

No. 14015/17/2006-AIS (I)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

...

New Delhi , 20th October, 2011.

ORDER

Whereas, the Selection Committee which met on 5 & 6th October 2006 for selection of State Civil Service Officers (SCS) of Orissa for inclusion in the select list of 2003, 2004 and 2005 for promotion to IAS had inter- alia included the name of Shri Anirudha Rout in the Select List of 2005 provisionally subject to clearance in disciplinary proceeding pending against him.

And **whereas**, Regulation 7(4) of IAS (Appointment by Promotion) Regulations, 1955 provides that an SCS officer whose name is provisionally included in the select list can be appointed to IAS only if the State Govt. forwards a proposal to UPSC to declare inclusion of his name in the select list as unconditional within the validity period of select list and Commission approves the proposal in this regard within a period of 45 days after receipt of such reference and informs the same to this Department. In respect of Shri Rout, no such communication was received in this Department from UPSC and therefore, Shri Rout could not have been appointed to IAS on basis of select list of 2005.

And **whereas**, other SCS officers whose names were unconditionally included in the select list of 2005 were appointed by this Department vide notification dated 17.11.2006.

And **whereas**, aggrieved by non- appointment to IAS, Shri Rout had filed OA No. 817/2006 before Hon'ble CAT, Cuttack Bench challenging the notification issued by this Department on 17.11.2006 and the Hon'ble Tribunal vide their order dated the 24th August, 2007, **inter-alia** directed as under:

“With the above mentioned consideration, we are of the view that there is merit in this OA which is allowed. We direct that the State Government will ignore the punishment of censure awarded to the applicant as it would relate to the period of commitment of the alleged irregularity and it should issue a clearance certificate in favour of the applicant. Thereafter, it should forward the same to the UPSC. On receipt of the clearance certificate, the Union Public Service Commission should take further step to appoint the applicant to the IAS ignoring that as per rule its validity would have expired by 31st December 2006. The entire exercise shall be completed within a period of three months from the date of receipt of copy of this order.”

Handwritten signature

And whereas, against the CAT Order, the Government of Orissa had filed a Writ Petition No 581/2008 but subsequently moved a memo for withdrawal of the same. The matter came up for hearing on 22.7.2009 and the Hon'ble High Court of Orissa disposed of the writ petition with the following directions:

“ A memo has been moved by Mr. Bose, Learned Counsel for the State petitioner for withdrawal of WP. Mr JK Mishra learned Assistant Solicitor General of India, appearing for opposite party no. 2 has opposed the withdrawal of the WP. He has submitted that the list sent for filling up the vacancy in the Indian Administrative Service up to the year 2006 is exhausted and now names are to be sent from the year 2007 onwards. Therefore, we direct to fill-up the vacancy in the Indian Administrative Service and now the names of all eligible persons including Shri Anirudh Rout – party No 1 shall be sent from the year 2007 onwards.

The Writ Petition is disposed of accordingly’.

Shri Rout filed contempt petition no 481/2011 before Hon'ble High Court of Orissa against the non compliance of the aforementioned order of the High Court dated 22.7.2009. And whereas, the Hon'ble High Court of Orissa disposed of the Contempt Petition vide order dated 11.8.2011 directed as under:-

“...The aforesaid two decisions clearly lay down the powers of the High Court under the Contempt of Courts Act as well as under Article 215 of the Constitution of India. Since we have already held that grave injustice has been done to the petitioner because of the circumstances stated earlier, we dispose of this contempt petition directing the contemnors to take steps immediately to promote the petitioner to IAS against the vacancy which remained unfilled in the year 2005.”

UPSC vide letter dated 30th September 2011 have informed that State Govt recommended the Commission that the name of Sh. Anirudha Rout(Sl. No. 5 of the select list for 2005) may be made unconditional and final. Thus, the Commission have now declared the provisional inclusion of Sh. Anirudha Rout at Sl. 5 in the select list of 2005, prepared on 5th and 6th October 2006 for promotion to the IAS of Orissa cadre as unconditional and final in compliance with the order dated 11.8.2011 of the Hon'ble High Court of Orissa in the CP No. 481 of 2011.


Meanwhile, Shri Rout has been appointed to IAS vide notification of 24.2.2011 on the basis of inclusion of his name in the Select List of 2007,

Now therefore, in pursuance of the aforementioned directions of the Hon'ble High Court of Orissa dated 11.8.2011 in CP No. 481 of 2011 and in exercise of powers conferred by sub rule (1) of Rule 8 of the IAS (Recruitment) Rules, 1954 read with sub regulation (1) of the Regulation 9 of the IAS (Appointment by Promotion) Regulations, 1955 the President is now pleased to appoint Shri Anirudha Rout to IAS cadre of Orissa Cadre w.e.f. 17.11.2006 (in place of 24.2.2011), i.e. the date on

Handwritten signature/initials

which his immediate junior in the Select List of 2005 vis Shri Biswajit Mishra was appointed to the IAS.

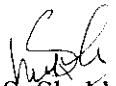
(By order and in the name of the President).


(S.S. Shukla)

Under Secretary to the Government of India

1. The Chief Secretary, Govt. of Orissa, Bhubaneswar.
2. Sh. Anirudha Rout, through Chief Secretary, Govt. of Orissa, Bhubaneswar.
3. The Secretary, Union Public Service Commission, Dholpur House, New Delhi (Kind Attn. : Sh. N.T. Pajte, Under Secretary).

Internal Distribution : NIC/ US(S.II)/RO(CM)/US(S-III)/Guard File.


(S.S. Shukla)

Under Secretary to the Government of India