

R. K. Singh

Vs

State of U.P. and Others

Civil Appeal No. 3406 of 1988

(P. B. Sawant, K. N. Singh JJ)

23.04.1991

ORDER

1. This appeal is directed against the order of the Central Administrative Tribunal dismissing the appellant's petition challenging order of the state Government denying Selection Grade to the appellant in the Indian Administrative Service (U.P. Cadre) on the ground that the appellant and been awarded two adverse entries for the years 1980-81 and 1982-83.

2. After hearing learned counsel for the parties and having regard to the facts and circumstances of the case we are of the opinion that this appeal must succeed. There is no dispute that during the pendency of this appeal the appellant's representation against the adverse entries has been allowed and these entries have been expunged from his service record. Since the adverse entries were expunged the State Government by its order dated January 24, 1991 granted Selection Grade to the appellant with effect from the date he takes over charge. We fail to appreciate the view taken by the State Government. One the adverse entries awarded to the appellant were expunged the appellant is entitled to Selection Grade with effect from January 1, 1986 the date on which he was eligible for grant of Selection Grade. We, accordingly, allow the appeal, set aside the order of the Central Administrative Tribunal and modify the order of the State Government dated January 24, 1991 and direct that the appellant shall be treated in Selection Grade with effect from January 1, 1986 and he will be entitled to all other consequential benefits with effect from that date. As regards appellant's further promotion, he will be considered for promotion in accordance with Rules.

3. The appeal is, accordingly, allowed.

4. There will be no order as to costs.

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