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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2421/2001
M.A.NO.2022/2001
WITH
O.A.NO.1660/2001

Tuesday, this the 5th day of February, 2002

Hon'ble Mrs. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Mr. S.A.T. Rizvi, Member (A)

OA-2421/2001

1. Gurjinder Pal Singh
S.P. Police
Raigarh
2. A.D. Gautam
S.P. Police
Jashpur
3. Ashok Juneja
Police Headquarters
Raipur
4. Anil M. Navaney
I.G. Police
Bilaspur

..Applicants

OA-1660/2001

1. Ashok Darbari
ADGIP
Police Headquarters
Raipur
2. D.M. Awasthi
DIG, Admin
Police Headquarters
Raipur
3. Ram Niwas
IGP Raipur
Raipur
4. Ravi Sinha
AIG P/P
Police Headquarters, Raipur
5. Vivekanand
Comdt 9th BN
Dante Wada
6. M.W. Ansari
DIG, SAF Bhilai

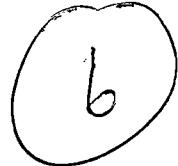
..Applicants

(By Advocate: Ms. Rekha Aggarwal)

Versus

1. Union of India through
Secretary, Ministry of Home Affairs
New Delhi

(B)



2. Ministry of Personnel
 Public Grievance & Pension
 Department of Personnel & Training
 through its Secretary
 New Delhi

3. Union Public Service Commission
 through Secretary
 Dholpur House
 New Delhi

.. Respondents

(By Advocate: Shri Madhav Panikar)

O R D E R (ORAL)

By Hon'ble Mrs. Lakshmi Swaminathan, VC (J):

Both the learned counsel have submitted that the relevant facts and issues raised in the aforesaid two OAs are identical and have accordingly been taken up for hearing together and are disposed of by a common order.

2. The issues raised in these two OAs are on the question of allocation of the applicants to the cadre of IPS Officers of Chhatisgarh w.e.f. 1.11.2000, resulting from the passing of Madhya Pradesh Reorganisation Act, 2000 read with Rule 5 of the I.P.S. (Cadre) Rules, 1954. The main contention of Ms. Rekha Aggarwal, learned counsel for applicants was that there has been ^{an} _{an} apparent error on the face of the records regarding the impugned Notification because the same is not in accordance with the Govt. of India's guide-lines issued on the subject. According to her, the respondents have wrongly taken 115 persons as belonging to IPS of M.P. (undivided) cadre, who had to be re-allocated in the State of M.P. and State of Chhatisgarh, instead of 113 (direct recruits), i.e., excluding 2 OBCs officers. On this point, Shri Madhav Panikar, learned counsel for respondents has submitted the letter issued by the Govt. of India,

Yours

Ministry of Home Affairs dated 5.2.2002, copy placed on record. The relevant portion of this letter reads as follows:-

"2. In this connection, it is stated that the said Committee has since submitted its recommendations in the matter to the Government. After considering the recommendations of the said Committee, the Central Government has decided to correct the administrative error of counting two outsider OBC IPS officers as outsider general IPS and to reallocate outsider generals and outsider OBC IPS officers after following the proper procedure such as giving Show Cause Notices to the affected officers, considering replies received from them and then placing the matter before appropriate authority in Central Government for approval."

3. From the above quoted portion of the letter dated 5.2.2002, the learned counsel for the applicants submits that she is satisfied that the Govt. is now on the right track in considering the total number of officers, who have to be considered for re-allocation, namely, 113, i.e., 115 minus 2 OBC officers, instead of 115 whom they had earlier taken into account. She further submits that she will also be satisfied if the guide-lines/formula for re-allocation adopted by the respondents in the case of one Shri Amit Kumar, IPS, who had earlier filed OA-2255/2001, is followed. Apart from this, it is relevant to note that the learned counsel for the applicants has also submitted that she has no dispute with the Scheme/guide-lines prepared by the Govt. of India while considering re-allocation of the IPS officers in such circumstances, namely, re-organisation of States.

4. Shri Madhav Panikar, learned counsel has submitted that as seen from the aforesaid letter dated

5.2.2002, after receiving the recommendations of the Committee set up to look into the grievances, which include the grievances of the applicants also, the same is awaiting approval of the competent authority of the Central Govt. He has also pointed out that as the present applications have been admitted vide orders dated 20.11.2001 and having regard to the provisions of Section 19 (4) of Administrative Tribunals Act, 1985, the respondents are not in a position to take further decisions with regard to the 10 applicants in the aforesaid two applications. In the circumstances, the learned counsel has prayed that the respondents may be granted further six months to take necessary decision in the matter, after issuing the necessary show cause notices to the affected officers and considering their replies. Ms. Rekha Aggarwal, learned counsel has, on other hand, submitted that the matter in issue is already pending with the respondents for sufficiently long time and, therefore, she submits that it does not require more than one month for the Department to take an appropriate decision in the matter, keeping in view what has been stated above, regarding correcting their errors and following their own guide-lines laid down.

5. In the above facts and circumstances of the case, we consider it appropriate to dispose of the above two applications with the following directions:-

The respondents to consider the cases of the applicants for re-allocation of IPS cadre in the light of what has been stated above and take an appropriate decision as early as possible and in any case within a

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period of three months from the date of receipt of a copy of this order, with intimation to the applicants. No order as to costs.

6. Let a copy of this order be placed in OA-1660/2001.

S.A.T. Rizvi

(S.A.T. Rizvi)
Member (A)

Lakshmi Swaminathan

(Mrs. Lakshmi Swaminathan)
Vice Chairman (J)

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