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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 8 of 1994

New Delhi this the 14th day of September, 1994

Mr. Justice S.K. Dhaon, Acting Chairman  
Mr. B.K. Singh, Member

Shri G. Akheto Sema  
R/o Thahekhu Village,  
Post Office Dimapur,  
Nagaland.

...Applicant

By Advocate Shri Mukesh Kumar Gupta

Versus

1. Union of India through  
the Secretary,  
Ministry of Home Affairs,  
North Block,  
New Delhi.
  2. The Secretary,  
Ministry of Personnel,  
Public Grievances and Pensions,  
Department of Personnel & Training,  
North Block,  
New Delhi-110001.
  3. State of Madhya Pradesh  
through its Chief Secretary,  
Secretariat Building,  
Bhopal (M.P).
  4. State of Nagaland  
through its Chief Secretary,  
Kohima,  
Nagaland.
- ...Respondents

By Advocate Shri V.S.R. Krishna

ORDER

Mr. Justice S.K. Dhaon, Acting Chairman

The applicant, who is a member of the Indian Police Service and who has been allocated the Cadre of the State of Madhya Pradesh, has approached this Tribunal with the grievance that instead of State of Madhya Pradesh, he should have been allocated to the State of Nagaland, which is his home State.

2. The applicant appeared in the Civil Services Examination of the year 1991. He was declared

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successful and was allocated the Indian Police Service. For that service, he gave his preference to his home State, namely, the State of Nagaland. It is an admitted position that to the State of Nagaland only one officer of the Indian Police Service, an "outsider" has been allocated, amongst the officers of the 1992 batch. According to the applicant himself, the allocation to a particular State, if there is a vacancy in that State, should be in accordance with the roster and the said roster prescribes a ratio of 2:1, namely, 2 outsiders and thereafter one insider and so on. According to the applicant, on 01.01.1992, there were 5 vacancies in the State of Nagaland and these vacancies fell to the share of direct recruits.

3. According to the applicant on 22.02.1993, a list of cadre allotment of the Indian Police Service Probationers of the batch 1992 was published and in that list, it was shown that the applicant had been allocated the State of Madhya Pradesh and that list also showed that only one officer had been allocated to the State of Nagaland.

4. On 22.03.1993, the applicant while in the SVP National Police Academy, Hyderabad sent a representation to the Secretary, Ministry of Department of Personnel & Training through the proper channel. In this representation it is stated that ever since the Indian Police Service Cadre was introduced in Nagaland in the year 1989, no insider has been taken in that State till 22.03.1993, though there were such insiders available every year. Even in the current year, no insider has been allocated to the State of Nagaland. The applicant prayed for

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a reconsideration of the decision on the question of allocation.

5. A counter-affidavit has been filed on behalf of the respondents by Shri S.J. Gunaseelan, an Under-Secretary in the Ministry of Personnel, Public Grievances and Pensions. Therein, the material averments are these. On the basis of the Civil Services Examination held in the year 1991, 80 candidates were allocated to the Indian Police Service. These candidates were allocated to the different States/Union Territories cadres in accordance with the principle of cadre allocation. The applicant was one of the 80 candidates. One candidate has been allotted to the IPS Cadre of Nagaland on the basis of the 1991 Examination. According to the 30 point roster, the sole vacancy was to go to an "outsider". The applicant has been allocated to the Madhya Pradesh Cadre as an "outsider" by following the principles of cadre allocation. One vacancy each was filled in the State of Nagaland on the basis of the Civil Services Examinations 1990 and 1991. The two vacancies were meant for outsiders. It is not necessary at any point of time that there should be outsiders and insiders in the cadre in the ratio of 2:1. The principles of cadre allocation provide that the vacancies to be filled on the basis of a particular Civil Services Examination should be apportioned in the ratio of 2:1 between outsiders and insiders. According to the 30 point roster, the sole vacancy was for outsider and since the said vacancy was meant for outsiders, the applicant could not be allocated to the Nagaland Cadre as an insider.

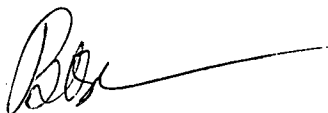
6. We have not been able to discern any

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illegality in the matter of allotment of the Madhya Pradesh Cadre to the applicant as an 'outsider'. In our judgment dated 14.09.1994 in OA No. 1977 of 1993 we have taken the view that the power of allocation of a particular State Cadre resides solely in the Central Government and the number of officers to be allocated to a particular State Cadre is determined by the Central Government while exercising its power of allocation under Rule 5(2). For reasons given in the aforesaid judgment, this O.A. has to be dismissed. Accordingly it is dismissed.

7. There shall be no order as to costs.

  
(B.K. SINGH)  
MEMBER (A)

  
(S.K. DHAON)  
ACTING CHAIRMAN

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