

No. 14015/19/2013-AIS(I)  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

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New Delhi dated the 20<sup>th</sup> April , 2018

**ORDER**

**Whereas**, in the case of appointment by promotion from the State Civil Service (SCS) of Rajasthan to the Indian Administrative Service(IAS), year wise Select Lists from 1996-97 to 2011 were prepared by the Selection Committee in its meeting held on 26.12.2012;

**And Whereas**, the recommendations of the Selection Committee were approved by the Union Public Service Commission on 31.12.2012;

**And Whereas**, these Select Lists of 1996-97 to 2011 were notified vide Government of India's notification No. 14015/19/2012-AIS(I)-A dated 31.12.2012;

**And Whereas**, it was observed that in terms of Regulation 9(1) of IAS (Appointment by Promotion) Regulations, 1955 only a member of State Civil Service could be appointed to IAS;

**And Whereas**, against a total of 75 officers included in the Select Lists of 1996-97 to 2011, only 47 officers were observed to be members of State Civil Service on the date of consideration of their appointment to Indian Administrative Service;

**And Whereas**, in accordance with Regulation 9(1) of IAS(Appointment by Promotion) Regulations, 1955, appointment of 47 officers was notified vide Government of India's Notification No. 14015/19/2012-AIS(I)-B dated 31.12.2012;

**And Whereas**, Hon'ble Central Administrative Tribunal, passed its common order dated 04.04.2013 in OA Nos. 810/2012 and 80/2013, the operative portion of which read as under:

**"... 88. Thus on the basis of the facts & legal position, we are of the view that the official respondents be directed to re-determine the vacancies year-wise after taking into consideration the retirement of the officers who have been on select list for various years. As we have explained earlier that the select list for the year 1996-97 has nine names and there were seven vacancies for that year. Thus presuming that officers at sr. nos. 1 to 3 (S/Shri Raj Bahadur Singh, Amar Singh and Madan Lal Jain) would have been appointed to the IAS on the basis of that select list, had that select list be drawn at that point of time then they would have retired in the year 2003, 2002 and 2005 respectively. Thus the vacancies arising out of their retirement on superannuation would be accrued in the year of their retirement. The same exercise will be required to be done for each select list year wise. The vacancies are to be re-determined on the basis of this**

**principle, which is according to the rules & regulation on the subject. The respondents will also look into the promotion quota from State Civil Service to IAS for that year and the number of officers in position for promotion quota, then determine the vacancies year wise to be filled from appointment by promotion from the State Civil Service Officers. The respondents are also directed to convene the Review Selection Committee Meeting for each of those years for which the vacancies are re-determined and draw a revised/review select list year wise.**

**89. With these observations, both these OAs are disposed of with no order as to costs. The stay granted on 15.2.2013 stands vacated and the respondents are given liberty to proceed further in accordance with above directions...".**

**And Whereas**, the above orders were challenged before the Hon'ble High Court of Rajasthan in DB Civil Writ Petitions No. 7472/2013, 7118/2013, 7136/2013, 9686/2013 and 20819/2013. The Hon'ble High Court passed its order dated 02.02.2015, the operative portion of which reads as under:

**".... The Id. Tribunal has also considered the scheme of Rules, 1954 and Reg. 1955 and arrived to a conclusion that the officers whose name find place in the select list of the preceding 16 years, that certainly has to be taken to its logical conclusion and cannot be left in midst only for the reason that they are not substantive member on the date of meeting of the committee which could never be the intent & purport of the rule making authority in divesting the right of the officers who has been finally placed in the approved select list in contradistinction of the interpretation as taken note of by the official respondents of R.8(1) of the Rules, 1954 ad as already observed by us, such officers are eligible for appointment and since retired on attaining the age of superannuation entitled for notional benefits, flowing thereof, the vacancies will certainly occur on the retirement and that is the available substantive vacancy which could be considered for selection under the scheme of Reg. 1955 and this what the Id. Tribunal considered under the order impugned dt. 04.04.2013.**

**We find no substance in either of the writ petitions preferred and are accordingly stand dismissed with observations as indicated above. The official respondents shall ensure compliance and pass necessary orders within three months."**

**And Whereas**, in compliance of above orders, notional appointment of all the retired SCS officers included in the Select Lists of 1996-97 upto 2011 was notified and Select Lists of 2001 upto 2011 were revised and acted upon.

**And Whereas**, some other retired SCS officers who could not be notionally appointed from the previous Select List of 1994-95, also approached the same High Court by way of filing D.B. Civil Miscellaneous application No. 104/2016 in D.B. Civil Writ Petition No. 7472 / 2013 and the Hon'ble High Court vide its order dated 23.9.2016 directed as under:

“We have noticed the grievance of the present applicants, but regard to the select list of the year 1996-97 onward under the notification dated 30.12.2012, but still the fact is that the principles laid down by this Court in extending notional appointment and consequential benefits flowing thereof, to the officers, who are placed in the review select list of 1994-95 deserve consideration, who became entitled to claim notional appointment & consequential notional benefits on the basis of the principles laid down by this Court in its judgment dated 02.02.2015.

In the present facts and circumstances, it is expected that the principles laid down by this Court in the judgment dated 02.02.2015 deserves to be considered in the caes of the officers, who find place in the review select list/ select lists under notification dated 30.12.2012.

Consequently, taking note of the submissions made above, we dispose of the present miscellaneous application in the above terms.”

**Now therefore**, in compliance with order dated 23.09.2016 passed by Hon'ble High Court of Rajasthan, Jaipur Bench in D.B. Civil Miscellaneous application No. 104/2016 in D.B. Civil Writ Petition No. 7472 / 2013 and based upon the proposal from the State Government vide letter No. F.6(2)Pers/A-I/2012 Part dated 17.08.2017 the following officers are granted notional appointment to the Indian Administrative Service from the Select List of 1994-95.

Sl. No.	Name of the officer S/Shri	Date of Birth
1.	Harish Krishniya	28.03.1941
2.	H.C. Sharma	02.10.1945
3.	K.R. Kamlesh	02.11.1942
4.	Arun Kumar Ojha	30.05.1944
5.	Ramesh Chand Jain	03.10.1946

(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 Rajasthan, Jaipur [ Kind Attn. Sh. Arvind Kumar Poswal, Joint Secretary, Dept. of Personnel (A-I). 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. K.V. Gaur, Joint Secretary, AIS).