

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

New Delhi dated the 19th May, 2016

ORDER

WHEREAS, inter-alia the name of following members of the State Civil Service of Uttar Pradesh were included at their respective positions in the Select Lists of 2004 and 2006 approved by the Union Public Service Commission on 26.11.2012 for promotion to IAS Cadre of Uttar Pradesh;

Sl.No.	Name of the officer (S/Sh.)	Select List	Size	Position in the Select List	Date of birth
1.	Ramesh Chandani	2004	29	12	08.11.1950
2.	Anwarul Haq	2004	29	15	22.08.1950
3.	Pramod Narayan Batham	2004	29	22	05.06.1950
4.	Prabhat Kumar Mishra	2006	32	15	24.03.1952
5.	Ashok Kumar Singh-II	2006	32	24	02.01.1952
6.	Upendra Narayan Thakur	2006	32	27	03.07.1952
7.	Anand Bardhan	2006	32	30	07.02.1952

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-AIS(I)-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 all the aforementioned officers after attaining their 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 all the above mentioned officers, who had since retired from the State Civil Service on the date of notification, had ceased to be a member of the SCS;



AND WHEREAS, in view of the above rule position appointment of all the above mentioned officers to IAS could not be notified;

AND WHEREAS, aggrieved by their non appointment to IAS, the above officers filed OA Nos. 4533/2011, 2143/2013 and 2144/2013 before the Hon'ble CAT, Principal Bench, New Delhi.

AND WHEREAS, the Hon'ble Tribunal vide its common judgment dated 23.09.2015 disposed of the above OAs with directions as under:

“ 7. In the wake the OA is disposed of with a direction to the respondents to examine the claim of the applicants for their appointment to IAS in terms of the aforementioned judgment of Hon'ble Supreme Court within eight weeks from the date of receipt of a copy of this order. It is made clear that since the applicants have already retired from service and would not occupy any post, the respondents may not be required to disturb such candidates who have already been promoted to IAS on the basis of the selection list in question. Once the name of the applicants have already been included in the select list and their claim in the present OA is based on such inclusion, there would be no question of any review DPC....”.

AND WHEREAS, it was observed that in the above referred judgment, the Hon'ble Supreme Court of India vide 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 I.A. No. 1/2013 has been filed by one Mr. Krishna Kant 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. ID013 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. 1/2013 all the above mentioned officers will be deemed to have been appointed to IAS Cadre of Uttar Pradesh with all consequential benefits on the basis of inclusion of their names in the respective Select Lists not later than their immediate juniors appointed to IAS on the basis of the same Select Lists as under.

Sl.No.	Name of the officer (S/Sh.)	Select List	Date of birth	Name of Immediate junior
1.	Ramesh Chandani	2004	08.11.1950	Shri Kapil Dev Tripathi
2.	Anwarul Haq	2004	22.08.1950	Smt. Sunishtha Singh
3.	Pramod Narayan Batham	2004	05.06.1950	Shri Krishna Kant Shukla
4.	Prabhat Kumar Mishra	2006	24.03.1952	Shri Mahesh Chandra-II
5.	Ashok Kumar Singh-II	2006	02.01.1952	Shri Brij Kishor Singh
6.	Upendra Narayan Thakur	2006	03.07.1952	Shri Shahabuddin Mohammad
7.	Anand Bardhan	2006	07.02.1952	Shri Mukesh Mittal

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

(Pankaj Gangwar)

Under Secretary to the Govt. of India
Tele No. 23093063

1. The Chief Secretary, Govt. of Uttar Pradesh, Lucknow.
2. S/Sh. Ramesh Chandani, Anwarul Haq, Pramod Narayan Batham, Prabhat Kumar Mishra, Ashok Kumar Singh-II, Upendra Narayan Thakur and Anand Bardhan through Chief Secretary, Govt. of Uttar Pradesh, Lucknow.
3. The Secretary, Union Public Service Commission, Dholpur House, New Delhi (Kind Atm. : Sh. S.P. Singh, Deputy Secretary).

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