

F.N. 22012/09/2023-AIS(I)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, the 9th October, 2023

ORDER

WHEREAS, in the matter of appointment by promotion to the IAS of Maharashtra Cadre inter-alia the name of Shri Prakash Tukaram Vaichal, an erstwhile State Civil Service officer of Maharashtra, was included at Sl. No. 01 in the Select list of 2020 .

AND WHEREAS, consequent upon approval of the above mentioned select list of 2020 by the Union Public Service Commission on 26.09.2022 this Department had inter-alia notified the Select List of 2020 vide notification No. 14015/14/2021-AIS.I(A) dated 29.09.2022.

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. 14015/14/2021-AIS.I (B) dated 29.09.2022;

AND WHEREAS, while considering the appointment of SCS officers included in the Select List of 2020 to the IAS cadre of Maharashtra, it was observed that Shri P.T. Vaichal (D.O.B 13.02.1964) 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 the appointment of Shri P.T. Vaichal to IAS could not be notified;

AND WHEREAS, aggrieved by his non appointment to IAS, Shri P.T. Vaichal filed OA No 833/2022 respectively before the Ld. CAT, Mumbai Bench.

AND WHEREAS Ld. CAT, Mumbai Bench vide its judgment dated 01.09.2023 passed directions as under:

"11. In view of above facts and judicial decisions on the issue, we are of the view that the OA of the applicant deserves to be allowed. The respondent No. 1 is directed to consider the case of the applicant in view of the decision of the Principal Bench of CAT dated 02.02.2021.

12. In view of the aforesaid, the OA deserves to be allowed and the same is allowed. The respondents are directed to implement the order and direction as above within a period of eight weeks from the date of receipt of a certified copy of this order. No order as to costs."

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AND WHEREAS the decision of the Ld. Principal Bench of CAT dated 02.02.2021 was with respect to S/Sh. J.T. Patil and S.N. Dhivare, SCS officers of Maharashtra who were included in the Select List of 2018 but could not be appointed to IAS as they superannuated in SCS at the time of their consideration. However, in compliance of order dated 02.02.2021 of Ld. CAT, Principal Bench in OA No. 100/1330/2020. Sh. J.T. Patil and Shri S. N. Dhivare were notionally appointed to IAS vide this Department's Order No. 14015/14/2019-AIS(I) dated 09.02.2021

NOW THEREFORE, in pursuance of directions of Ld. Central Administrative Tribunal, Mumbai contained in the order dated 01.09.2023 in O.A. No. 833/2022, Shri P.T. Vaichal (D.OB 13.02.1964), will be deemed to have been notionally appointed to IAS Cadre of Maharashtra on the basis of inclusion of his name at Sl. No. 01 in the Select List of 2020 not later than his immediate junior Shri B.H. Palawe (Sl. No. 2) appointed to IAS from the same select list of 2020 vide notification no 14015/14/2021-AIS(I)-B dated 29.09.2022 with consequential benefits.

The period between his superannuation in State Civil 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).


(Pankaj Gangwar)

Under Secretary to the Government of India
Ph: 23093063

Copy to:

1. The Chief Secretary, Govt. of Maharashtra, Mumbai. The State Government is requested to take further necessary action with regard to implementation of the order of Ld. Tribunal expeditiously.
2. Shri Prakash Tukaram Vaichal through Chief Secretary, Govt. of Maharashtra, Mumbai.
3. The Accountant General, Government of Maharashtra, Mumbai.
4. The Secretary, Union Public Service Commission, Dholpur House, New Delhi.
5. E.O. to the Government of India, New Delhi.


(Pankaj Gangwar)

Under Secretary to the Government of India
Ph: 23093063

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