

# **Central Administrative Tribunal Principal Bench**

**OA No. 1332/2013**

New Delhi this the 24<sup>th</sup> day of September, 2015

**Hon'ble Mr. A.K. Bhardwaj, Member (J)  
Hon'ble Dr. B.K. Sinha, Member (A)**

Girijesh Prasad Srivastava,  
S/o Late Anant Parasad,  
R/o Vill+PO-Karmawa,  
PS-Dhaka, Distt.-East Champaran,  
At present posted as  
Dy. Development Commissioner, Jamui,  
Distt-Jamui, Bihar ...Applicant

(By Advocate: Shri A.K. Mishra)

## VERSUS

1. Union of India,  
Through the Secretary,  
Govt. of India,  
Ministry of Personnel, Public Grievances & Pension,  
Department of Personnel & Training,  
North Block, New Delhi
2. Under Secretary,  
Ministry of Personnel, Public Grievances & Pension,  
Department of Personnel & Training,  
North Block, New Delhi
3. Union Public Service Commission,  
Through its Secretary,  
Dholpur House, Shahjahan Road,  
New Delhi
4. State of Bihar,  
Through the Chief Secretary,  
Govt. of Bihar, Old Secretariat,  
Patna, Bihar
5. Md. Sohail,  
District Magistrate,  
Jehanabad,  
District Jehanabad, Bihar

6. Shri Amrendra Prasad Singh,  
 Labour Commissioner,  
 Govt. of Bihar,  
 Vikas Bhawan, Bailey Road,  
 Patna, Bihar ...Respondents

(By Advocates: Sh. R.N. Singh for respondent nos. 1 & 2  
 Sh. Sanjay K. Shandilay for respondent  
 no.4  
 Sh. Abhay N. Das for respondent no.5 )

**ORDER (Oral)**

**By Mr. A.K. Bhardwaj, Member (J):**

The prayer made in the OA read thus:-

- “(A) That the UPSC may be directed to produce the minutes of the SCM dated 31.12.2012 F.No.6/13/2012-AIS for selection for Indian Administrative Service for preparation of list of persons not belonging to the state civil service for the vacancy year 2012 in accordance with IAS (appointment by selection) Regulations 1997.
- (B) That Annexure-A/2 bearing No.14015/4/201-AIS (I) dated 9.11.2012 may be quashed by which two vacancies for the non SCS promotion to IAS of Bihar Cadre for the year 2012 has been calculated from the vacancies arisen between 1.1.2011 to 31.12.2011.
- (C) That it may be directed that unfilled vacancy of the year 2011 of non SCS Officers calculated by Annexure-A/2 which would pertain to year 2011 should be transfer to the share of SCS Officers of the Bihar Cadre of promotional year 2011.
- (D) That it is respectfully prayed that the SCM held on 31.12.2012 for non SCS officers may be quashed as it is held on the vacancy of the year 2011 and not on the vacancy of the year 2012 which is in teeth of the authoritative pronouncement of the Principal Bench CAT New Delhi as well as Praveen Kumar’s case

decided by the Hon'ble Punjab and Haryana High Court so that the process of the promotion should go on as per rules and authoritative pronouncements of the Hon'ble Courts.

- (E) The cost of litigation may be awarded upon the respondents since the applicant has been compelled to file the instant OA.
- (F) Any other relief/reliefs as the applicant may be found entitled as your lordships may deem fit and proper in the ends of justice.”

2. Mr. Abhay N. Das, learned counsel for the respondent no.5, submitted that the name of the applicant has already been included in the eligibility list for consideration for promotion to IAS against the vacancy year 2011. Such is the thrust of the prayer made in the Original Application.

3. In view of the inclusion of the name of the applicant in the eligibility list, the OA has become infructuous and is accordingly disposed of. No costs.

**(Dr. B.K. Sinha)**  
**Member (A)**

**(A.K. Bhardwaj)**  
**Member (J)**