

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00766/2017

DATED THIS THE 26TH DAY OF APRIL, 2018

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

HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (A)

Smt. Rajamma A. Chowdareddy,
W/o N. Chowda Reddy,
Aged about 52 years,
Working as Competent Authority,
M/S Petronet MHB Limited,
No. 332, Darus Salam Building,
Queens Road,
Bengaluru – 560 052

...Applicant

(By Advocate Smt Ashwini Rajagopal & Shri Jayanth Devkumar)

Vs.

1. Union of India

Represented by its Secretary,
Department of Personnel & Training,
North Block, New Delhi – 110 001.

2. State of Karnataka

Represented by its Chief Secretary
Karnataka Government Secretariat,
Vidhana Soudha, Bangalore – 560 001

3. Secretary to Government of Karnataka

Department of Personnel and Administrative Reforms,
Karnataka Government Secretariat,
Vidhana Soudha, Bangalore – 560 001.

4. Union Public Service Commission,

Dholpur House, Shahjahan Road,
New Delhi – 110 001

By its Secretary ...Respondents

(By Shri M.V. Rao, Senior Panel Counsel for Respondent No.1
Shri. M. Rajakumar, Sr. Central Government Counsel for Respondent No.4 &
Shri Mahantesh, Standing Counsel for Respondent No.2&3)

O R D E R (ORAL)

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

Heard. The matter is in a very small compass. Apparently the applicant was caught red-handed through the process of Lokayukta with a significant amount with her which she was apparently unable to explain. At this point of time, we do not want to go into the merits of the matter as the matter is now pending in a Criminal Trial Court. But somehow or other the applicant was provisionally included in a list of officers to be promoted in the IAS even though

in the normal course of things she could not have been given the vigilance clearance. We therefore hold that the people who have included her name in the list, even though she could not have been given vigilance clearance that time, at fault. We therefore direct the Secretary, DoPT and the Secretary for the UPSC to take a very serious note of this.

2. But at the same time if the applicant comes out of the entire issue after the conclusion of the criminal trial and the possible appeal and the departmental inquiry to be followed under the guidance of the judgment of the Hon'ble Apex Court in R.K. Dhawan's case then, without any doubt, the applicant will be eligible for all the benefits which were held away from her during the interregnum of this. But till the criminal trial and the possible appeal have been exhausted and concluded in favour of the applicant and given an honourable acquittal or/and the disciplinary inquiry find that the applicant is clear of any doubt whatsoever the applicant cannot be allowed to have the benefit of a provisional selection and in fact the provisional selection in the list itself is illegal and opposed to the law of the land. The DoPT Secretary as well as the UPSC Secretary will look into this matter and do what is necessary.

3. But needless to say after the conclusion of all these if the applicant emerges as innocent then with retrospective effect all the benefits notionally must be made available to her. With this direction, the OA is disposed of. No order as to costs.

(PRASANNA KUMAR PRADHAN)

MEMBER (A)

(DR.K.B.SURESH)

MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/00766/2017

Annexure A1 Copy of Notification dated 06.01.2014 issued by the Government of Karnataka publishing final seniority list

Annexure A2 Copy of notification dated 20.01.2016 issued by the Government of India

Annexure A3 Copy of notification dated 21.09.2017 issued by the UPSC

Annexure A4 Copy of proceedings of the meeting of the Selection Committee on 09.10.2017

Annexure A5 Copy of order of the Hon'ble High Court of Karnataka in Writ Petition 25458/2015

Annexure A6 Copy of declaration dated 10.10.2017 furnished by the applicant

Annexure A7 Copy of representation dated 09.01.2017 made by the applicant to the Government of Karnataka

Annexure A8 Copy of representation dated 04.02.2017 made by the applicant to the Government of India.

Annexures with reply statement

Annexure R1: Copy of the Government of India Notification dated 23.02.2018

Annexure R2: Copy of the Government order dated 10.07.2014

Annexure R3: Copy of the Government order dated 27.02.2015

Annexure R4: Copy of the letter dated 23.07.2016
