A copy of the letter was endorsed by the State Government to the Secretary, Union Public Service Commission, with the

*Rln*

Contd ...5



request to make the provisional inclusion of the name of the Applicant in the Select List as "unconditional" for the reason that the integrity of the applicant was certified and signed by the Chief Secretary, Government of Manipur in the prescribed proforma. It was further stated that there is no vigilance case pending against the officer.

9. That in terms of the second proviso to Regulation 9(1) of the Promotion Regulations, appointment of an officer whose name has been included in the Select List provisionally shall be made after the name is made unconditional by the Commission on the recommendations of the State Government during the period the Select List remains in force. Accordingly the Answering Respondent addressed the Commission for a decision on the proposal of the State Government to make the name of the Applicant "unconditional" in the Select List in terms of the said rule.

10. That the Commission advised the Answering Respondent on 31.01.1996 that the inclusion of the name of the Applicant in the Select List prepared on 24.03.1995 and approved on 10.10.1995 at Sl.No.2, may be treated as "unconditional and final".

11. That even though the Government of Manipur assured in their letter dated 4.1.1996 that the proposals

Rlnl

Contd...6

901

10-10-95

upsc

for appointment of Shri K.K. Chhetry at Sl.No.1 of the Select List for Manipur was being sent separately, no such proposal was received by the Answering Respondent till February, 1996. In terms of Regulation 9(1) of the Promotion Regulations, the Answering Respondent was prevented from notifying the appointment of the Applicant to the Indian Administrative Service as and until Shri K.K. Chhetry, M.C.S., included without condition at Sl.No.1 of the Select List is appointed to the Indian Administrative Service, on the recommendations of the Government of Manipur.

12. That in the circumstances the Answering Respondent addressed the Government of Manipur with a request to forward proposals for appointment of the Select List Officers to the Indian Administrative Service in accordance with the Rules vide letter No.14015/15/95-AIS(I) dated 08.02.1996.

Annex. R-I.

13. That in the absence of any reply from the Government of Manipur to the communication dated 08.02.1996, the Answering Respondent addressed the State Government again on 22.02.1996 explaining the rules position and made it clear that unless and until the proposal for appointment of Shri K.K. Chhetry included unconditionally at Sl.No.1 of the Select List is received by the Government of India, it is not possible to consider the proposal of the State Government for

Rln

Contd ...7

appointment of the Applicant at Sl.No.2 of the Select List to the Indian Administrative Service, as proposed by the State Government, in terms of Regulation 9(1) of the Promotion Regulations. It was further observed that in the circumstances the earlier proposal sent by the State Government in respect of the Applicant is not acted upon by the Central Government as such a step will be violative of the provisions laid down in the Promotion Regulations. A copy of the letter No.14015/15/95-AIS(I) dated 22.02.1996 is annexed to the reply.

Annex.  
R-II.

14. That later on the Government of Manipur forwarded proposals for appointment of Shri K.K.Chhetry, MCS, at S.No.1 of the Select List to the IAS on the 29th March, 1996, simultaneously marking a copy of the proposal to the Chief Secretary, Government of Tripura, Agartala, with the request to convey concurrence of the Joint Cadre Authority, Tripura to the proposal, to the Government of India. On receipt of the approval of the Joint Cadre Authority, Tripura, to the proposal, this respondent issued Notification No.14015/15/95-AIS(I) dated 24.4.1996 appointing S/Shri K.K.Chhetry and B.B.Sharma, the applicant to the Indian Administrative Service.

Manipur  
29.3.96

Annex.  
R.III.

24.4.96

Rhr

Contd ...8

15. That in Para (Q), the Applicant has alleged that earlier Shri Kh. Dinamani Singh whose name appeared at Sl.No.2 of the said Select List for 1993-94 for appointment in the Joint Cadre of Indian Administrative Service, for the States of Manipur and Tripura, was appointed earlier to the officer whose name appeared at Sl.No.1 vide Notification of the Central Government dated 31.12.1993 and that Smt. C. Kipgen whose name appears at Sl.No.1 of the said Select List for 1993-94 was appointed to the Indian Administrative Service vide Notification of the Central Government dated 03.03.1994.

16. That in reply to the above mentioned averments the factual position is submitted as follows. In the Select List prepared by the Selection Committee for Indian Administrative Service, Manipur-Tripura Joint Cadre in its meeting held on 24.03.1993, Shri N. Tombi Singh, Smt. C. Kipgen, Shri Kh. Dinamani Singh and Shri S. Kritibash Sharma were included at Sl.Nos. 1 to 4 of the Select List respectively. This Select List was prepared against two vacancies in all; one existing vacancy available from 01.03.1994 and another anticipated vacancy from 01.04.1994. Shri N. Tombi Singh and Smt. C. Kipgen were included at Sl.No.1 & 2 of the Select List provisionally subject to clearance of enquiries pending against them/grant of integrity certificate by the State Government. Shri N. Tombi Singh expired on 12.08.1993

Rhm

Contd ...9

without getting promoted to the Indian Administrative Service.

17. That the Government of Manipur addressed the Commission on 29.01.1994 furnishing the integrity certificate in the case of Smt. C. Kipgen and further stating that the case pending against Smt. Kipgen had been closed with the administration of a warning to be more careful in future and further that the warning given to Smt. C. Kipgen was a simple and non-statutory warning which does not amount to a penalty under the disciplinary rules applicable to the State of Manipur.

18. That the Union Public Service Commission in their letter dated 18.02.1994 advised that the inclusion of Smt. C. Kipgen in the Select List on 1992-93 be made as "unconditional and final".

19. That in terms of the second proviso to Regulation 9(1) of the Promotion Regulations while making appointment of an officer junior to the Select List Officer whose name has been included provisionally in the Select List, one post will have to be kept vacant for such a provisionally included officer. The Government of Manipur sent proposals for appointment of Smt. C. Kipgen subject to her name being made unconditional by the Union Public Service Commission and Sh. Kh. Dinamani Singh included unconditionally vide their letter dated 30.10.1993. Invoking the above mentioned provision, one

R. L. S.

Contd ...10

post was kept reserved for Smt. C. Kipgen at Sl.No.2 of the Select List, Sh. Kh. Dinamani Singh at Sl.No.3 of the Select List was notified for appointment to the Indian Administrative Service on 31.12.1993.

20. That in terms of Union Public Service Commission's letter dated 18.02.1994, Smt. C. Kipgen at Sl.No.2 of the Select List became unconditional in the Select List and her appointment to the Indian Administrative Service was notified by the Answering Respondent on 03.03.1994.

21. That in the light of the position explained in the preceding paras, it may be observed that the allegation by the Applicant that the Answering Respondent did not act in accordance with the rules while implementing the 1993-94 Select List is totally misplaced and deserves to be rejected.

22. That the Applicant while making the averments against this Respondent, has displayed his total ignorance of the factual rules position as also the facts and circumstances behind the appointment of Smt. C. Kipgen and Sh. Kh. Dinamani Singh to the Indian Administrative Service with effect from 03.03.94 and 31.12.1993, respectively.

Rhr



(1920. Nidhanathan)  
(1920. Nidhanathan)

Blank

Deputy Secy. to Govt.  
Dep't. of Personnel & Trg  
Central Govt.  
Govt. of India.

Through Senior Central Govt.

Dated the 14th May, 1996 Standing Counsel

V E R I F I C A T I O N

I, the above named R. VAIDYANATHAN, do hereby affirm and state that the contents of this written statement are based on information derived from official records and the legal advice received by me and believed to be true. No part of this reply affidavit is false and nothing material has been concealed therefrom.

Verified at New Delhi on this 14th Day of May, 1996.

R. Vaidyanathan

DEPONENT

(आर. वेंड्यानथन)  
(R. Vaidyanathan)

है न अधिकारी

Ask Officer

कार्य और प्रशिक्षण विभाग

Dept of Personnel & Trg

भारत सरकार

Govt. of India



(52)

MOST IMMEDIATE/BY FAX

Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training  
North Block, New Delhi

F.No.14015/15/95-AIS(I)

Dated the 8th, February, 1996.

To

8 FEB 1996

The Chief Secretary  
Government of Manipur  
Department of Personnel & A.R.  
Personnel Division  
IMPHAL

(Kind Attn: Shri Kh. Raghupati Singh, Under Secy. (DP) )

Subject: Selection Committee Meeting for promotion of SCS  
Officers to the IAS Cadre of Manipur-Tripura Joint  
Cadre (Manipur Segment) - regarding.

Sir,

I am directed to refer to the proposal for appointment of Shri B. Badrinarayan Sharma, MCS, to the IAS, made in the State Government letter No.3/17/94-IAS/DP(Pt) dated 4.1.96 on the above subject and to say as follows:-

2. In para 2 of the reference dated 4.1.96, the State Government had assured that a separate proposal for appointment of Shri K.K. Chhetry, MCS, included unconditionally at Sl.No.1 of the current Select List is being made to the Govt. of India. The same has not been forwarded to this Department till date. In the meanwhile, the Union Public Service Commission in their letter No.F.6/12/95-AIS(I) dated 31.1.96 have advised the inclusion of Shri B.B. Sharma at Sl.No.2 of the current Select List for Manipur has "unconditional and final".

3. In terms of the provisions contained in Regulation 9(1) of the IAS (Appointment by Promotion) Regulations, 1955, there is a mandate on the Central Government to make the appointment of Select List State Civil Service Officers to the IAS only in the order in which their names appear in the Select List in force for the time being. In the absence of any indication from the State Govt. bringing forth the circumstances in which the State Govt. is prevented from forwarding the proposal for appointment of Shri K.K. Chhetry at Sl.No.1 to the I.A.S. against the first vacancy, it is not possible for the Govt. of India to proceed with considering the name of Shri Badrinarayan Sharma at Sl.No.2 of the Select List for promotion to the IAS.

1 True copy/  
RHM

(आर. वैद्यनाथन)  
(R. Vaidyanathan)  
डेस्क अधिकारी  
Desk Officer  
कर्मिक और प्रशिक्षण विभाग  
Deptt. of Personnel & Trg.  
भारत सरकार  
Govt. of India

...2...

4. The State Government is requested to forward proposals for appointment of the Select List officers to the Indian Administrative Service strictly in accordance with the relevant Rules and Regulations governing recruitment and appointment to the Service.

Yours faithfully,

O/c

(R. VAIDYANATHAN)  
Desk Officer

F.No.14015/15/95-AIS(I)

Dated the 8th, February, 1996.

Copy to :

1. The Secretary, Union Public Service Commission, Dholpur House, Shahjehan Road, New Delhi (Shri N. Namasivayam, Under Secretary).
2. The Chief Secretary, Government of Tripura, Agartala.

O/c

(R. VAIDYANATHAN)  
Desk Officer

श्री. प्रशिक्षण विभाग  
Deptt. of Personnel & Trg.  
प्राप्ति और निगम अनुभाग  
Receipts & Issue Section

8 Feb 1996

बारो किमा/ISSUED

रिज. हेतु

MOST IMMEDIATE  
By FAX ✓

Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training  
North Block, New Delhi

F.No.14015/15/95-AIS(I)

Dated the 22nd February, 1996.

To

The Chief Secretary  
Government of Manipur  
Department of Personnel & A.R.,  
Personnel Division  
IMPHAL.

Department of Person  
Division

(Kind Attn: Shri Kh. Raghumani Singh, Under Secretary (DP) )

Subject: Selection Committee Meeting for promotion of SCS  
Officers to the IAS Cadre of Manipur\_Tripura Joint  
Cadre (Manipur Segment) - regarding.

Sir,

I am directed to refer to this Department letter of even number dated the 8th February, 1996, sent in response to State Government letter No.3/17/94-IAS/DP(Pt) dated 4.1.96 on the above subject and to say as follows.

2. In para 2 of State Government reference dated 4.1.96 cited above, it was reported that a separate proposal for appointment was also being made by the State Government to the Central Government in respect of Shri K.K. Chhetry, MCS, who stands included at Sl.No.1 in the Select List. In para 3 of this Department letter dated 8.2.96, it was made clear to the State Government that unless and until the proposal for appointment of Shri K.K. Chhetry included "unconditionally" at Sl.No.1 of the Select List is received, in terms of Regulation 9(1) of the I.A.S. (Appointment by Promotion) Regulations, 1955, it is not possible to consider the proposal for appointment of Shri B. Badrinarayan Sharma at Sl.No.2 of the Select List, as proposed by the State Government.

3. It is observed that no reply has been received from the State Government explaining the circumstances in which the proposal for appointment of Shri K.K. Chhetry to the IAS has not been forwarded by the State Government till date. In the circumstances, the earlier proposal sent by the State Government in respect of Shri B. Badrinarayan Sharma, at Sl.No.2 of the Select List, is not acted upon by the Central Government as such a step will be violative of the provisions laid down in Regulation 9(1) of the Promotion Regulations.

4. Receipt of this communication may kindly be acknowledged.

Yours faithfully,

(R. Vaidyanathan)  
(अर. वैद्यानाथन)  
डेस्क अधिकारी  
Desk Officer

कामिक और प्रशिक्षण विभाग  
Depn. of Personnel & Trg  
भारत सरकार  
Govt. of India

(R. VAIDYANATHAN)  
Desk Officer

(TO BE PUBLISHED IN PART I SECTION 2 OF THE GAZETTE OF INDIA)  
 No.F.14015/15/95-AIS(I)  
 Government of India  
 Ministry of Personnel, Public Grievances & Pensions  
 (Department of Personnel & Training)

New Delhi, the 24th April, 1996

NOTIFICATION

In exercise of the powers conferred by sub-rule(1) of rule 8 of the Indian Administrative Service (Recruitment) Rules, 1954 read with sub-regulation (1) of regulation 9 of the Indian Administrative Service (Appointment by Promotion) Regulations, 1955, the President is pleased to appoint S/Shri (1) K.K. Chetry and (2) B.B. Sharma, members of the State Civil Service of Manipur to the Indian Administrative Service on probation with immediate effect and to allocate them to the Joint Cadre of Manipur-Tripura under sub-rule (1) of rule 5 of the Indian Administrative Service (Cadre) Rules, 1954.

R. Vaidyanathan

(R. VAIDYANATHAN)  
 DESK OFFICER

To,  
 The Manager,  
 Govt. of India Press,  
 Faridabad (Haryana).

F.No.14015/15/95-AIS(I) Dated the 24th April, 1996

Copy forwarded for information to:-

1. The Chief Secretary to the Government of Manipur, Imphal (with 2 spare copies for onward transmission to the officers concerned etc.). The officers below the age of 50 years may be advised to exercise their option for membership of C.G.E.I.S. or S.I.S., failing which they will be treated as deemed to have opted for C.G.E.G.I.S.
2. The Chief Secretary to the Govt. of Tripura, Agartala.
3. Accountant General, Manipur, Imphal.
4. Secretary, UPSC, New Delhi (Shri G.C. Yadav, S.O. (AIS)).
5. E.O. to the Government of India, New Delhi.

R. Vaidyanathan

(R. VAIDYANATHAN)  
 DESK OFFICER

INTERNAL DISTRIBUTION

U.S.(S.III)/RO(CM)/EO(PR)/Training Division.  
 AVD.I/AIS, III Sections (with one Spare copy) for Civil List.  
 10 spare copies.

भारत के राजपत्र : खण्ड 2 में प्रकाशनार्थ

संख्या 14015/15/95-ड0भा0वे0-

भारत सरकार

कानूनी, लोक प्रशासन तथा पेशन मंत्रालय

कानूनी और प्रशिक्षण विभाग

नई दिल्ली, दिनांक 24 अप्रैल 1996

अधिसूचना

राष्ट्रपति, भारतीय प्रशासनिक सेवा पदोन्नति द्वारा नियुक्ति विनियम, 1955 के विनियम 9 के उप विनियम 1.1 के साथ पठित भारतीय प्रशासनिक सेवा भर्ती नियम, 1954 के नियम 8 के उप नियम 1.1 द्वारा पदोन्नत शक्तियों का प्रयोग करते हुए मणिपुर राज्य सिविल सेवा के सदस्यों सर्वश्री के.के.ओ.त्रि तथा वि.बि.ओ.शर्मा को भारतीय प्रशासनिक सेवा में तत्कालीन प्रभाव से परिवीक्षा पर नियुक्त करते हैं तथा भारतीय प्रशासनिक सेवा संवर्ग नियम, 1954 के नियम 5 के उप नियम 1.1 के अधीन उनका आर्बटन मणिपुर-त्रिपुरा के संयुक्त संवर्ग में करते हैं।

आर.के.नाथ

आर.के.नाथ

डैप्टी अधिकारी

सेवा में,

प्रकाश,

भारत सरकार मद्रास

फरीदाबाद हरियाणा।