

Central Administrative Tribunal, Principal Bench

Original Application No. 2255 of 2001

New Delhi, this the 31st day of August, 2001

Hon'ble Mr. Justice Ashok Agarwal, Chairman  
Hon'ble Mr. M.P. Singh, Member(A)

Amit Kumar  
S/o Shri Suresh Kumar  
Additional Supdt. of Police  
Raipur (Chhattisgarh)

- Applicant

(By Advocate: Shri L.R. Khatana)

Versus

1. Union of India  
Through Secretary  
Ministry of Home Affairs,  
North Block, New Delhi-1
2. Secretary  
Dept. of Personnel & Training  
Government of India,  
North Block, New Delhi-1
3. Chief Secretary  
Government of Madhya Pradesh  
Ballabh Bhavan  
Bhopal (Madhya Pradesh)
4. Chief Secretary,  
Government of Chhattisgarh  
Raipur (Chhattisgarh) - Respondents

O R D E R (ORAL)

By Mr. M.P. Singh, Member(A)

By filing this OA, the applicant has prayed for the following reliefs:

- "A) to quash and set aside the list prepared by the Respondents of "General/RR/Outsider" category of candidates belonging to the cadre of IPS of undivided State of Madhya Pradesh which is factually incorrect as the said list contains 115 names (two names of the OBC category candidates) but in fact there were only 113 candidates belonging to the said category;
- B) to quash and set aside the impugned Notification dated 31.10.2000 as arbitrary, illegal, discriminatory, unreasonable, unfair and capricious whereby the Applicant has been allocated to the State of Chhattisgarh; and



C) to direct the respondents to work out the cadre allocation of the candidates belonging to the "General/RR/Outsider" category to the State of Chhattisgarh on the basis of the list of 113 candidates, in strict compliance of the guidelines/norm laid down by the Agarwal Committee and as accepted by the Central Government and in accordance with the provisions of the Madhya Pradesh Reorganisation Act, and allocate the Applicant to the State of Madhya Pradesh as per the said guidelines and norms."

2. Brief facts of the case are that the applicant is an IPS officer who was earlier allocated to Madhya Pradesh Cadre. After the formation of the new State Chhattisgarh, he has been allocated to the Chhattisgarh cadre. According to the applicant, the respondents have constituted a committee known as U.C. Agarwal Committee which has laid down certain norms/guidelines which are to be followed by respondent no.1 for allocation of officers between these two States i.e. Madhya Pradesh and Chhattisgarh. As per the recommendations of the Agarwal Committee, list of outsider direct recruits was to be drawn separately for General category, SC/ST & OBC. The applicant belonged to the category of "General/RR/Outsider" in which there were 113 officers in the cadre of undivided Madhya Pradesh. The respondent No.1 has made a wrong calculation by considering two OBC candidates as "General/RR/Outsiders." Thus respondent no.1 has made a list of 115 candidates. The contention of the applicant is that in the list of 115 IPS officers, he has been shown at Sr.No.113 which is a factual mistake. On the other hand in the list of 113 candidates, his name could have been shown at Sr.No.111 (after excluding candidates at Sr.No.109 and 111 belonging to OBC) and he would have been allocated to the State of M.P. Aggrieved by this, he has filed



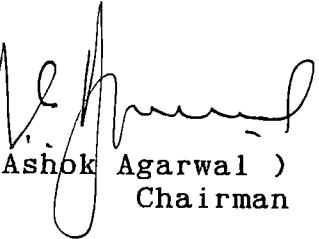
representations dated 7.12.2000, 6.1.2001 and 2.7.2001. The respondents have not yet taken any decision on the representations submitted by the applicant.

3. After hearing learned counsel for the applicant and perusing the record, we feel that ends of justice would meet if we direct the respondents to decide the aforesated representations of the applicant by a detailed, speaking and reasoned order within a period of two months from the date of receipt of a copy of this order. We do so accordingly.

Issue DASTI.

  
( M.P. Singh )

Member(A)

  
( Ashok Agarwal )  
Chairman

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