

NO. 14015/14/2019-AIS(I)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, the 9th February, 2021

ORDER

WHEREAS, in the matter of appointment by promotion to IAS, Maharashtra Cadre inter-alia the names of Shri J.T. Patil and Shri S.N. Dhivare, erstwhile State Civil Service officers of Maharashtra, were included at Sl. No. 01 and Sl.No. 24 in the Select list of 2018 respectively.

AND WHEREAS, consequent upon approval of the above mentioned select list of 2018 by the Union Public Service Commission on 01.09.2020 this Department inter-alia notified the Select List of 2018 vide notification No. 14015/14/2019-AIS.I(A) dated 03.09.2020.

AND WHEREAS this Department 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. 14015/14/2019-AIS.I (B) dated 03.09.2020;

AND WHEREAS, while considering the appointment of SCS officers included in the Select List of 2018 to the IAS cadre of Maharashtra, it was observed that Shri J. T. Patil included at Sl.No. 1, Shri Shyamsundar Liladhar Patil, included at Sl.No. 6, Shri Pramod Babanrao Yadav included at Sl.No. 13 and Shri S.N. Dhivare included at Sl. No. 24, had ceased to be members of the State Civil Service, after attaining their age of superannuation therein, i.e. 58 years ;

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 Shri Shyamsundar Liladhar Patil and Shri Pramod Babanrao Yadav had been granted favourable orders from the Hon'ble High Court of Delhi with regards to their appointments to IAS, vide separate order dated 19.05.2020 passed in Writ Petitions no. 3203 and 3173 of 2020. Based upon these orders, Shri Shyamsundar Liladhar Patil and Shri Pramod Babanrao Yadav were granted notional appointment to the IAS of Maharashtra Cadre vide this Departments notification No. 14015/14/2019-AIS-I(B) dated 03.09.2020.

AND WHEREAS in view of the above-mentioned provision of Regulation 9(1) of IAS (Appointment by Promotion) Regulations, 1955 and absence of any specific directions from Court, appointment of Shri J. T. Patil and Shri S.N. Dhivare to IAS could not be notified;



AND WHEREAS, aggrieved by their non appointment to IAS, Shri J. T. Patil and Shri S.N. Dhivare filed OA No 100/1330/2020 respectively before the Hon'ble CAT, Principal Bench, at New Delhi.

AND WHEREAS, in OA. No. 100/1330/2020, the Hon'ble Tribunal, vide its judgement dated 02.02.2021 allowed the prayer of the applicants with directions as under:

"10. We, therefore, allow the OA and direct that the names of the applicants shall be included in the final notification of IAS Officers appointed on promotion to the Maharashtra cadre for the year 2018. This shall be done within two weeks from today. We make it clear that the applicants shall not be entitled to any arrears of salary but they shall be accorded seniority duly taking into account, the place of merit, assigned to them by the Selection Committee. There shall be no order as to costs. "

NOW THEREFORE, in pursuance of directions of Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi contained in the order dated 02.02.2021 in OA.No. 100/1330/2020, Shri J. T. Patil and Shri S.N. Dhivare, will be deemed to have been notionally appointed to IAS Cadre of Maharashtra on the basis of inclusion of their names in the Select List of 2018 not later than their immediate juniors appointed to IAS on the basis of the same select list as hereunder:-

Select List	Position in the Select List	Name of the Officer (S/Sh.)	Date of Birth	Name of Immediate Junior appointed to IAS
2018	Sl.No. 1	J. T. Patil	28.06.1961	Shri U.A. Jadhav, (Sl.No. 2 in the select list)
2015	Sl.No. 24	S.N. Dhivare	12.01.1962	Shri C.D. Joshi (Sl.No. 25 in the select list)

The period between their superannuation in State Civil Services and their 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

Contd.../-

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 Hon'ble Tribunal expeditiously.
2. Shri J.T. Patil through Chief Secretary, Govt. of Maharashtra, Mumbai.
3. Shri S.N. Dhivare, through Chief Secretary, Govt. of Maharashtra, Mumbai.
4. The Accountant General, Government of Maharashtra, Mumbai.
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)
Under Secretary to the Government of India
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