

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/01680/2019 & 1892/2018

DATED THIS THE 23rd DAY OF JANUARY 2020

HON'BLE DR. K.B. SURESH, MEMBER (J)

HON'BLE SHRI CV.SANKAR MEMBER (A)

OA.No.1680/2019

Kum.N.Chaitra, IPS,
D/o Shri Narayan,
Aged about 40 years,
Working as Supdt. of Police
(on deputation) District Civil
Rights Enforcement,
Bangalore Region,
Bangalore.

...Applicant

(By Shri B.S. Venkatesh Kumar,..... Advocate)

Vs.

1. Union of India represented by
Secretary to Government,
Department of Personnel & Training,
North Block,
New Delhi-110 001.
2. State of Karnataka by its
Chief Secretary,
Vidhana Soudha,
Dr.B.R.Ambedkar Veedhi,
Bangalore.
3. State of Madhya Pradesh by its
Chief Secretary,
Bhopal.
4. The Secretary to Government,
Ministry of Home Affairs
North Block, New Delhi-110 001.Respondents

(By Shri MV.Rao .. Senior Panel Counsel for R1&2)
By Shri RB.Satyanarayana Singh..State Government Counsel for R3&4)

OA.No.1892/2018

Kum.N.Chaitra, IPS,
Aged about 39 years,
D/o AM. Narayan,
Working as Superintendent of Police
Directorate of Civil Rights Enforcement,
Cell, Cauvery Bhavan,
Bengaluru 560 001.Applicant

(By Shri M.Nagaprasanna & Associates,..... Advocate)

Vs.

1. Union of India by its
Secretary to Government,
Ministry of Home Affairs
North Block,
New Delhi-110 011.
2. State of Karnataka by its
Chief Secretary to Government,
Government of Karnataka,
Vidhana Soudha,
Bangalore. 560 001.
3. State of Madhya Pradesh
represented by its
Chief Secretary to Government,
Department of Home,
Mantralaya, Vallabh Bhavan,
Bhopal. 462004Respondents

(By Shri S.Sugumaran .. ACGSC for R1)
By Shri RB.Satyanarayana Singh..State Government Counsel for R2&3)

ORDER (ORAL)

HON'BLE DR K.B.SURESH, MEMBER (J)

1. We heard all the counsels. These 2 cases were heard together. This is a case in which the applicant had sought for permanent absorption in Karnataka where she now stays. Rule 6(1) of the IAS (Cadre) Rules, 1954 and analogous Rules in the IPS (Cadre) Rules, 1954 and IFS (Cadre) Rules, 1966, read as follows:-

“6(1) A cadre officer may, with the concurrence of the State Governments concerned and the Central Government, be deputed for service under the Central Government or another State Government or under a company, association, or body of individuals, whether incorporated or not, which is wholly or substantially owned or controlled by the Central Government or by another State Government.

Provided that a case of any disagreement, the matter shall be decided by the Central Government and the State Government or State Governments concerned shall give effect to the decision of the Central Government.”

2. It appears that vide annexure A-2 certain modalities were prescribed for granting deputation of a government official in any of the cadres mentioned above. It is also stipulated that such deputation

request will be taken up only if it is forwarded by the state Government concerned with reasons and at least 3 months prior to the expiry of the period of deputation. But then, this is also a case of absorption in the Karnataka Cadre. Anyhow since cogent grounds have been raised by the applicant it has been found viable by the authority to grant deputation, the same holds good for absorption as well. In this connection we will quote Annexure A-4 (OA.1892/2018) which is the letter issued by the Ministry of Home Affairs to Chief Secretary, Government of Karnataka.

*"No.1-21021/04/2015-IPS.IV
Government of India,
Ministry of Home Affairs
IPS.IV Desk*

*North Block, New Delhi-110 001.
Dated 3/6/2015*

*To
The Chief Secretary,
Government of Karnataka.
Bengaluru.*

*Subject: Inter-cadre deputation of Ms.Chaitra N., IPS(MP:2006)
from Madhya Pradesh to Karnataka cadre on the
grounds of personal hardship to the officer for a period of
five years.*

Sir,

I am directed to refer the subject and to say that Ms.Chaitra N., IPS(MP:2006) has requested for inter-cadre deputation on the grounds of personal hardships. The Government of Madhya Pradesh has conveyed their No Objection for this.

2. The Government of Karnataka is, therefore, requested to offer their views/comments on the proposal of Inter-cadre deputation of Ms.Chaitra N., IPS(MP:2006) from Madhya Pradesh to Karnataka for a period of five years to this Ministry at an early date so that further action in the matter may be taken.

*Yours faithfully,
sd/-
(R.P.Gupta)
Under secretary to Govt. of India"*

3. This is followed by Annexure A-5 (OA.1892/2018) from Government of Karnataka which we quote:-

"Government of Karnataka

No.DPAR 101 SPS 2015

Karnataka Government Secretariat,

Vidhana Soudha, Bengaluru.

Dated 23.6.2015

From

The Chief Secretary to Government

Government of Karnataka.

Vidhana Soudha,Bengaluru.560214

TO

The Secretary to Government of India,

Ministry of Home Affairs

North Block, New Delhi-110 001.

(Kind Attention: Sri R.P.Gupta,Under secretary to Gol

Sir,

Subject:Inter-cadre deputation of Ms. Chaitra N., IPS(MP:2006)

from Madhya Pradesh to Karnataka cadre-reg.

Ref:Your letter No.1-21021/04/2015-IPS.IV Dated 3/6/2015

....

With reference to the above, I am directed to invite your Kind Attention to the letter under reference, and to state that this Government has "No Objection" to the Inter-cadre deputation of Ms. Chaitra N., IPS(MP:2006) from Madhya Pradesh to Karnataka cadre on grounds of personal hardships.

Yours faithfully,

sd/-

(Shivashankar Naik.L)

Under secretary to Government

DP&AR(Services-IV)

ph:080 22033342"

4. We also quote Annexure A-6 (OA.1892/2018) in this regard :-

*"No.1-21021/04/2015-IPS.IV
Government of India,
Ministry of Home Affairs
North Block, New Delhi
IPS.IV Desk*

New Delhi-110 001.

Dated 31/8/2015

To
The Chief Secretary,
Government of Madhya Pradesh
Bhopal.

Subject: *Inter-cadre deputation of Ms.Chaitra N., IPS(MP:2006) from Madhya Pradesh to Karnataka for a period of five years on the grounds of personal hardship to the officer*

Sir,

I am directed to refer to the Government of Madhya Pradesh letter No.F/1-3/2015B-2/2 Dated 27/5/2015 on the subject and to convey the approval of competent authority for inter-cadre deputation of Ms.Chaitra N., IPS(MP:2006) from Madhya Pradesh to Karnataka for a period of five years on the grounds of personal hardship with effect from the date of joining the Karnataka cadre or till further orders whichever event takes place earlier.

2. *The Government of Madhya Pradesh is, therefore, requested to relieve Ms.Chaitra N., IPS(MP:2006) immediately with the direction to report to Government Karnataka. The date of relieving of the officer may be intimated to this Ministry for records.*

Yours faithfully,
sd/-
(GC.Yadav)
Deputy secretary (Police)
Tel.No.2309 3256”

5. On the completion of this period the Home Ministry had directed her to report back to the Home Ministry for reposting which she has challenged in OA.No.1892/2018 and in which we had granted an interim order.

6. The applicant had produced medical records relating to her parents and explained in detail her family situation. These will necessarily be attended to by the Government of India at the appropriate time. The applicant has produced English translation of the letter dated 28.11.2019 vide Sl.No.F-1-83/2019/BA-2/Po of the Government of Madhya Pradesh (Annexure A-5 in OA.1680/2019) which we quote:- (The original is in Hindi)

"English translation of the letter dated 28.11.2019

BY SPEED POST

SI.No.F-1-83/2019/BA-2/Po
Government of Madhya Pradesh
Home Department
Secretariat, Vallabh Bhavan,Bhopal.

From
Usha Parmar,
Under Secretary,

TO
The Secretary IPS.IV
Government of India,
Ministry of Home Affairs
North Block, New Delhi

Bhopal dated 28th November 2019

Subject: Cadre conversion-Kum.Chaitra N., IPS(MP:2006)
Sir,

On the above subject Kum.Chaitra N., IPS(MP:2006) has submitted an application stating that she is an IPS officer of 2006 and presently she is on deputation to Karnataka state and working as Superintendent, DCRE, Bangalore. She submits that she has the responsibility to take care of her mother and father and other family responsibility and, therefore, requested for inter-cadre transfer from Madhya Pradesh Cadre to Karnataka Cadre on humanitarian grounds.

2. *State Government has accorded its consent/no objection for inter-cadre transfer of Kum.Chaitra N., IPS(MP:2006) from Madhya Pradesh Cadre to Karnataka Cadre. A copy of the application submitted by Kum.Chaitra N., IPS(MP:2006) along with a copy of the recommendation is enclosed with this letter with a request to please intimate the decision regarding the inter-cadre transfer.*

Yours faithfully,
sd/-
(Usha Parmar)

7. Government of Karnataka have also recommended her absorption in Karnataka Cadre vide (Annexure A-4 in OA.1680/2019) which we quote:-

"Government of Karnataka

No.DPAR 101 SPS 2015

Karnataka Government Secretariat,
Vidhana Soudha, Bengaluru.
Dated18.10.2019

From
The Chief Secretary to Government
Government of Karnataka.
Vidhana Soudha,Bengaluru

TO
The Secretary to Government of India,
Ministry of Home Affairs
North Block, New Delhi-110 001.

Sir,

Subject:Inter-cadre deputation of -Kum. N.Chaitra , IPS(MP:2006)
from Madhya Pradesh to Karnataka cadre on the grounds
extreme personal hardship -reg

....

With reference to the above, Kum. N.Chaitra , IPS(MP:2006) is presently working in Karnataka on Inter-cadre deputation basis from 15.10.2015. She has submitted a representation dated 11.9.2019 and requested for inter-cadre transfer from Madhya Pradesh Cadre to Karnataka Cadre on the grounds of extreme personal hardship. Therefore, Government of Karnataka has forwarded her representation with due recommendation.

Yours faithfully,
sd/-

(Robin Vanaraj.J)

Under secretary to Government
Department of Personnel &Administrative
Reforms (Services-4)"

8. This is covered by the decision of High Court of Madras in WP.No.11223/2011 dated 2/3/2013 which we quote:-

"Madras High Court
Union Of India vs Dr.Mrs.Beela Rajesh on 2 March, 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 2.3.2013

CORAM:

THE HONOURABLE MR.JUSTICE ELIPE DHARMA RAO

AND

THE HONOURABLE MRS.JUSTICE ARUNA JAGADEESAN

Writ Petition No.11223 of 2011

1.Union of India,
the Secretary to Government,

Ministry of Personnel,
Public Grievances & Pensions,
Department of Personnel & Training,
Government of India,
New Delhi.

2.The Deputy Secretary (AIS),
Ministry of Personnel,
Public Grievances & Pensions,
Department of Personnel & Training,
Government of India,
New Delhi.

3.The Under Secretary to
the Government of India, Ministry of Personnel
Public Grievances & Pensions,
Department of Personnel & Training,
Government of India,
New Delhi.

.. Petitioners

Vs.

1.Dr.Mrs.Beela Rajesh, IAS,
Executive Director,
The Handloom Export Promotion Council,
Ministry of Textiles, Government of India,
34, Cathedral Garden Road,
Nungambakkam,
Chennai-600034.

2.Central Administrative Tribunal,
rep.by its Registrar,
City Civil Court, High Court Building,
Chennai-600104.

3.The Secretary to Government,
Public Department,
Secretariat,
Chennai.

.. Respondent

* * *

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the records of the 2nd respondent relating to the impugned order dated 13.1.2011 made in O.A.No.870 of 2011 and quash the same.

* * *

For petitioners : Mr.P.Wilson,
Addl.Solicitor General
for Mr.S.Udayakumar

For R.1 : Mr.R.Singgaravelan

* * *

O R D E R

ELIPE DHARMA RAO, J.

The first respondent/applicant filed O.A.No.870 of 2010 before the second respondent/Tribunal, challenging the orders dated 9.2.2009 and 6.7.2010 passed by the writ petitioners/Administration, thereby rejecting her request for her reallocation to her home State of Tamil Nadu against an insider vacancy. Since the Tribunal favoured the claim of the first respondent/applicant, the Administration has come forward to file this writ petition.

2. The brief facts that are necessary for the disposal of this writ petition are that the applicant, a native of Tamil Nadu, got selected to IAS in the year 1997 and was allotted to Bihar Cadre. Even prior to her selection, she got married to Mr.Rajesh Das in the year 1992, who is a 1989 batch IPS officer from Orissa and allotted to Tamil Nadu cadre. Therefore, she made a request to the Administration to allot her to her native state, Tamil Nadu. Since her request was not considered by the Administration, she filed O.A.No.132 of 1998 before CAT and the said application was dismissed by the Tribunal, by the order dated 13.7.1998. But, it has been made clear in the said order that the dismissal of the said application will not debar the applicant or her husband to ask for a change of cadre to a third cadre.

3. Thereafter, since a similar request of one Mrs.Sarada Muraleedharan was allowed by the Ernakulam Bench of CAT in O.A.No.308 of 2000 (which was confirmed by Kerala High Court in O.P.No.31337/2001, dated 8.8.2006 and thereafter by the Honourable Apex Court in SLP.(CC).No.1341/2008, dated 4.2.2008), thereby directing the Administration to issue an order allocating her to Kerala State Cadre of IAS as an insider of the 1990 batch, the applicant has again submitted a representation to the Administration on 26.5.2006, seeking allotment to Tamil Nadu, on a correct scrutiny of her BC status, followed by another representation dated 4.6.2006.

4. As both the above said representations were pending, the applicant filed O.A.No.457 of 2006 before CAT praying to consider her claim for her

transfer to the home State cadre by taking note of the allotment made in favour of one Karthikeyan, who is 3rd insider with 45th rank. In the said O.A., the Tribunal has directed the Government of India to dispose of the representation of the applicant dated 26.5.2006 and 4.6.2006 on merits and in accordance with law. In the meantime, the applicant was deputed to serve in Tamil Nadu in the year 2000 and again she had been sent to Jharkhand State Cadre in 2003.

5. Since the fresh representation given by the applicant was also rejected by the Administration by the order dated 9.2.2009, the applicant filed O.A.No.568 of 2010 before the Tribunal. Before the Tribunal, it has been requested on the part of the applicant that a direction may be issued to the Administration to consider and dispose of her representation dated 5.6.2009 in the light of the orders passed by Government of India, dated 1.12.2009 and 21.10.2008 and the order dated 10.4.2008 in Proc.No.13011/22/2005-AIS(I), laying down the cadre allocation policy for the All India Services and also the order passed by the Delhi High Court (allowing a similar request of one Mr.Ashwini Kumar Rai, IAS) in W.P.(C)No.5622 of 1999, dated 20.7.2007, confirmed by the Supreme Court in SLP (CC) No.6788 of 2008, dated 9.5.2008. Thereafter, the Administration has passed an order dated 6.7.2010, rejecting the request of the applicant. Aggrieved, the applicant has filed O.A.No.870 of 2010 before the Tribunal and, as stated supra, since the Tribunal has allowed the claim of the applicant, the Administration has come forward to file this writ petition.

6. On the part of the petitioners, Mr.Wilson, the learned Additional Solicitor General would vehemently argue that the earlier similar request of the applicant having been rejected by the Tribunal by the order dated 30.7.1998 in O.A.No.132 of 1998, the applicant is barred under the principles of res judicata to rake-up the same plea and hence on this legal ground itself, the Tribunal should have rejected the present Original Application filed by the applicant. Even otherwise, he would continue to argue, that an open category candidate who wishes to avail himself of a reserved category vacancy shall be prohibited from doing so and carry forward of insider vacancy is not permissible and that no cadre transfer should be permitted on medical or personal reasons and also on the grounds of marriage to an officer serving in a Central Service/State Service/Public Service Undertaking

or any other organization and that no selected candidate has any right to be allocated to a cadre of his choice or to his home State. In support of his arguments, he would rely on the following judgments of the Honourable Apex Court:

1. *Union of India vs. Satya Prakash* [(2006) 4 SCC 550];
2. *M.Nagabhushana vs. State of Karnataka* [(2011) 3 SCC 408];
3. *Union of India vs. Ramesh Ram* [(2010) 7 SCC 234];
4. *Union of India vs. Mhathung Kithan* [(1996) 10 SCC 562]
5. *Union of India vs. Mamta Anurag Sharma and another* [(2001) 8 SCC 129] and
6. *Union of India and others vs. Rajiv Yadav, IAS and others* [(1994) 6 SCC 38].
7. In the first judgment cited above, it has been held by the Honourable Apex Court that:
 "If a candidate of the Scheduled Caste, the Scheduled Tribe and Other Backward Class, who has been recommended by the Commission without resorting to the relaxed standard could not get his/her own preference in the merit list, he/she can opt a preference from the reserved category but while computing the quota/percentage of reservation he/she will be deemed to have been allotted a seat as an open category candidate (i.e.on merit) and not as a reserved category candidate recommended by the Commission by resorting to the relaxed standard. Simply because he opted a preference from the reserved category would not exhaust the quota of OBC category candidate selected under the relaxed standard."
8. In the second judgment cited above, the Honourable Apex Court has dismissed a petition filed by the appellant therein questioning land acquisition proceedings, which was already decided by the Supreme Court in another case reported in 2006 (10) SCC 683, with an exemplary cost of Rs.10 lakhs on the ground that the present petition filed by the appellant is barred by the principles of res judicata.

9. *In the third judgment cited above, the Honourable Apex Court has held that 'an open category candidate who wishes to avail himself of a reserved category vacancy shall be prohibited from doing so.'*
10. *In the fourth judgment, the Honourable Apex Court has held that an insider vacancy cannot be carried forward for non-availability of insider.*
11. *In the fifth judgment, the Honourable Apex Court has held that 'transfer from cadre in one State to cadre in another State of all India Service Offices on marriage to another member of an All India Service to the home State of the spouse seeking transfer is not permissible.*
12. *In the sixth judgment cited, the Honourable Apex Court has held that a member of an All India Service has no right to claim allocation to a State of his choice or to his home State.*
13. *Submitting the above judgments, the learned Additional Solicitor General would argue that no similar request of any officer was acceded to by the Government and they have adopted uniform policy and would pray to set aside the order of the Tribunal.*
14. *On the other hand, the learned counsel appearing for the first respondent/applicant would argue that there is complete non-application of mind on the part of the Administration in considering the representations of the applicant. He would further argue that the Administration has failed to consider the crucial fact that the applicant's marriage took place five years before her selection to IAS with her IPS husband. He would also submit that similar requests of some of the officers were considered favourably by the Administration and rejection of the request of the applicant is nothing but discrimination. He would argue that the Tribunal is perfectly right in accepting the claim of the applicant/first respondent and would pray to dismiss this writ petition.*
15. *We have paid our anxious consideration to all the facts and circumstances, in the light of the materials available on record.*
16. *First of all, taking up the point of res judicata argued on the part of the Administration that the first respondent/applicant is barred under the principles of constructive res judicata, since her request was already turned down by the Tribunal on an earlier occasion in O.A.No.132 of 1998, dated*

30.7.1998 and therefore, the Tribunal is not correct in entertaining the present plea of the applicant, it is to be stated that her earlier representations were rejected by the Administration based on the earlier cadre policies and since the cadre policy has undergone a sea change in the year 2008, which is available at Page No.49 of the typed set of papers filed by the Administration/petitioners, the applicant has again knocked the doors of the Administration and thereafter the Tribunal. As could be seen from the records, the earlier representations of the applicant/first respondent were rejected by the Administration, in the light of the earlier policy of the Government and since the same has changed vide Office Memorandum No.13011/22/2005-AIS(I), dated 10.4.2008, which was not the issue before the Tribunal in O.A.No.132 of 1998, the subsequent representations of the applicant in the light of the changed policy cannot at all be said to have been barred under the principles of res judicata. We would have appreciated the contentions of the Administration in this regard, had the applicant resorted to the present litigation under the very same earlier policy of the Government and not under the revised policy. Therefore, we reject this argument advanced on the part of the Administration.

17. In the considered opinion of this Court, the Administration has approached the issue of the applicant in a more hyper technical manner, rather than on humanitarian considerations and they have ignored their own policy of the year 2008. This Court would have appreciated the stand and arguments of the Administration, had it been the case that the first respondent/applicant, after selection to IAS got married to her husband, an IPS officer of the 1989 batch, knowing pretty well that she cannot be allotted to the state where her husband is working. The material on record made it unambiguously clear that well after her marriage in the year 1992, she got selected to IAS in the year 1997 and was allotted to Bihar, and after bifurcation to Jharkhand, by the Administration and the applicant is making all her frantic efforts to join her family, which has not been given proper attention by the Administration, thus leaving the applicant to repeatedly knock the doors of Administration and the legal fora.

18. From the materials placed on record it is seen that the first respondent/applicant belongs to BC community. But, since there was no 'BC creamy layer' heading given in the application form, she appeared for UPSC

examination as a general category candidate, purely for the purpose of meritorious selection. It is not and cannot be the case of the Administration, that for cadre allocation there is any concept of creamy layer and therefore, in the opinion of this Court, the applicant/first respondent would be entitled for BC insider seat in the State of Tamil Nadu. However, there cannot also be any doubt, in view of the settled position of law now, that no candidate will have any legal right to claim a particular cadre allocation or to the home State cadre in view of the law declared by the Honourable Apex Court in (1994) 6 SCC 38. But, as stated already, the applicant had asked for transfer only on the ground that her husband, who is a 1989 batch IPS officer is working in Tamilnadu and in the light of the changed policy of the Government. It is also seen that though the applicant is of 1997 batch, she spent only 3= years in Jharkhand and rest of her service was spent only in Tamil Nadu, on deputation and the Appointments Committee of the Cabinet itself had approved her deputation. The other 'option' given to the applicant by the Administration that her husband may apply for cadre change to the cadre of the applicant i.e. Bihar/Jharkhand also cannot be appreciated for the simple reason that the husband of the applicant is in Tamil Nadu for the last more than 20 years rendering his services as senior Police Officer, where field conditions play major role and it would be very much difficult for him to seek transfer to another cadre at this distant point of time.

19. It is also to be stated that the Administration has considered similar requests of some of the Officers, to explain one Mr.Akshat Gupta, IAS was transferred on 21.10.2008 (available at page No.58 of the typed set of papers of the petitioners/administration) from the IAS Cadre of Gujarat to the IAS cadre of Uttarakhan on the ground of marriage to Ms.Ridhim Aggarwal, IPS (batch 2005) Uttarakhand and one Mr.Rajendra Cholan, IAS was transferred on 14.12.2009 (available at Page No.64 of the typed set of papers of the petitioners) from Assam-Meghalaya cadre to Karnataka cadre on the ground of marriage to Ms.Deepa, M., IAS. When similar is the case of the applicant, we wonder as to why the applicant was discriminated by the Administration. When the new policy of the Government is favouring such transfer, the Administration should have followed the same, while considering the representations of the applicant, given after the new policy of the Government. Since they have failed to do so, it amounts to hostile

discrimination. Therefore, we find every justification in the prayer of the first respondent/applicant, which has been rightly accepted by the Tribunal.

20. With regard to the judgments relied on by the learned Additional Solicitor General, appearing for the Administration, it is to be stated that inter-cadre transfer of the officers in the cases before the Honourable Apex Court were considered in the light of the guidelines/policy decision dated 30.7.1984 (with regard to the fourth judgment above, in *Mhathung Kithan* case) and 19.9.1995 (with regard to the fifth judgment in *Mamta Anurag Sharma* case). Further, in those cases, it is given to understand by us, that the marriage of the All India Service Officers took place after they entered into service. But, in the case on hand, as has already been stated supra, the marriage of the applicant took place five years before her entering into service with the IPS officer of Tamil Nadu cadre. Further, the present request of the applicant is based on the new revised policy of the Administration of the year 2008. Also, the present litigation has been initiated by the applicant consequent to the revised policy decision of the Administration. Likewise, the applicant is not seeking to enjoy any reserved category vacancy, as is the case in first and third judgments cited above. Therefore, for all the above reasons, the judgments 1 to 5 relied on by the learned Additional Solicitor General, will not come to the rescue of the Administration. With regard to the sixth judgment cited above, there is no doubt that an All India Service has no right to claim allocation to a State of his choice or to his home State. But, in view of the changed policy of the Government, and in view of the similar requests having already been considered and favourable orders passed by the Administration, we have no doubt in upholding the decision of the Tribunal, which has committed no illegality or irregularity in granting the prayer of the first respondent/applicant.

Accordingly, this writ petition filed by the Administration is dismissed. No costs. The Administration is directed to pass necessary orders in favour of the first respondent/applicant within eight weeks from the date of receipt of a copy of this order.

Rao To

1. The Registrar, Central Administrative Tribunal, Civil Court, High Court Building, Chennai-600 104.

2. *The Secretary to Government, Public Department, Govt.of T.N., Secretariat Chennai"*

9. It has been stipulated by the Lordships. In fact on similar grounds, the same benefit had been granted to several other officers by the Union of India and therefore, the learned counsel for the applicant seeks that the same equity and equality may be extended to her also. This we think is a reasonable request. We will leave the matter to be decided by the Union Government. Therefore, we will now direct the Government of India, Ministry of Home Affairs to deal with this matter as both State Governments have granted consents and recommended the case equitably and equally with the other cases which has been decided in favour of the concerned officials . They may do so within the next 2 months. OA is allowed. Particularly to enable them to do so Annexure A-1 is hereby quashed.

10. OA allowed to this limited extent. No order as to costs.
Annexure A-7 in OA 1892/2018 is also quashed.

(CV.SANKAR)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

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Annexures referred to by the applicant in OA.No.1680/2019

Annexure A1: Copy of impugned order dated 16.12.2019

Annexure A2: Copy of order dated 23.6.2015

Annexure A3: Copy of application dated 11.9.2019

Annexure A4: Copy of letter dated 18.10.2019 from R-2

Annexure A5: Copy of letter dated 28.11.2019 from R-3

Annexure A6: Copy of representation dated 2.12.2019

Annexure A7: Copy of OM dated 8.11.2004

Annexure A8: Copy of medical records of parents of applicant

Annexure A9: Copy of the order dated 2.3.2013 in WP. No.11223/2011

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Annexures referred to by the applicant in OA.No.1892/2018

Annexure A1: Copy of communication dated 27.5.2015 of State of MP

Annexure A2: Copy of order dated 8.11.2004 issued by GOI

Annexure A3: Copy of order dated 31.10.2005 issued by GOI

Annexure A4: Copy of communication dated 3.6.2015

Annexure A5: Copy of communication dated 23.6.2015

Annexure A6: Copy of order dated 31.8.2015

Annexure A7: Copy of order dated 18.12.2018

Annexure A8: Copy of representation of applicant dated 19.12.2018

Annexure referred to by the Respondent-1 in the reply

Annexure: R-1. Copy of OM dated 8.11.2004

Annexure: R-2. Copy of OM dated 12.4.2016

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bk.