

Central Administrative Tribunal  
Principal Bench, New Delhi

**OA No. 26/2018**  
MA No. 27/2018

New Delhi this the 17<sup>th</sup> day of January, 2018

**Hon'ble Mr. Justice Permod Kohli, Chairman**  
**Hon'ble Mr. K.N. Shrivastava, Member (A)**

1. Parwaiz Ahmed,  
S/o Late Dr. M. Shahabuddin,  
R/o 1A, PCR Office Complex,  
Model Town-II, Delhi-110009

Aged about 54 years

2. Dheeraj Kumar,  
S/o Late Dr. B.P. Singh,  
R/o Flat No.9630, C-9,  
Vasant Kunj, New Delhi-110070

Aged about 51 years

3. Ishwar Singh,  
S/o Sh. Late Sh. Raghbir Singh,  
R/o J-193, Saket, New Delhi-110017

Aged about 56 years  
(Group 'A') (IPS Officers)

- Applicants

(By Advocates: Mr. Ajesh Luthra with Mr. Jatin)

VERSUS

1. Union of India  
Through its Secretary,  
Ministry of Home Affairs,  
North Block, New Delhi
2. Union Public Service Commission,  
Through its Secretary,  
Dholpur House, Shahjahan Road,  
New Delhi-110069

(By Advocates: Mr. Rajeev Kumar for respondent no.1  
Mr. RN Singh with Mr. RV Sinha for respondent no.2)

**O R D E R (Oral)**

**Justice Permod Kohli:**

MA No. 27/2018 for joining together is allowed.

2. The applicants are aggrieved of the communication dated 28.12.2017 issued by the Union Public Service Commission to the Secretary to Government of India, Ministry of Home Affairs, New Delhi, rejecting the Government's proposal for holding review Selection Committee for Select List 2010 as a result of revision of seniority list. The impugned order reads as under:-

“Sub: Proposal for holding review Selection Committee for Select List 2010 on account of revision of seniority list.

Sir,

I am directed to refer to the subject mentioned above and to your letter No.14016/23/2017-UTS.I dated 18.12.2017 vide which the Commission has been requested to review the Select List of 2010 on account of revision of seniority list of DANIPS Officers in the Civil List of 2017 and to say that there is no enabling provision in the IPTs (Appointment by Promotion) Regulations, 1955 for review of a Select List once approved by the Commission and acted upon by the Government of India. The Commission is, therefore, not in a position to accede to the request of the MHA to review the Select List of 2010.

2. Accordingly, you are requested to depute an office to collect the proposal submitted through above letter dated 18.12.2017.”

3. Briefly stated the facts relevant for adjudication of the present OA are that the applicants were appointed to DANIPS on the basis of Combined Civil Services Examination 1989 in the year 1991. They were placed in the Junior Administrative Grade in the year 2009-2010. The draft seniority list of DANIPS was issued on 12.07.2017. The applicants were placed below one Shri Rishi Pal, a selectee of the same selection. The applicants submitted representations for correction in the selection list, as the joining of Shri Rishi Pal was

beyond the permissible joining time. On 16.10.2017, the applicants were allotted year of allotment towards IPS (Selection List 2010) notified on 16.12.2011 as 2005 vide order dated 16.10.2017 restricting the year of allotment vis-à-vis Sh. Rishi Pal. On 09.11.2017, the inter se seniority of the applicants qua Shri Rishi Pal was revised. For the purpose of revision of the seniority as decided by the MHA, consultation with UPSC is required. Government of India, Ministry of Home Affairs forwarded a proposal to the UPSC vide letter dated 18.12.2017 which has been declined vide the impugned communication.

4. The UPSC, in its counter, reiterated the stand as indicated in the impugned communication.

5. Mr. Ajesh Luthra, learned counsel appearing for the applicants, has relied upon the judgment of this Tribunal dated 25.05.2017 passed in OA No. 1972/2016 in the matter of **SBS Tyagi v. UPSC & Anr.**. In the aforesaid judgment, following directions have been issued:-

“17. Under the above scenario, we are of the considered view that the action of the UPSC and the impugned orders dated 14.10.2014 and 09.04.2015 are not sustainable in law. UPSC could not have declined the request of MHA for alteration in the select list of 2006 on the basis of the order dated 06.08.2014 passed by MHA.

18. In view of the admitted factual aspect, this OA is allowed. Impugned orders dated 14.10.2014 and 09.04.2015 are hereby quashed. As a consequence, UPSC, i.e., respondent No.1, is directed to make necessary rectification in the select list of 2006 to ensure implementation of the order dated 06.08.2014.”

This judgment has been implemented both by the UPSC as also by the Ministry of Home Affairs.

6. The controversy in the present OA is identical in nature. This OA is accordingly allowed in terms of the directions issued in SBS Tyagi's case (supra). Let needful be done accordingly.

**(K.N. Shrivastava)**  
Member (A)

**(Justice Permod Kohli)**  
Chairman

/lg/