

CENTRAL ADMINISTRATIVE TRIBUNAL**CHANDIGARH BENCH**

...

ORIGINAL APPLICATION NO.060/01295/2017**Chandigarh, this the 1st day of December, 2017**

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CORAM:HON'BLE MR. JUSTICE M.S. SULLAR, MEMBER (J)
HON'BLE MS. P. GOPINATH, MEMBER (A).

...

Gurmit Singh S/o Sh. Pritam Singh, Additional Deputy Commissioner (General), Gurdaspur and resident of H.No. 2464 Near Silvi Park, Phase X (Sector 62), S.A.S. Nagar, District Mohali (Group 'A').

.... Applicant

(Argued by: Mr. Dharamvir Sharma Sr. Advocate, with
Ms. Nitika Sharma, Advocate)

Versus

1. Union of India through the Secretary to Government of India, Ministry of Personnel, Public Grievances and Pension, Department of Personnel, North Block, New Delhi.
2. The Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi through its Secretary
3. The State of Punjab through the Chief Secretary to Government, Department of Personnel, Civil Secretariat, Sector 1, Chandigarh.

Respondents

(Argued by:Mr. R.L. Gupta, Advocate for Respondent No.1
Mr. B.B. Sharma, Advocate for Respondent No.2.
Mr. Rakesh Varma, Advocate for Respondent No.3.

ORDER (Oral)
JUSTICE M.S. SULLAR, MEMBER (J)

1. Applicant Gurmit Singh S/o Pritam Singh, Additional Deputy Commissioner (General), Gurdaspur, has preferred the instant Original Application (OA), for direction to the respondents to notify his appointment into Indian Administrative Service (IAS), by way of promotion, under the

Indian Administrative Service (Appointment by Promotion) Regulations, 1955, against the vacancy of the year 2016, which could not be filled in, due to conviction of T.K. Goyal, Punjab Civil Service (PCS) Officer, under the Prevention of Corruption Act, 1988, on various grounds, mentioned therein in the O.A.

2. On the contrary, State of Punjab (Respondent No.3) has refuted the claim of the applicant, and filed the reply.

3. We have heard the learned counsel for the parties and have perused the record, with their valuable help.

4. What cannot possibly be disputed here is that the PCS officers, whose names were recommended by the Selection Committee, in its meeting held on 6.7.2017 (Annexure A-2), for induction into IAS Cadre, and approved by the Union Public Service Commission, have already been appointed by the State of Punjab against the vacancies of relevant years mentioned therein, have already joined their respective posts. It is not a matter of dispute that name of Sh. T.K. Goyal, was earlier recommended, but since he has been subsequently dismissed from service, vide orders dated 13.11.2017 (Annexure R-1), so one post has become available, thereafter for the next eligible candidate. Sequelly, it is also not a matter of dispute that the applicant is at Sr. No.1 in the seniority list, after the indicated selected candidates and he is well within the zone of consideration.

5. Having heard the learned counsel for the parties, having gone through the record, with their valuable help, in view of the above mentioned admitted position, and without commenting

further anything on merits, lest it may prejudice the case of either side, during the course of fresh consideration, the instant O.A. is disposed of with a direction to the State of Punjab (Respondent No.3), to refer the name of the applicant for considering the same for inclusion in the IAS cadre, (if he is otherwise found suitable), against the vacancy of relevant year, for convening of the DPC by the UPSC as expeditiously as possible, as per rules, and in accordance with law. However, the parties are left to bear their own costs.

**(P. GOPINATH)
MEMBER (A)**

**(JUSTICE M.S. SULLAR)
MEMBER (J)**

Dated: 01.12.2017

HC*

