

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/000111 OF 2017
Cuttack, this the 15th day of March, 2017

CORAM
HON'BLE MR. R. C. MISRA, MEMBER (A)

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Shri Bijay Mishra, aged about 57 years, Son of Late Sudarshan Mishra, residing at Qr. No. 3RF, 16/1, Unit-9(Flat), Bhubaneswar and at present working as Deputy Registrar, Cooperative Society(Fisheries), Office of the Director Fisheries Orissa, Cuttack.

...Applicants

(By the Advocate-M/s. S. K. Ojha, S. K. Nayak)

-VERSUS-

Union of India Represented through

1. Secretary to Govt. of India, Department of Personnel & Training, Ministry of Personnel, Public Grievance and Pensions, North Block, New Delhi-111001.
2. Secretary, UPSC, Dholpur House, Sahajan Road, New Delhi.
3. The State of Orissa represented through its Chief Secretary to Govt. of Orissa, Bhubaneswar, Dist-Khurda, PIN-751001.
4. State of Orissa represented through its Special Secretary to Govt. GA Department, Bhubaneswar, Dist-Khurda, PIN-751001.
5. The Additional Secretary to Govt. General Administration Department, Secretariat Building, Bhubaneswar, Dist-Khurda.
6. The Under Secretary(AIS), UPSC, Dholpur House, Shajahan Road, New Delhi-110069.

...Respondents

By the Advocate- [Mr. J.K. Nayak, ACGSC(R-1) &Mr. J. Pal, G.A. for State)

ORDER(Oral)

R.C. MISRA, MEMBER(A):

Heard Mr. S.K. Ojha, Ld. Counsel appearing for the applicant, Mr. J.K. Nayak, Ld. ACGSC appearing for the Respondent No.1 & Mr. J. Pal, Ld. G.A. appearing for the State of Odisha on whom a copy of this O.A. has already been served and perused the materials placed on record.

2. This matter was earlier taken up on 03.03.2017. The grievance of the applicant is that he is a Non State Civil Service (NSCS) Officer, who was provisionally shortlisted by a committee headed by the Chief Secretary on 07.06.2016 for filling up of one vacancy for the select list of 2015 (NSCS) as determined by the Respondent No.1 by a letter dated 11.05.2016. Thereafter, the State Government of Odisha sent a proposal to Respondent No.2, i.e., the

Union Public Service Commission, to hold the selection meeting for filling up of one vacancy for the NSCS quota pertaining to select list of 2015. However, the UPSC communicated that the selection list of 2013 having not been finalized it would not be possible to consider this selection and it will be considered only after 2013 select list is finalized.

3. It is also perused from the record that by a notification dated 13.01.2017 two officers have already been notified for promotion to the IAS against the selection list of 2013. Thereafter also the select list of the year 2015 was not taken up by the UPSC. By a letter dated 09.01.2017, the UPSC has intimated to Respondent No.1, i.e., Department of Personnel and Training, that it was not practicable to hold meeting of the selection committee during the year 2016 for selection of NSCS officers for promotion to IAS of Orissa cadre for the select list of 2015. Meanwhile, the State Government by a letter dated 10.02.17 has informed all the Departments in the Government for recommending the eligible officers for selection in IAS from NSCS quota for the select list of 2016 which shall be filled up from among the suitable and willing NSCS officers during 2017.

4. Mr. Ojha submitted that the grievance of the applicant is that since the process of selection for the select list of 2016 has already been initiated by the State Government where will be his position since he was recommended by the committee headed by the Chief Secretary for selection for the year 2015 for which the meeting was not held by the UPSC. The apprehension expressed by the applicant is that he may cross the eligibility age. He is also apprehensive whether the vacancy of one, against which he was considered for the year 2015, has been taken into account for the year 2016 or not.

5. On the last date of hearing Mr. J. Pal, Ld. G.A. appearing for the State of Odisha was directed to obtain instructions for the select list of 2016 for which process has been initiated by the State Government by letter dated 10.02.2017 and whether it includes the vacancy of 2015 for which the applicant was recommended. Today, Mr. Pal has obtained instructions from the State Government that the number of posts up to which recruitment may be made by Selection to the Odisha Cadre IAS during the year 2017 for the Select List of 2016 (Non-SCS) (vacancies arisen between 01.01.2016 to 31.12.2016) is 02 (two) posts in all. It is therefore, submitted by Mr. Pal that for the select list of 2016 for which the action has been initiated will cover only 02(two) vacancies for that year.

6. Therefore, it is quite clear that for one vacancy for the select list of 2015, the matter is still pending with the UPSC to convene a meeting for selection. It is also noted that the applicant has made a representation dated 18.01.2017 (Annexure-A/7) before the Respondent Nos.1, 2 & 3 which requires to be considered by the Respondents. Mr. Ojha however, submitted that the Respondent No.2 may be directed to take appropriate action for convening the meeting for considering the selection of the applicant.

7. Therefore, at this stage, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No.2 to consider and dispose of the representation of the applicant dated 18.01.2017 (Annexure-A/7) if it is pending at his level and communicate the result thereof to the applicant by way of a well-reasoned order as expeditiously as possible within a period of 30 (Thirty) days of receipt of copy of this order. It is also directed that since

this is a matter of selection of NSCS officers for promotion to IAS of Orissa cadre against the select list of 2015 and the select list of 2013 has already been finalized, appropriate action may be taken for finalizing the select list of 2016.

8. With the aforesaid observation and direction, this O.A. is disposed of at the stage of admission itself. No costs.

9. On the prayer made by Mr. S.K. Ojha, Ld. Counsel appearing for the applicant, copy of this order along with paper book be communicated to the Respondent Nos.1, 2 & 3 by Speed Post at the cost of the applicant, for which Mr. Ojha undertakes to file the postal requisites by 17.03.2017.

(R.C.MISRA)
MEMBER(A)

K.B.