

|= IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7977 OF 2004

UNION PUBLIC SERVICE COMMISSION

...APPELLANT

VERSUS

M. VEERABHADRAIAH & ORS.

...RESPONDENTS

WITH

CIVIL APPEAL NO.7976 OF 2004

UNION OF INDIA

...APPELLANT

VERSUS

M. VEERABHADRAIAH & ORS.

...RESPONDENTS

WITH

I.A. NO.4

IN

CIVIL APPEAL NO.6525 OF 1994

AND

I.A. NOS. 5-12

IN

CIVIL APPEAL NOS. 6525/1994, 6526-6528/1994  
6529-6531/1994 & 750/1995

O R D E R

The Union Public Service Commission  
(appellant in C.A. No.7977/2004) and the Union of  
India (appellant in C.A. No.7976/2004) filed  
these appeals against the order passed by a  
Division Bench of the Andhra Pradesh High Court

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insofar as it directed the concerned authorities  
to determine the year of allotment and the  
consequent seniority of M. Veerabhadraiah  
(respondent No.1 before the High Court) in the  
Indian Administrative Service following the  
directions, apart from those given by this Court,  
in Gudur Kishan Rao & Ors. v. Sutirtha  
Bhattacharya & Ors., (1998) 4 SCC 189, the  
directions of the High Court, as made in the  
orders dated 31.07.2003 passed in WP No.  
20830/2000 and dated 11.09.2002 passed in WP No.  
24087/2000.

According to the appellants, the orders of  
the High Court in the aforesaid two writ  
petitions were not in conformity, but were in  
fact at variance with the decision of this Court  
in Gudur Kishan Rao.

It needs only to be noted that during the  
pendency of these appeals before this Court,  
review petitions were filed in Andhra Pradesh  
High Court in regard to its orders dated

31.07.2003 and 11.09.2002 in the aforesaid two writ petitions. The review petitions and the connected writ petitions were heard and finally allowed by the Andhra Pradesh High Court by its judgment and order dated 24.2.2010 and the order dated 23.10.2000 passed by the Tribunal was set aside.

In paragraphs 42 and 43 of the High order it was held and observed as follows:

"42. We are of the opinion that the revised select list of the Union of

Court

...3/-

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India, vide the impugned order in the OAs dated 04.08.1999 is in conformity with the directions of the Hon'ble Supreme Court of India and the Promotion Regulations. The Tribunal erroneously evolved the principle of push down and directed to follow the same even in respect of the applicants who are the selected candidates only for the year 1996-97 and their names were rescinded while taking up the exercise for considering the seniority and year of allotment of the officers whose names were found in the review select list of 1987. There is no justification in formulating the said principle by the Tribunal as the same is not contemplated either in the regulation or in the orders of the Hon'ble Supreme Court of India.

43. The Tribunal has failed to note the findings of the Hon'ble Supreme Court of India that the seniority and the year of allotment have to be read in accordance with the Rules and Regulations. The Tribunal also failed to note that for the purpose of determining the seniority and the year of allotment, admitted relative position in the select list in necessary. In order to ascertaining the relative inter se position of the officers at Sl.No.14 onwards of the review select list of 1987 and down below, it was necessary to review the select list up to 1996-97. Hence, the review select list prepared in the aforesaid Government orders dated 04.8.1999 cannot be said that they are not in conformity with Promotion Regulations and in compliance of the directions of the Hon'ble Supreme Court of India."

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The review order redresses all the grievances agitated on behalf of the appellants in these two appeals as also in I.A. No.4/2004 in C.A. No.6525/1994 and I.A. Nos. 5-12/2005 in C.A. Nos.6525, 6526-6528, 6529-6531 of 1994 and 750 of 1995. Consequently, the two appeals and all the IAs aforesaid are rendered infructuous. Those are, accordingly, disposed of.

The pensionary benefits of those officers

who have already retired shall not be adversely affected by this order.

.....J.  
(AFTAB ALAM)

.....J.  
(R.M. LODHA)

NEW DELHI,  
JULY 19, 2011.  
ITEM NO.103

COURT NO.11

SECTION XIIA

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS  
CIVIL APPEAL NO(s). 7977 OF 2004

U.P.S.C.

Appellant (s)

VERSUS

M. VEERABHADRAIAH & ORS.

Respondent(s)

(With office report )  
With  
CIVIL APPEAL NO.7976 OF 2004  
(With office report )

I.A. NO.4 IN C.A. NO.6525/1994

I.A. NOS. 5-12 IN C.A. NOS. 6525/1994,  
6526-6528/1994,6529-6531/1994 & 750/1995

Date: 19/07/2011 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM  
HON'BLE MR. JUSTICE R.M. LODHA

For Appellant(s) Mr. Ranjit Kumar, Sr. Adv.  
Ms. Binu Tamta,Adv.

Mr. S. Wasim A. Quadri, Adv.  
Mr. T.A. Khan, Adv.  
Ms. Anil Katiyar, Adv.

For Respondent(s)/  
Applicant(s) Mr. Sridhar Potaraju,Adv.

Mr. G.N.Reddy ,Adv  
Mr. C. Kannan, Adv.

Mr. T.V. Ratnam, Adv.

Mr. Ranjit Kumar, Sr. Adv.  
Ms. Binu Tamta,Adv.

Ms. T. Anamika, Adv.  
Mr. Chandra Mohan Anishetty, Adv.

...2/-

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Mr. P. Parmeswaran, Adv.

Mr. Tara Chandra Sharma, Adv.

Mr. V.G. Pragasam, Adv.

Ms. Sudha Gupta, Adv.

Mr. S. Udaya Kumar Sagar, Adv.

M/s. Lawyer's Knit & Co.

Mr. Abhijit Sengupta, Adv.

Mr. Mohanprasad Meharia, Adv.

UPON hearing counsel the Court made the following  
O R D E R

The appeals and I.As. are disposed of in terms of  
the signed order.

(Neetu Khajuria)  
Sr.P.A.

(S.S.R. Krishna)  
Court Master

(Signed order is placed on the file.)