

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.1766 of 2002
O.A. No.558 of 2003

New Delhi, this the 18th day of March, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J)
Hon'ble Shri V.K. Majotra,, Member (A)

OA 1766/2002

1. Yashovardhan Azad,
S/o Shri Bhagwat Jha Azad,
Joint Director, IB,
R/o 74, Rabindra Nagar,
New Delhi.
 2. Pawan Jain,
S/o Late Shri Babu Lal Jain
Deputy Inspector Genneral,
17 A, Gandhi Road,
Gwalior MP.
 3. Sarbjit Singh,
S/o Late Shri Pratap Singh,
DIG, CID,
R/o-DN 1/6, Char Imli, Bhopal.
 4. Ms. Sushma Singh,
W/o Sri Bhagwat Singh,
Commandent, 2nd Battallion,
R/o - Commandent's residence,
Kampoo, Gwalior.
 5. Dr. Rajeev Garg,
Ss/o Shri Hetram Garg,
DIG, CBI,
R/o-3307, Sectorr 7, Chandigarh.
 6. Ravi Gupta,
SP, Datia,
R/o - SP residence, Datia, MP.
-Applicants
- (By Shri A.K. Behra, Advocate)

Versus

1. Union of India
Through Secretary
Ministry of Home Affairs,
Govt. of India, North Block,
New Delhi.
- [Handwritten signature]*

(19)

2. Secretary,
Govt. of India,
Ministry of Personnel,
Public Grievances and Pension deptt.
North Block, New Delhi-110001.
3. The State of Madhya Pradesh,
Through the Chief Secretary,
Govt. of Madhya Pradesh,
Vallabh Bhawan, Bhopal, (MP).
4. The State of Chattisgarh,
Through the Principal Secretary,
(Ministry of Home Affairs),
Govt. of Chhatisgarh,
Raipur.

.....Respondents.

(By Shri Madhav Panikar, Advocate)

OA 558/2003

1. Raja Babu Singh
S/o Late Rajendra Singh,
Date of birth 11-7-1967,
Superintendent of Police,
District Satna, SP Office,
Satna (M.P.).
2. K.P. Venkateshwar Rao
I.P.S.
S/o Shri K.S. Prakash Rao,
Date of birth 28-8-1968,
AIG, Police Headquarters,
Bhopal (M.P.).
3. Mohd. Sahahid Absar,
Date of birth 07.07.1970
S/o Shri Mohd. Absar,
23, Battalion, S.A.F.,
Bhopal.

.....Applicants

(By Shri A.K. Behra, Advocate)

Versus

1. Union of India
Through its Secretary
Ministry of Home Affairs,
Govt. of India, North Block,
New Delhi.
2. Secretary,
Govt. of India,
Ministry of Personnel,
Public Grievances and Pension deptt.
North Block, New Delhi-110001.

B.

(18)

3. The State of Madhya Pradesh,
Through its Chief Secretary,
Govt. of Madhya Pradesh,
Bhopal, (MP).
4. State of Chhattisgarh,
Through the Principal Secretary,
(Ministry of Home Affairs),
Govt. of Chhattisgarh,
Raipur (C.G.). .. Respondents

(By Shri Madhav Panikkar, Advocate)

ORDER (ORAL)

By Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)

In furtherance of our previous order, records of OA No.605/JAB/2002 (renumbered as OA No.558/2003) have been received.

2. In the above two applications, we note that the Tribunal had passed ad interim orders dated 11.7.2002 and 9.9.2002, respectively. These interim orders have been continued from time to time. The main contention of Shri A.K. Behra, learned counsel is that the applicants in the above two OAs will not be able to give a proper representation/reply to the impugned show-cause notice issued by the respondents dated 2.4.2002, until and unless the respondents gave them the copies of various documents which they have asked for in their representation dated 24.4.2002 in OA 1766/2002. The above two OAs have been listed along with two other similar OAs i.e. OA 2421/2001 and OA 1660/2001.

3. During the course of the hearing, the learned counsel for respondents as well as the learned counsel for the applicants in OA 2421/2001 have referred to a

8/1

similar case (OA 943/2000) filed by the All India Services Association, Madhya Pradesh Chapter and one other Vs. Union of India through Secretary, of Personnel & Training & five others in the Jabalpur Bench. In that OA, the Tribunal vide its order dated 2.11.2000 had directed the respondents to make available "copy of the norms and guide-lines followed in the division of All India Services cadre of the State of Madhya Pradesh pursuant to the formation of the State of Chhattisgarh" within the time stipulated therein. It appears from para 2 of the letter issued by the Govt. of India, Department of Personnel & Training dated 29.11.2000 that in pursuance of the directions of the Tribunal (Jabalpur Bench), note of the norms/guide-lines applicable to the facts in the case, i.e., dealing with the All India officers borne on the undivided Madhya Pradesh cadre to the Chhattisgarh cadre of the same cadre were given to that applicant, i.e., the All India Services Association, Madhya Pradesh Chapter. Shri Madhav Panikkar, learned counsel has submitted that the order of the Jabalpur Bench of the Tribunal has been fully complied with by supplying to the applicants in that OA, namely, the All India Services Association, Madhya Pradesh Chapter and one other copies of the relevant norms/guide-lines followed in the State of Madhya Pradesh for allocation of the cadre in the State of Chhattisgarh. In the present case, it is not denied that the applicants are also officers belonging to the

V

RD

(5)

IPS in the State of Madhya Pradesh before reorganisation of the State cadre.

4. In addition to the aforesaid norms and guide-lines dealt with in the order of the Tribunal (Jabalpur Bench) in OA 943/2000, which has admittedly been given to the concerned Association, the applicants in the present applications have asked for certain other documents, including the orders of the Tribunal dated 5.2.2002 in OA 2421/2001 and OA 1660/2001. It is open to the applicants to get a copy of that order of the Tribunal in the aforesaid OA in accordance with law and in the circumstances, no further directions are required for this purpose. It is also noticed that he has asked for the interim and the final reports of the Advisory Committee to the Central Government on 23.10.2000 and the modified report of the same Committee dealing with the IPS cadre referred to as the U.C. Aggarwal Committee reports.

5. Having heard the learned counsel for the parties and perused the relevant documents on record, we do not consider that other minute details called for by the applicants regarding the names of those who have made representations, copies of their representations and names of the IPS Officers who are Insiders, Outsiders, general and OBC categories and so on, are not germane for the applicants to give their replies to the instant show-cause notice issued by the

18/1

21

respondents. We say so because we have also perused the letter dated 29.11.2000 and the show-cause notice dated 2.4.2002 issued by the Govt. of India in pursuance of the directions of the Jabalpur Bench of the Tribunal in OA 943/2000. Our attention has also been drawn to the orders passed in similar circumstances in the case of reorganisation of the State of U.P. and Uttranchal, in the case of Amit Nagi and Others Vs. Union of India and Others in OA No.43/2001 with other connected OAs decided on 1.5.2002 by the Allahabad Bench of the Tribunal.

6. In the result, for the reasons given above, OA 1766/2001 and OA 558/2003 are disposed of with the following directions:-

- (i) In the facts and circumstances of the cases, it will be sufficient for the respondents to give the applicants, who were in the IPS cadre of the undivided State of Madhya Pradesh, the documents as contained in the order of the Tribunal (Jabalpur Bench) in OA No.943/2000. They may also be allowed to inspect the Interim, Final and Modified Reports of the Advisory Committee, i.e. the U.C. Aggarwal Committee Reports. The applicants may nominate one person to inspect these Reports and take photocopies of the same;

18-

62

(7)

(ii) The applicants shall submit their reply to the aforesaid show-cause notice dated 2.4.2002 within a period of one month from the date of receipt of a copy of this order. The respondents may pass appropriate orders thereon in accordance with relevant law, rules and instructions.

No order as to costs.

7. Let a copy of this order be placed in O.A. No.558/2003.

V.K. Majotra

(V.K. Majotra)
Member (A)

Smt. Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

/ravi/