

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

O.A. No. 815/98

199

4

T.A.No.

DATE OF DECISION 5:6.98

Shri Jabbar Singh

....Petitioner

Shri Surya Kant

....Advocate for the  
Petitioner(s)

VERSUS

UOI & Ors

....Respondent

Sh.V.S.R. Krishna

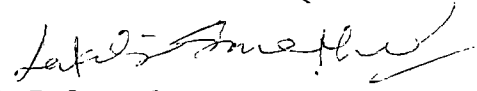
....Advocate for the  
Respondents.

CORAM

The Hon'ble Smt.Lakshmi Swaminathan, Member (J)

The Hon'ble Shri K.Muthukumar, Member(A)

1. To be referred to the Reporter or not? YES
2. Whether it needs to be circulated to other Benches of the Tribunal? No.

  
(Smt.Lakshmi Swaminathan )  
Member(J)

Central Administrative Tribunal  
Principal Bench

O.A. 815/98

5

New Delhi this the 5th day of June, 1998.  
Hon'ble Smt. Lakshmi Swaminathan, Member(J).  
Hon'ble Shri K. Muthukumar, Member(A).

Jabber Singh,  
S/o Shri Bhika Lal Ji Purohit,  
R/o Vill - Auwa,  
Tehsil - Marwar - Junction,  
District - Pali (Raj). ... Applicant.

By Advocate Shri Surya Kant.

Versus

1. Union of India through  
The Secretary,  
Ministry of Environment & Forests,  
Paryavaran Bhawan, CGO Complex,  
Lodhi Road, New Delhi.
2. The Deputy Secretary (Director Cadre Allocation)  
Ministry of Environment and Forests,  
CGO Complex,  
Lodhi Road,  
New Delhi. ... Respondents.

By Advocate Shri V.S.R. Krishna.

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

The applicant is aggrieved by the Notification issued by the respondents dated 29.3.96 allotting him as a Cadre Officer under Rule 5(1) of the Indian Forest Service Cadre Rules, 1966 to the State of Bihar.

2. The applicant had appeared in the Indian Forest Service Examination, 1994 and was declared successful and was sent a telegram dated 10.5.1995 to join training at Indira Gandhi National Forest Academy, Dehradun by 1.6.1995. Out of 49 persons selected, 26 joined the Academy, including the applicant for training and rest of the 23 officers were given extension on 1.6.1995. He has referred to three other persons, namely S/Shri Ravindra Telang, Anurag Bhushan and Sandeep

5-A

Khirwar whom he says were selected for other services, namely, the Indian Administrative Service (IAS), Indian Foreign Service (IFS) and the Indian Police Service (IPS) who never joined the foundational courses in the Indian Forest Service. According to him, the cadre allotment was made by the impugned Notification dated 29.3.1996 which is wrong because he ought to have been allocated the State of Gujarat instead of Bihar. He had also made a representation in this regard on 20.3.1997 and having received no reply he first filed O.A. in the CAT Jodhpur Bench which was disposed of by order dated 19.3.1998 and thereafter this O.A. was filed on 13.4.1998.

3. Shri Surya Kant, learned counsel for the applicant, relying on the results issued by the UPSC of the Indian Forest Service Examination, 1994 in which the applicant is shown at Serial No. 12 submits that the applicant ought to have been allocated Gujarat State and not Bihar State which should have been done on account of Shri Ravindra Telang not joining the Indian Forest Service as he has qualified for the I.A.S. His submission is that by moving up one position from original merit position at Serial No. 12 to position at Serial No. 11, the respondents ought not to have changed the cadre allotment. The learned counsel has relied on the judgment of this Tribunal in Biswajit Kumar Singh Vs. Union of India through Secretary, Ministry of Environment and Forests (OA 1042/92), decided on 16.10.1996 (copy placed at Annexure A-10). He submits that in accordance with the observations in Para 12 of the judgement the mere fact that Shri Telang has never joined the IFS should not be a ground for rearranging the allocations to various State Cadres. According to him since the applicant ought to have been allocated Gujarat cadre in

18

accordance with his merit position at Serial No. 12, that cadre cannot be changed by the respondents by allotting him Bihar cadre by the impugned order.

4. We have very carefully read and re-read the judgement of the Tribunal relied upon by the applicant and find that the judgement does not in any way support his case. The respondents have submitted that the allotment of cadre of the 1995 batch of IFS probationers has been done in accordance with the guidelines laid down by the Government of India. From the documents placed on record by the applicant and as confirmed by Shri Surya Kant, learned counsel, during the hearing, the applicant had not received any formal Notification from the respondents allotting him Gujarat cadre but he is claiming that cadre on the basis of his own calculations based on the results announced by the UPSC. The main contention of the learned counsel for the applicant that because Shri Telang did not join the IFS and, therefore, the allocation cannot be rearranged is baseless and ~~therefore~~ cannot be accepted. The observations of the Tribunal in Para 12 of Biswajit Kumar Singh's case (supra) cannot apply to the facts in this case because the applicant has failed to show any formal Notification issued earlier by the respondents allotting him Gujarat Cadre on the basis of which it can be further concluded that merely because Shri Ravindra Telang did not join the IFS, that cadre cannot be rearranged to allocate him to some other State. In this case, admittedly, the notice dated 29.3.1996 is the only cadre allocation of the applicant to the State of Bihar by the competent authority. In the circumstances, the question of rearrangement of the cadre is not relevant here. The allocation of the applicant to Bihar State cadre of IFS has according to the respondents been done in accordance with the

JS

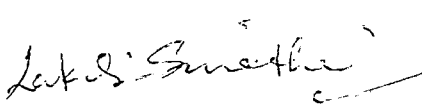
7

relevant rules and guidelines. The observations of the Supreme Court in Union of India & Anr. Vs. Rahul Rasgotra & Ors. (AIR 1995 SC 2237) referred to by the Tribunal in para 9 of the judgement in Biswajit Kumar Singh's case (supra) are also relevant.

5. In the facts and circumstances of the case, we find no good ground to quash the impugned Notification dated 29.3.1996 as the applicant has failed to produce any document to show that he has been allocated Gujarat cadre and the respondents have subsequently changed that cadre to the State of Bihar. Therefore, we are unable to accept the contention of the learned counsel for the applicant that the applicant's case is covered by the judgement of the Tribunal in Biswajit Kumar Singh's case (supra). In the absence of any Notification issued by the competent authority, allotting the applicant to the State of Gujarat in the first instance, the question of rearranging or substituting the State cadre which was the only question urged by the learned counsel for the applicant, is not germane to the facts of this case. The applicant has also failed to show how his allocation as an IFS Cadre Officer in the State of Bihar is contrary to the relevant guidelines issued by the Government of India, DOP&T O.M. dated 18.11.1985.

6. In the facts and circumstances of the case we see no merit in this application and it is accordingly dismissed. No order as to costs.

  
(K. Muthukumar)  
Member (A)

  
(Smt. Lakshmi Swaminathan)  
Member (J)

SRD