

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHENNAI BENCH**

**MA/310/00009/2019 & MA/310/00010/2019  
in & OA/310/00024/2019**

**Dated Monday the 7<sup>th</sup> day of January Two Thousand Nineteen**

**CORAM : HON'BLE MR. R. RAMANUJAM, Member (A)  
HON'BLE MR. P. MADHAVAN, Member (J)**

1.F.Abdul Razick,  
2.R.Rajashree,  
3.G.Lakshmipathy.

....Applicants/Applicants

By Advocate M/s. M. Ravi

Vs

1.Union of India,  
rep by its Secretary to Government,  
Ministry of Personnel, Public Grievances & Pension,  
Department of Personnel & Training,  
North Block, New Delhi 110001.

2.Union Public Service Commission,  
rep by its Secretary,  
Dholpur House, Shahjahan Road,  
New Delhi 110069.

3.Government of Tamil Nadu,  
rep by the Chief Secretary,  
Secretariat, Chennai 9.

4.Selection Committee for Selection  
of Non-SCS Officers for Appointment to  
the IAS of Tamil Nadu Cadre,  
rep by Chief Secretary,  
Government of Tamil Nadu,  
Secretariat, Chennai 9.

....Respondents/Respondents

By Advocates Mr. Su. Srinivasan (R1)  
Mr. P. Srinivasan (R2)

## **ORAL ORDER**

**(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))**

Heard. The applicants have filed this OA seeking the following relief :

"To issue directions, directing the respondents to forthwith exercise due and proper consideration of the applicants representation dated 26.12.2018 along with legal notice dated 28.12.2018 issued on their behalf to the respondents and pass appropriate orders thereon, and to desist from pursuing the selection proceedings any further in pursuance of the Selection Committee Meeting convened on 31.12.2018 for selection of Non SCS Officers from appointment to IAS of Tamil Nadu Cadre for the select list of 2017 and to pass appropriate orders to include the name of the applicants herein in the list of 10 eligible candidates for selection of Non SCS Officers for appointment to the IAS of Tamil Nadu Cadre for the select list of 2017 on the basis of their outstanding merit and ability and to conduct the selection proceedings afresh on that basis within a reasonable time frame and pass such further or other orders as deem fit by this Hon'ble Tribunal and thus render justice."

2. Learned counsel for the applicants would submit that the applicants are officers of the Government of Tamil Nadu in the Department of Rural Development & Panchayat Raj and are of outstanding merit. They fulfil the requirement of eligibility for appointment to the Indian Administrative Service (IAS) from the "Selection" quota. For the year 2017, the State Government recommended a list of ten eligible officers for two vacancies under the quota. However, the applicants' names did not figure therein.

3. It is alleged that the State Government followed a non-transparent procedure to recommend the names on account of which persons who were junior to the applicants in terms of their date of entry into service and also of lower merit in terms of their service records had been recommended overlooking the claims of the applicants. According to their information, the 2<sup>nd</sup> respondent has already held interviews for the purpose and a select list has been

finalised. However, the appointments to the service in terms of the select list would prejudice the claim of the applicants and defeat this OA, if the selection is allowed to proceed.

4. Learned counsel for the applicant seeks to rely on Regulation-4 of the Indian Administrative Service (Appointment by Selection) Regulations, 1997 under which State Government shall consider the case of officers not belonging to the State Civil Service but serving in connection with the affairs of the State who are of outstanding merit and ability, who hold a Gazetted post in a substantive capacity and completed service of not less than 8 years in the State Government on the first day of January of the year. As per law laid down by the Hon'ble Apex Court, this Tribunal would have jurisdiction over the manner in which State Government has shortlisted the candidates for recommendation as it is part of the pre-recruitment process, it is contended.

5. It is further submitted that the applicants had made representations dt. 26.12.2018 to all the respondents individually and followed it up by a notice by the advocate dt. 28.12.2018. The applicants would be satisfied if the competent authority is directed to consider the representation in accordance with law, take an appropriate decision within a time limit to be set by the Tribunal and hold in abeyance the appointment of the selected candidates till then.

6. Mr. P. Srinivasan appears and takes notice for UPSC. Mr. Su. Srinivasan, SCGSC appears and takes notice for the 1<sup>st</sup> respondent. He would submit that the DoPT would not be averse to examining if any guidelines existed for the

candidates to be shortlisted for recommendation by the State Government and in the event of any guidelines having been issued by the Central Government in this regard, seek necessary clarification from the State Government in order to take a view on the representations.

7. We have considered the matter at the admission stage. The grievance of the applicants is essentially directed against the 3<sup>rd</sup> respondent in as much as their names did not figure in the shortlist of candidates recommended to the UPSC for selection. Regulation-4 of the Indian Administrative Service (Appointment by Selection) does not seem to provide for a procedure to arrive at the relative merit of contending candidates across departments in the State Government. However, there may be guidelines in this regard issued either by the Union Government or guidelines laid down by the State Government itself for shortlisting of candidates across departments to enable an objective and merit based selection so that the process is not entirely arbitrary or discretionary. In the event of such guidelines being there, it is for the respondents to consider if such guidelines had been followed in the matter of selection for the year 2017-2018 which is under challenge before this Tribunal.

8. At this stage in the absence of any evidence that guidelines prescribed by the Central Government regarding shortlisting of candidates have been violated, we are not sure that the jurisdiction of this Tribunal would be attracted. However, keeping in view the innocuous request only for the consideration and disposal of the representations, we deem it appropriate to direct the respondents

to consider the representations of the applicants dt. 26.12.2018 in accordance with law and rules/procedure/guidelines, if any prescribed for this purpose and take an expeditious decision. It would be in the interest of justice to decide the representations of the applicants first before concluding the selection process with the issue of appointment orders as per the select list as there should be no *fait accompli* situation should the matter receive sympathetic or favourable attention of the competent authority.

9. OA is disposed of at the admission stage with the above observations/directions. MA 9/2019 for leave to join together & MA 10/2019 for waiver of the appeal period stand disposed of in the light of this order.

**(P. Madhavan)**  
**Member(J)**

**(R. Ramanujam)**  
**Member(A)**

**07.01.2019**

SKSI