

No. 14015/39/2015-AIS(I)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi 5th Feb., 2016

Whereas, in the case of appointment by promotion from the State Civil Service (SCS) of Odisha to the Indian Administrative Service (IAS), year wise Select Lists from 2006 to 2009 were prepared by the Selection Committee in its meeting held on 01.01.2010;

And Whereas, appointments from the above mentioned Select Lists were effected by DoP&T vide notification dated 24.2.2011.

And Whereas, The name of Sh. Rabi Narayan Nanda was included in the zone of consideration for the Select List of 2008 but he was overall assessed as 'Unfit' on the basis of penalty of censure imposed upon on 16.8.2008.

And Whereas, Aggrieved by his non-inclusion in the Select List of 2008, Sh. Rabi Narayan Nanda filed OA No. 331/2011 before the CAT, Cuttack Bench. The Tribunal allowed the OA vide their order dated 22.2.2012 with the following directions:

"10. In view of the above the applicant who was very much eligible in terms of his age deserves to be reconsidered along with all other eligible officers against 2008 vacancies by reviewing the proceedings of the Selection Committee which met on 01-11-2010 by treating the penalty of 'Censure' as non-est during 2010. Accordingly, the Respondents 1 to 3 are hereby directed to do/ complete the entire exercise within a period of 60 (sixty) days from the date of receipt of copy of this order and issue a revised order of promotion.

11. In the result, this OA stands allowed to the extent stated above. There shall be no order as to costs."

And Whereas, The above orders were challenged by the UPSC before the High Court of Odisha by filing W.P. No. 7880/2012. The High court vide its order dated 11.5.2012 dismissed the W.P. filed by the Commission with the following directions:

"8.....But this is a case where the Guidelines have been wrongly interpreted by the Selection Committee while declaring the opposite party No. 1 unit for promotion and therefore, the Court cannot loose sight of the same when it is brought to the notice of the Court. Once the court in convinced that the Guidelines prescribed for such promotion have not been correctly interpreted by the Selection Committee, it can interfere with the selection list prepared by the Selection Committee excluding an



officer otherwise legally entitle for promotion on a wrong interpretation of the Guidelines.

9. Since we do not find any infirmity in both the findings of the Tribunal for the reasons stated above, we also find no merit in the writ application and accordingly dismiss the same."

And Whereas, the Commission challenged the above orders before the Supreme Court. However, the SLP was also dismissed vide order dated 10.9.2014.

And Whereas, in view of above, the Commission convened a Review Selection Committee Meeting to re-consider the case of Sh. Rabi Narayan Nanda for the Select List of 2008 for promotion to the IAS, Odisha cadre.

And Whereas, The Review Committee assessed Sh. Rabi Narayan Nanda as 'Very Good' and on that basis, the Review Committee recommended inclusion of the name of Sh. Rabi Narayan Nanda (Date of Birth: 23.05.1954) at Sr. No. 8A above Sh. Bhabagrahi Mishra and below Sh. Sibabrata Dash in the Select List of 2008.

And Whereas, the recommendations of the above mentioned Review Committee have since been approved by the Union Public Service Commission on 17th December, 2015.

Now therefore, in compliance with the order dated 22.02.2012 passed by Hon'ble CAT, Cuttack Bench in OA No. 331/2011 and in exercise of the powers conferred by sub-rule (1) of Rule 8 of the Indian Administrative Service (Recruitment) Rules, 1954 read with sub-regulation (1) of Regulation 9 of the Indian Administrative Service (Appointment by Promotion) Regulations, 1955 and Rule 3 of the Indian Administrative Service (Probation) Rules, 1954, the President is pleased to notionally appoint Shri Rabi Narayan Nanda (D.O.B. 23.05.1954) to the Odisha Cadre of the Indian Administrative Service w.e.f. 24.02.2011, i.e. the date on which his immediate junior included in the Select List of 2008 was appointed to IAS. However this appointment to IAS w.e.f. 24.02.2011 till the date of retirement of Shri Nanda on superannuation (31.05.2014) would be notional.

(By order and in the name of the President)



(Pankaj Gangwar)
Under Secretary to the Government of India

Copy to:

1. The Chief Secretary, Government of Odisha , **Bhubaneshwar** [Kind Attn. Sh. G.V.V. Sharma, Principal Secretary]. A copy of the above order may please be communicated to the officers concerned.
2. The Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, **New Delhi** (Kind Attn. Sh. Shailendra Singh, Joint Secretary)

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