

F.No.22012/25/2023-AIS(I)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, the 23rd January, 2024

ORDER

WHEREAS, in the matter of appointment by Selection to the IAS of Haryana Cadre inter-alia, the name of Shri Ashwani Kumar Gupta, an erstwhile Non-State Civil Service Officer of Haryana, was included at Sl. No.1 in the Select List of 2019.

AND WHEREAS, consequent upon approval of the above mentioned select List of 2019 by the Union Public Service Commission on 19.10.2022 this Department had inter-alia notified the Select List of 2019 vide Notification No.14015/07/2020-AIS(I)-A dated 25.10.2022.

AND WHEREAS, this Department had also notified appointment of officers who were members of Non-State Civil Service (Non-SCS) at the relevant point of time vide Notification No.14015/07/2020-AIS(I)-B dated 25.10.2022.

AND WHEREAS, while considering the appointment of Non- State Civil Service officers included in the Select List of 2019 to the IAS Cadre of Haryana, it was observed that Shri Ashwani Kumar Gupta (D.O.B: 11.08.1964) included at Sl. No.1 of the Select List-2019, had ceased to be member of the Non-State Civil Service, after attaining his age of superannuation therein;

AND WHEREAS, It was observed that in terms of Regulation 8 (2) of IAS (Recruitment Rules)1954 and Rule 8 of IAS (Appointment by Selection) Regulations, 1997, only a member of the State Service could be appointed to IAS;

AND WHEREAS, in view of the above-mentioned provision the appointment of Shri Ashwani Kumar Gupta to IAS could not be notified;

AND WHEREAS, aggrieved by his non appointment to IAS, Shri Ashwani Kumar Gupta filed O.A No.060/410/2023 before the Ld. CAT, Chandigarh Bench;

AND WHEREAS, Ld. CAT Chandigarh Bench vide its Order dated 15.12.2023 passed directions as under;

"40. In view of the above, the present Original Application is allowed. The respondents are directed to consider the case of the applicant for appointment to IAS from the date when the persons below the applicant as per Annexure A-13, had been inducted into IAS Cadre with all

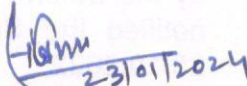


consequential benefits. The said exercise be done within a period of four weeks from the date of receipt of a certified copy of this order.

NOW THEREFORE, in pursuance of directions of Ld. Central Administrative Tribunal, Chandigarh Bench contained in the order dated 15.12.2023 in O.A. No.060/410/2023, Shri Ashwani Kumar Gupta (D.O.B: 11.08.1964), will deemed to have been notionally appointed to IAS Cadre of Haryana on the basis of inclusion of his name at SL. No.1 in the Select List of 2019 not later than his immediate junior Shri Vivek Bharti (S.No.2) appointed to IAS from the same select list of 2019 vide Notification No.14015/07/2020-AIS(I)-B dated 25.10.2022 with consequential benefits.

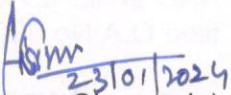
The period between his superannuation in State Services and his present appointment to IAS Shall deemed to be continued as service subject to vigilance clearance by the State Government.

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


(Sanjay Kumar Chaurasia)
Under Secretary to the Government of India
Ph.23093063

Copy to:

1. The Chief Secretary, Govt. of Haryana, Chandigarh. The State Government is requested to take further necessary action with regard to implementation of the order of Ld. Tribunal expeditiously.
2. Shri Ashwani Kumar Gupta through Chief Secretary, Govt. of Haryana, Chandigarh.
3. The Accountant General, Government of Haryana, Chandigarh.
4. The Secretary, Union Public Service Commission, Dholpur House, New Delhi.
5. E.O & AS, DoPT, North Blcok, New Delhi.


(Sanjay Kumar Chaurasia)
Under Secretary to the Government of India
Ph.23093063

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