

**Central Administrative Tribunal  
Principal Bench**

**CP-294/2017 in  
OA-4551/2014**

**New Delhi, this the 04<sup>th</sup> day of January, 2018**

**Hon'ble Mr. Justice Permod Kohli, Chairman**  
**Hon'ble Ms. Praveen Mahajan, Member (A)**

Shri Arun Kumar Singh,  
S/o Late Sh. Binda Prasad Singh,  
R/o: Flat No. B-6, 32 Ballygunj Circular Road,  
Kolkata-700019. ...

Petitioner

(By Advocate : Ms. Harvinder Oberoi)

Versus

1. Sh. T. Jacob,  
Secretary,  
Union Public Service Commission,  
Dholpur House, Shahjahan Road,  
New Delhi-110069.
2. Shri Bhanu Pratap Sharma,  
Secretary,  
Union of India,  
Department of Personnel & Training,  
Ministry of Personnel, Public Grievances & Pensions,  
Government of India,  
North Block, New Delhi-110001.
3. Shri Basudev Banerjee,  
Chief Secretary,  
Government of West Bengal,  
"Nabanna",  
325, Sarat Chatterji Road,  
Howrah-711102. ...

Respondents

(By Advocate : Sh. Ankur Chhibbar with Sh. Bhanu Gupta for R-1, Sh. Gyanendra Singh for R-2 and Ms. Madhumita Bhattacharjee for R-3)

**ORDER(ORAL)**

**Hon'ble Mr. Justice Permod Kohli**

These contempt proceedings have been initiated for the alleged non compliance of the judgment dated 11.11.2016 passed in OA No. 4551/2014 whereby the following directions were issued:

"6.1..... Proviso to Regulation-7(3) empowers the Commission to include name of an officer in the Select List provisionally if he has been charge sheeted after inclusion of his name in the select list. However, in this case the applicant's name was provisionally included in the select list notified under Regulation -7(2) because of the recommendations of the Selection Committee under Regulation-5(5). Since we have already come to the conclusion above that provisional inclusion of applicant's name in the select list prepared under Regulation-5(5) was not justified, provisional inclusion of his name in the select list under Regulation-7(2) also as a consequence of the same, cannot be sustained. Hence, the impugned order qua the applicant deserves to be quashed. We order accordingly. The respondents shall, however, remain at liberty to examine the case of the applicant afresh under Regulation-7 and take appropriate decision regarding inclusion of the name of the applicant in the select list notified under Regulation-7(2). The aforesaid decision should be taken by them within a period of eight weeks from the date of receipt of a certified copy of this order. This O.A. is disposed of accordingly. No costs."

2. In view of the above directions, Union Public Service Commission(UPSC) has considered the case of the applicant for inclusion of his name in the provisional select list for induction/promotion to IAS of West Bengal cadre and passed the order dated 31.07.2017. The UPSC has recorded as under:

"11. And, therefore, the Commission, after examination of the matter in compliance with Order dated 11.11.2016 of the Hon'ble CAT, Principal Bench, New Delhi and intimation by the State Government vide letter dated 24.05.2017 that the disciplinary proceedings against Shri Arun Kumar Singh is still pending and it is not possible at this stage to issue the integrity

certificate in respect of him, has concluded that in light of the special conditions of the case as mentioned in above paras, the name of Shri Arun Kumar Singh in the Select List of 2012 for promotion to IAS of West Bengal Cadre shall be deemed to be provisional in accordance with the proviso the Regulation 7(3) of the IAS (Appointment by Promotion) Regulations, 1955, subject to clearance in the disciplinary proceedings pending against him and grant of integrity certificate by the State Government.

This issues with the approval of the Competent Authority."

3. In view of the above order having been passed by UPSC, consequent upon liberty granted by the Tribunal, we are satisfied that the direction contained in the order dated 11.11.2016 stands complied with. Thus, proceedings are accordingly dropped. If the petitioner is aggrieved of the order passed by UPSC, he is at liberty to seek remedial measures in accordance with law.

**(Praveen Mahajan)**  
**Member (A)**

**(Justice Permod Kohli)**  
**Chairman**

/ns/