

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/00063/2018

DATED THIS THE 27TH DAY OF MARCH, 2018

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI P.K. PRADHAN, MEMBER(A)

Smt Renuka Chidambaram, I.A.S.,
D/o Sri K. Chidambaram,
Aged about 59 years,
Principal Secretary,
Department of Public Enterprises,
M.S. Building, Bangalore-560 001.
Resident of No.98, Defence Colony,
Indiranagar,
Bangalore-560 038.

...Applicant

(Party in person)

V/s

The State of Karnataka,
Represented by its Chief Secretary,
Vidhana Soudha,
Bangalore-560 001.

...Respondent

(By Advocate Shri Mahantesh)

O R D E R (ORAL)HON'BLE DR K.B. SURESH, MEMBER(J)

Heard. The matter relates to the legitimate expectation of a Government Servant to be fulfilled or not. The applicant claims that on the basis of total service from 26.8.1985, she may be granted her next enhancement in her career. The State Government has filed a detailed reply. The State Government indicates certain issues:

- (1) She stayed in foreign assignment from 01.07.2013 to 04.04.2016 without due approval.
- (2) Prior concurrence of the Central Government sought on the number of vacancies in each grade.
- (3) DoPT, GOI vide Notification dated 29.03.2016 has declared that the officer deemed to have resigned from the IAS w.e.f. 01.07.2013 in terms of Rule 7(2) (c) of All India Service (Leave) Rules, 1955.

2. But then, in OA.No.568/2016 dated 22.12.2016, we had passed a final order, which the State Government had noted in para 9 of the reply, which is quoted below:

“We note that the applicant has been in Government service for more than 30 years. When the issue of continuation of deputation was under correspondence as evident from various correspondences and the applicant has also expressed her willingness to return back to her cadre, invoking Rule 7 (2) (c) of the AIS (Leave) Rules, 1955 by respondents and therefore nullifying the entire period of her service, appears to us as quite unreasonable and unjustified. Therefore, we hold that the notification dated 29.03.2016 whereby the applicant was deemed to have resigned from the Indian Administrative Service w.e.f. 01.07.2013 in terms of Rule 7(2)(c) of the AIS (Leave) Rules, 1955 is unjustified and cannot be sustained. Therefore, the said notification is set aside. However, the respondent authorities shall take appropriate decisions regarding the period of absence beyond the formal period of approval of her assignment till her resumption of duty in the State Government on 05.04.2016 as per extant rules.

The OA is allowed accordingly in terms of above directions. No order as to costs.”

3. Apparently, on this, the State Government had taken the advice of learned Advocate General, who has opined as follows:

“Keeping in mind, the Judgement of the CAT and the fact that, the Union of India has not determined the issue with regard to her period of absence, Smt. Renuka Chidambaram, has to be considered for promotion, in terms of the prevailing guidelines and rules, subject of course to the ultimate decision of the Union of India with regard to her period of absence and, the final result of the Writ Petition (W.P. 25716/17), pending before the High Court of Karnataka.”

4. We are in agreement with the view of learned Advocate General. There cannot be any doubt that the promotion, if any to the applicant, must be subject to the result of W.P. No.25716/17 pending before the Hon'ble High Court of Karnataka. Advocate General has also noted that there is no interim order against our order. Therefore, there is no need to deny the rightful benefit, which is due to the applicant.

5. Therefore, there will be a mandate to the State Government to immediately constitute the necessary DPC and pass appropriate orders within the next two weeks.

6. OA closed as above. No order as to costs.

(P.K. PRADHAN)
MEMBER(A)

(DR. K.B. SURESH)
MEMBER(J)

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Annexures referred to by the Applicant in OA.63/2018

Annexure-A1: Copy of the order dated 21.5.2010.

Annexure-A2: Copy of the order dated 26.8.2010.

Annexure-A3: Copy of the Letter dated 24.3.2016.

Annexure-A4: Copy of the Duty Report dated 05.4.2016.

Annexure-A5: Copy of the order dated 29.3.2016.

Annexure-A6: Copy of the order passed in OA.No.568/2016 dated 22.12.2016.

Annexure-A7: Copy of the relevant pages of the Civil List for the year 2014.

Annexure-A8: Copy of the cadre strength & composition as on 22.01.2014.

Annexure-A9: Copy of the abstract of Pay Schedule.

Annexure-A10: Copy of the Notification dated 01.01.2016.

Annexure-A11: Copy of the Representation dated 23.12.2016.

Annexure-A12: Copy of the order dated 31.12.2016.

Annexure-A13: Copy of the Representation dated 09.01.2017.

Annexure-A14: Copy of the order dated 25.03.2017.

Annexure-A15: Copy of the Representation dated 01.12.2017.

Annexures referred to by the Respondents in the Reply Statement

Annexure-R1: Copy of the Letter dated 19.02.2018.

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