

F.N. 14015/29/2017-AIS(I)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, the 28th April, 2022

ORDER

WHEREAS, in the matter of appointment by promotion to IAS, Tripura Cadre inter-alia the name of Shri Korak Baran Choudhury, then State Civil Service officer of Tripura, was included at Sl. No. 01 in the Select list of 2015 .

AND WHEREAS, consequent upon approval of the above mentioned select list of 2015 by the Union Public Service Commission on 20.12.2019 this Department had inter-alia notified the Select List of 2015 & 2016 vide notification No. 14015/29/2017-AIS.I(A) dated 26.12.2019.

AND WHEREAS this Department had also notified appointments of unconditionally included officers therein and who were members of State Civil service (SCS) at that relevant point of time vide notification no. 14015/29/2017-AIS.I (B) dated 26.12.2019;

AND WHEREAS, while considering the appointment of SCS officers included in the Select List of 2015 to the IAS cadre of Tripura, it was observed that Shri Korak Baran Choudhury (D.OB 25.06.1959) included at Sl.No. 1, had ceased to be member of the State Civil Service, after attaining his age of superannuation therein;

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 in view of the above-mentioned provision of Regulation 9(1) of IAS (Appointment by Promotion) Regulations, 1955, appointment of Shri Korak Baran Choudhury to IAS could not be notified;

AND WHEREAS, aggrieved by his non appointment to IAS, Shri Korak Baran Choudhury filed OA No 041/00171/2020 respectively before the Hon'ble CAT, Guwahati Bench.

AND WHEREAS, it was observed by the Hon'ble Tribunal that in a similar case (O.A. No. 153 of 2011 titled Saramma K.S. vs. Union of India and others) the Hon'ble Ernakulam Bench of the Central Administrative Tribunal had vide its order dated 04.04.2011 noted that at the time of admission of that O.A. it had passed an interim order that the retirement of the applicant from the State Service would not stand in the way of her being appointed by way of promotion to the cadre of IAS. In its inference, the Hon'ble Tribunal clarified that since the claim for consideration arose during the period when the applicant was in service, the retirement of the applicant will not adversely affect such claim for consideration.

AND WHEREAS citing the above mentioned case of Saramma K.S. as similar to the case of Sh. Korak Baran Choudhury, the Hon'ble CAT, Guwahati Bench vide its judgment dated 09.04.2011 passed directions as under:

"keeping in view of the above similar case, we deem it fit and proper to direct the respondent authorities particularly respondent No. 1 (Secretary to Government of India, Ministry of Personnel, Public Grievance & Pension) to examine the case of the applicant and consider him and issue details speaking order within a period of three months from the date of receipt copy of this order."

With the above directions, O.A stands disposed of."

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NOW THEREFORE, in pursuance of directions of Hon'ble Central Administrative Tribunal, Guwahati contained in the order dated 09.04.2021 in O.A. No. 041/00171/2020, Shri Korak Baran Choudhury (D.OB 25.06.1959), will be deemed to have been notionally appointed to IAS Cadre of Tripura on the basis of inclusion of his name at Sl. No. 01 in the Select List of 2015 not later than his immediate junior Shri Tapas Roy (Sl. No. 2) appointed to IAS from the same select list of 2015 vide notification no 14015/29/2017-AIS(I)-B dated 26.12.2019 with consequential benefits.

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

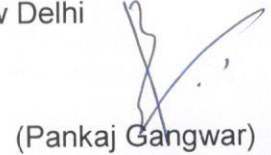


(Pankaj Gangwar)

Under Secretary to the Government of India
Ph: 23093063

Copy to:

1. The Chief Secretary, Govt. of Tripura, Agartala. The State Government is requested to take further necessary action with regard to implementation of the order of Hon'ble Tribunal expeditiously.
2. Shri Korak Baran Choudhury through Chief Secretary, Govt. of Tripura, Agartala.
3. The Accountant General, Government of Tripura, Agartala.
5. The Secretary, Union Public Service Commission, Dholpur House, New Delhi.
6. E.O. to the Government of India, New Delhi.
7. Additional Secretary (Training), DoPT, Old JNU Campus, New Delhi



(Pankaj Gangwar)

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