

Central Administrative Tribunal  
Principal Bench

O.A. No. 1080 of 1999

New Delhi, dated this the 16<sup>th</sup> May, 2000

Hon'ble Mr. S.R. Adige, Vice Chairman (A)  
Hon'ble Mr. Kuldip Singh, Member (J)

Shri Puneet Agarwal,  
S/o Shri A.P. Agarwala  
IAS (Probationer) CSE-1997,  
C/o Lal Bahadur Shastri National Academy  
of Administration,  
Mussoorie, U.P. ... Applicant

(By Advocate: Shri M.M. Sudan)

Versus

Union of India through ,

1. Secretary,  
Ministry of Personnel, Public Grievances  
and Pensions,  
Dept. of Personnel & Training,  
North Block, New Delhi.
2. State of Manipur,  
through Joint Cadre Authority,  
Imphal.
3. State of Tripura,  
through Joint of Cadre Authority,  
Agartala.
4. Shri B. Ashok,  
IAS (Probationer) CSE-1997,  
C/o L.B.S. National Academy of  
Administration,  
Mussoorie, U.P. ... Respondents

(By Advocate: Shri V.S.R. Krishna)

ORDER

MR. S.R. ADIGE, VC(A)

Applicant who belongs to general category and secured 5th position in the combined merit list in CSE 1997 and was allocated to Manipur Tripura Joint Cadre of the IAS, impugns respondents' letter dated 11.8.98 (Annexure A-1) and seeks a direction to respondents to allocate him to Maharashtra Cadre or any other cadre to which he would be allocated strictly applying the principle of cadre allocation.

(17)

2. Applicant in Paragraph 4.9 of the O.A. contends that the allocation of Respondent No.4 to his Home State of Kerala is contrary to the principles of cadre allocation. He states that there was one vacancy of OBC candidate in Kerala in insider quota and that vacancy was to be filled up only by OBC candidate. He admits that Respondent No.4 belongs to OBC category but contends that his rank at Sl. No. 23 in the combined merit list meant that he had to be appointed as a general candidate. Further down he states that even assuming that respondents were justified in giving the insider OBC vacancy in Kerala to Respondent No.3, there was no justification in not filling the outsider general vacancy in Kerala in the first cycle of roster itself.

3. We have heard both sides and perused the relevant records.

4. It is not denied that there were two vacancies in Kerala State cadre to be filled as a result of CSE 1997, one insider OBC vacancy and the other outsider general vacancy. Admittedly Respondent No.4 was an OBC candidate who had given his first preference for allocation to his home State of Kerala, and having secured 23rd position in the merit list was allocated to the IAS on general merit. Moreover he was the only candidate from Kerala to qualify in the IAS in CSE 1997, which made him the only eligible candidate to be considered against the insider vacancy in that cadre.

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5. That being the position, we see nothing illegal, or arbitrary or contrary to the principles of cadre allocation contained in the relevant rules and instructions including Secretary, DP & A.R.'s d.o. letter dated 31.5.85 (Annexure A-5) in allocating Respondent No.4 to his home State of Kerala. Indeed if Respondent No.4 had not been allocated to his home State of Kerala, he would have been penalised for qualifying on merit, and it would have been in violation of the Hon'ble Supreme Court's judgment in State of Bihar Vs. Neethi Chandra (1996) 6 SCC 36. Furthermore there was no warrant for respondents to fill the outsider vacancy in the first cycle itself as contended by applicant.

6. Applicant had also contended that there was an insider general vacancy available in U.P. and that there was a change in an insider vacancy in Haryana State from reserved category to general category which was done malafidely and if these contentions were considered applicant might have secured Maharashtra or a cadre other than Manipur-Tripura.


7. We have perused the relevant records and have satisfied ourselves that these contentions are wholly unfounded.


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8. In so far as applicant's claim to be allocated to Maharashtra Cadre is concerned the Hon'ble Supreme Court in Rajeev Yadav Vs. Union of India has held that

"When a person is appointed to an All India Service having various State Cadre he has no right to claim a State of his choice or to his home State. The Central Government is under no legal obligation to have option or even preference from the officer concerned. Rule 5 of the Cadre Rules makes the Central Government the sole authority to allocate the members of the Service to various Cadre. It is not obligatory for the Central Government to frame rules/regulation or otherwise notify the principles of cadre allocation."

9. In the light of the above, the O.A. warrants no interference. It is dismissed. No costs.

  
(Kuldip Singh)  
Member (J)

  
(S.R. Adiga)  
Vice Chairman (A)

/GK/