

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 1496 of 1994

New Delhi, this 11th day of March, 1999.

(A)

HON'BLE MR. JUSTICE S. VENKATRAMAN, VICE CHAIRMAN(J)
HON'BLE MR. K. MUTHUKUMAR, MEMBER(A)

Nitin Agarwal
S/o Shri Chandrasen Agarwal
R/o 86 New Vijay Nagar
Agra-282004.

... Applicant

By Advocate: Shri A.K. Behera

versus

1. Union of India through
The Secretary
Ministry of Home Affairs
North Block
New Delhi.
2. Secretary
Ministry of Personnel, Public
Grievances & Pensions
North Block
New Delhi.
3. The Secretary (Home)
State of Kerela
Kerela Secretariat
Trivandrum.

... Respondents

By Advocate: Shri V.S.R. Krishna

O R D E R (ORAL)

HON'BLE MR. JUSTICE S. VENKATRAMAN, VC(J)

The applicant who appeared for Civil Services Examination and was allocated IPS cadre in Kerela State is aggrieved by that allocation and he has sought for a direction to the respondents to allot him AGMUT cadre.

2. The applicant in his application has stated that the allocation made by the respondents is not in accordance with the principles followed by the respondents in the

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allocation of cadres and that if the allocation is done in accordance with those principles, he would get AGMUT. He has submitted along with the application Annexures A-3 particulars of candidates shown in the Notification appointing candidates to IPS cadre and allocating different States and giving their rank numbers. In that statement he has also shown the Home State against each candidate. On the basis of Annexure A-3 and Annexure A-1, he has worked out the allocation of States as per Annexure A-4. It is on the basis of Annexure A-4 the applicant contends that the allocation of Kerela made to him is wrong.

3. The resondents, in their reply, have asserted that the applicant has been allocated Kerela in accordance with the allocation principles and that there is nothing wrong in the allocation. They have disputed the correctness of Annexure A-4 prepared by the applicant and have sated that there is no basis for that statement.

4. It is now well settled in **UOI & Ors. Vs. Rajiv Yadav & Ors.** ATC 1994 (28) 228 that a candidate has no right to seek any particular State and it is the Government which has to make the allocation and it is not necessary for the Government to notify the principles. The main grievance of the applicant is that the State allocated to him is not in accordance with the principles of cadre allotment evolved by the respondents. The applicant has not alleged any mala fides and when cadre allotment is made by the respondents, *prima facie* it will have to be taken to be in accordance with the principles evolved by them, when there is no

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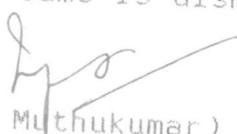
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material on record to indicate that the allotment made violates those principles. In the present case, the applicant has himself worked out the allocation to be made for all candidates up to his rank and on that basis he contends that the allocation is not correct. At the outset, it is pointed out that the basis on which in Annexure A-3 the applicant has given the Home States of the various candidates, is not at all disclosed in the application. The learned counsel for the applicant submitted that the respondents have not disputed the correctness of Annexure A-3. In the application, the applicant has referred to Annexure A-3 only to state that it contains the ranks of the 79 candidates who had been allocated IPS cadre as per Annexure A-1. He has nowhere stated in the application that Home States of these candidates are as shown in Annexure A-3. As such there was no occasion for the respondents to deny the correctness of the Home States shown in Annexure A-3. That apart, the applicant has prepared Annexure A-4 on the presumption that the cycle in each case started from outsider quota followed by insider and again followed by outsider. As pointed out by the learned counsel for the respondents the Roster is a continuous Roster maintained for 30 Points and there is no guarantee that the initial vacancy would start only from outsider followed by insider. As was demonstrated by the learned counsel for the respondents, in a given case the Roster may contain two outsiders with one insider followed by again two outsiders. As such, the very basis on which Annexure A-4 is prepared cannot be taken to be correct. The learned counsel for the respondents has also

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demonstrated that in the case of Bihar where there were three vacancies, the applicant has allocated two insiders as can be seen from Annexure A-3 and that in the case of three vacancies, there is no likelihood of their being two vacancies for insiders. Thus, it is seen that the allocation statement prepared by the applicant cannot be relied upon. There is no other material on record to prima facie show that the allocation made by the respondents is not in accordance with the principles of allocation in the Roster system.

5. For the above reasons, this application fails and the same is dismissed. No costs.


(K. Muthukumar)
Member (A)

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(S. Venkatraman)
Vice Chairman (IT)