

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

CONTEMPT PETITION NO.170/00029/2019

IN

ORIGINAL APPLICATION NO.170/00787/2017

DATED THIS THE 20<sup>TH</sup> DAY OF JUNE, 2019

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

**HON'BLE SHRI C.V. SANKAR, MEMBER (A)**

Dr. Y. Manjunath,  
S/o Y. Devendrappa,  
Aged about 40 years,  
Joint Commissioner of Excise,  
Belagavi Division, Belagavi,  
Residing at No. 449, Scheme -13  
T.V. Centre, Hanumannagar  
Belagavi

..... Petitioner

(By Advocate M/s Subbarao & Co.)

Vs.

1. Sri Anjum Pervez,  
Principal Secretary,  
Dept. of Personnel & Administrative Reforms  
Vidhana Soudha,  
Bengaluru – 560 001

2. Sri I.S. N. Prasad,  
Additional Chief Secretary to Government  
Finance Department,  
Vidhana Soudha,  
Bengaluru – 560 001

3. Sri T. Jacob,  
Secretary,  
Union Public Service Commission,  
Dholpur House, Shahjahan Road,  
New Delhi – 110 001

.....Respondents

(By Shri R.B. Sathyanarayana Singh, Counsel for the State Government,  
Shri V.N. Holla, Counsel for Respondent No. 3)

O R D E R (ORAL)

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

It appears that the State Government had forwarded the name of the petitioner also to be considered. We have already held that it is the State Government who is the repository of power to decide whom should be considered while the repository of power to decide on the consideration is the UPSC. Without any doubt, all the people who have been recommended by the State Government will be considered by the UPSC. At this point of time, Shri V.N. Holla, learned counsel for the UPSC, submits that for some reason meeting could not take place and it is adjourned. Therefore, there will

be a direction to the UPSC to complete it as early as possible, in any case within the next 3 weeks. At this point of time, Shri V.N. Holla, learned counsel for the UPSC, points out a distinction that the State Government had given an additional list in response to several Court orders. They were having a doubt as to whether to include them also or not. Therefore, we will clarify this point. It is the absolute right of the State Government to decide whom all should be considered. No other authority has any role to play in this. If the State Government has recommended then all those should be considered. The way in which they should be considered is left for UPSC to decide in accordance with the rules. This is now clarified. Therefore, they will now hold a meeting within the next three weeks and consider all the names submitted by the State Government. At this point of time, Shri V.N. Holla points out that some liberty may be granted to them to seek any additional documents also from the State Government if such documentation as already been provided is not sufficient in their opinion. This is a very reasonable request. If such a request is made to the State Government, State Government will of course immediately resolve this issue by giving whatever documents required by the UPSC. This is also clarified. We acknowledge the assistance rendered by Shri V.N. Holla at our request.

2. Therefore, the CP is disposed off but with liberty. Notices are discharged. No order as to costs.

(C.V. SANKAR)

(DR.K.B.SURESH)

MEMBER (A)

MEMBER (J)

/ksk/

**Annexures referred to by the Petitioner in CP No. 170/00029/2019**

Annexure-C1: Copy of the copy of the order dated 06.03.2019 passed in OA No. 787/2017

Annexure-C2: Copy of the representation submitted by the petitioner

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