

No. 14015/22/2012-AIS (I)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, 9th December, 2014.

ORDER

WHEREAS, inter-alia the name of Sh. Mahesh **Chandra-II**, a member of the State Civil Service of **Uttar Pradesh** was included at Sl. No. 16 in the Select List of 2006 approved by the Union Public Service Commission on 26.11.2012 for promotion to IAS Cadre of Uttar Pradesh;

AND WHEREAS, this Department inter-alia notified the said Select List and also appointments of unconditionally included officers therein and who were also in service vide notification no. 14015/22/2012-B dated 27.11.2012;

AND WHEREAS, while considering the appointment of SCS officers included in the aforesaid Select Lists to IAS cadre of **Uttar Pradesh** it was observed that Sh. Mahesh Chandra-11, (date of birth 15.01.1952) after attaining the age of superannuation, i.e. 60 years had already retired **from** the State Civil Service;

AND WHEREAS, it was observed that in terms of Regulation **9(1)** of IAS (Appointment by Promotion) Regulations, 1955 only a member of the State Civil Service could be appointed to **IAS**;

AND WHEREAS, it was observed that Sh. Mahesh **Chandra-II**, who had since **retired from** the State Civil Service on the date of notification he had ceased to be a member **of the** SCS;

AND WHEREAS, in view of the above rule position **appointment** of **Shri Mahesh Chandra-II**, to **IAS** could not be notified,

AND WHEREAS, Sh. Mahesh **Chandra-II** had filed W.P. No. 844 of 2013 before Hon'ble Supreme Court of India wherein had raised the issue of his **non-**appointment to **IAS**. The Hon'ble Supreme Court of **India vide** order dated its order dated 18.10.2014 in WP (C) No. 844 of 2013 with IA No. 1/2013, **directed** as under:

“ **Ms Tamta**, learned counsel appearing for Union of India is not in a position to dispute the same and, therefore, we direct that the present petitioner shall be deemed to have been appointed to Indian Administrative **Service**, cadre of Uttar Pradesh with **all** consequential benefits on the basis of inclusion of his name in the Select List of 2006, not later **than** to his immediate junior, namely, Mr. Vinay Priya Dubey, who has been appointed to **IAS** Cadre on



the basis of the same select list of **2006**. It is hereby made clear that date of appointment of Mr. Vinay Priya Dubey shall be the governing factor for grant of extension of benefit to the petitioner. The benefit be extended within a period of three months hence.

At this juncture, we may note that IA. No. **112013** has been filed by one Mr. Krishna Kaot Shukla for **impleadment** on the ground that he is senior to the present petitioner and similarly situated. If that is so, the Union of India shall be well advised to extend the benefit to Krishna Kant Shukla on the same parameters so that the Central Government can set an example how a litigation can be avoided.

The writ petition and the **IA** No. **112013** stands disposed of on the above terms. There shall be no order as to cost."

AND WHEREAS, the Hon'ble Supreme Court in its above order has recorded the appointment of Shri Ram Naval Singh (who had retired **from** the State Civil Service) on the basis of court case Union of India and **Anr. V. Hemraj Singh Chauhan & Ors. (2010) 4 SCC 290** wherein a view was expressed in favour of the respondents after **repelling** the contentions raised by the Union of India.

NOW THEREFORE, in pursuance of directions of Hon'ble Supreme Court contained in the order dated 18.10.2014 in WP (C) No. 844 of 2013 with IA No. 112013 Sh. Mahesh **Chandra-II** (D O.B. 15.01.1952) will be deemed to have been appointed to **IAS** Cadre of Uttar Pradesh with all consequential benefits on the basis of inclusion of his name in the Select List of 2006 not later than his immediate **junior viz.** Sh. Vinay Priya Dubey appointed to IAS on the basis of the same Select List of 2006.

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



(Nitin Gupta)

Under Secretary to the **Government** of India

Copy to:

1. The Chief Secretary, Govt. of Uttar Pradesh, Lucknow.
2. Sh. Mahesh **Chandra-II**, through Chief Secretary, Govt. of Uttar Pradesh, Lucknow.
3. The Secretary, Union Public Service Commission, Dholpur House, New Delhi (Kind Attn. : Sh. S.P. **Singh**, Deputy Secretary).