

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

Original Application No.20/456/2017

Hyderabad, this the 27th day of December, 2019



Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

R.K. Suman, IFS (1993 Batch),
S/o. SP Poddar, Aged about 45 years,
Chief Conservator of Forests,
(Coastal Zone Management &
FAC Member Secretary, AP State Biodiversity Board),
O/o. Prl. Conservator of Forests,
Aranya Bhavan, Guntur, AP.

... Applicant

(By Advocate Mr. K. Sudhakar Reddy)

Vs.

1. Union of India, Rep. by its Secretary,
Dept. of Personnel & Training,
Lodhi Road, New Delhi.
2. The Secretary,
Ministry of Environment, Forests & Climate Change,
Indira Paryavaran Bhavan,
Jorbagh Road, New Delhi.
3. The State of A.P.,
Rep. by its Chief Secretary,
General Administration Dept,
Secretariat, Vijayawada.
4. The State of Telangana,
Rep. by its Chief Secretary,
General Administration Dept,
Secretariat, Hyderabad.

... Respondents

(By Advocates: Mr. B. Laxman, Advocate representing
Mrs. K. Rajitha, Sr. CGSC; Mrs. Kavitha,
Advocate representing Mr. P. Raveender Reddy,
SC for Telangana State &
Mr. M. Balraj, GP for State of A.P.)

ORDER (ORAL)
{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.)}

2. The OA is filed in regard to change of Indian Forest Service cadre allocation from the State of A.P. to the State of Telangana.



3. Applicant belongs to the 1993 batch of Indian Forest Service (IFS). Consequent to the bifurcation of the State of A.P., provision was made for distribution of All India Service Officers under Section 76 of the A.P. Reorganisation Act, 2014. Under Section 80(1) of the Act, a Committee was formed to assist the Central Govt. in the distribution of the officers between the two States of A.P. and Telangana by examining the representations made by any member of the All India Services. Applicant made representations on 29.8.2014 & 20.10.2014 for change of cadre from the State of A.P. to the State of Telangana. The same have not been considered and orders issued as per relevant guidelines on the subject. Hence the OA.

4. The contentions of the applicant are that when he was allotted to the erstwhile composite State of A.P. in 1994, he was under the impression that he has to work anywhere in the combined State of A.P. The applicant has put in 20 years of service and settled in Hyderabad for the sake of children's education by also buying a flat in Hyderabad. With the bifurcation of the State, there has been a sudden disruption in his personal and professional life. Applicant claims that he did not give any option for the State of A.P. though as per initial survey conducted in regard to



preference of the State, he did spell it out his preference for the State of A.P. The preference during the survey was much before the guidelines for distribution were framed. After framing of the guidelines, no option was called thereby violating the Principles of Natural Justice. Several aspects of the Pratyush Sinha Committee report were new to the applicant to indicate an informed preference/option. The allotment of officers and the guidelines were issued simultaneously. Even there are discrepancies in regard to the allotment by ignoring aspects like seniority. The Rules of the All India Service Act, 1951 have to be adhered to, though the distribution of officers has come into vogue in the context of special provisions laid down in the Reorganisation Act. Fairness and equitable treatment to all in allotting the State Cadres is lacking. Applicant represented stating the inadequacies of the allotment and injustice done to him in the representations made on 29.8.2014 & 20.10.2014, but they were not attended to.

5. Respondents have not filed any reply statement though the OA was filed in Jan 2017. Nearly three years have lapsed and yet the reply is wanting, which is surprising.

6. Heard both the counsel and perused the pleadings on record.

7. The applicant has raised many grounds in regard to the necessity for allotting him to the State of A.P. Stating these grounds, the applicant made detailed representations to the respondents on 29.8.2014 and 20.10.2014. Ld. counsel for the applicant submitted that these representations have not been disposed though nearly 6 years have lapsed, despite orders of this

Tribunal to do so on 16.6.2017. Generally, it is expected of the respondents to dispose representations made in a reasonable time frame and more so, in the instant case a special Committee was constituted to deal with such representations.



After hearing both the counsel and taking into considerations the averments made in the OA, the 2nd respondent is directed to dispose of the representations referred to, by responding to the issues raised in the representation as well as the averments made in para 4 of the OA, in accordance with the relevant rules and acts governing the subject by issuing a speaking and well reasoned order, within a period of 12 weeks from the date of receipt of the order.

With the above direction the OA is disposed of, with no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

/evr/