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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. OA-1321/89

Date of decision: 13.11.1992

Shri T. Venudhar Reddy Applicant

Versus

Union of India & Ors. Respondents

For the Applicant Shri P.P. Khurana, Advocate

For the Respondents Shri P.H. Ramchandani, Advocate
and Miss Sunita Rao, Counsel
for Respondent No. 2.

CORAM:

The Hon'ble Mr.P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr.B.N. Dhoundiyal, Administrative Member

1. Whether Reporters of local papers may be allowed
to see the Judgment? *✓*

2. To be referred to the Reporters or not? *No*

JUDGMENT

(of the Bench delivered by Hon'ble
Shri P.K. Kartha, Vice Chairman(J))

The applicant, while working as I.F.S. Probationer
at Lal Bahadur Shastri National Academy of Administration,
Mussoorie, filed this application under Section 19 of the
Administrative Tribunals Act, 1985, seeking the following
reliefs:-

(i) To set aside and quash the impugned order/
notification dated 16.12.1988 and the policy
of Respondent No. 1 (Union of India through
the Ministry of Environment and Forests)

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so far as allocation of Respondent No.3

to Andhra Pradesh Cadre and allocation of
the applicant to Assam-Meghalaya Cadre
are concerned; and

(ii) to direct respondent No.1 to reconsider the
claim of the applicant for allocation of
Andhra Pradesh Cadre of I.F.S. as an insider
in place of Respondent No.3.

2. The facts of the case in brief are as follows.

The applicant belongs to the State of Andhra Pradesh. He
successfully competed at the Indian Forest Service
Examination (IFS for short) held in 1986 and was appointed
to the I.F.S. on probation w.e.f. 6.7.1987, along with
other successful candidates. He ranked 17th in the All
India merit list. However, two more officers from Andhra
Pradesh, namely, Shri V. Bhaskar Ramana Murthy and Shri B.
Nalini Mohan, who belonged to Andhra Pradesh, ranked higher
than him being 12th and 16th in the order of merit. Shri Y.
Babu Rao, Respondent No.3, ranked much lower being 121st
in the merit list. Shri Babu Rao is a scheduled caste
candidate.

3. There were nine vacancies in the A.P. Cadre of
I.F.S. which were filled on the basis of the 1986 I.F.S.
Examination. The Central Government, in exercise of the
power conferred on it, by Rule 5 (1) of the I.F.S. (Cadre)
Rules, 1966, allocated 9 cadre officers (IFS Probationers)

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to the State Cadre of Andhra Pradesh by the impugned order dated 16.12.1986.

4. The allocation of State Cadre to the I.A.S. Probationers as also I.F.S. Probationers, is required to be done in accordance with the policy formulated by Respondent No.1, which was brought into force with effect from 1984 I.F.S. Examination, i.e., 1985 batch. The applicant has stated that the said policy was placed on the Floor of the House of Parliament in the Annual Report of the Department of Personnel for the year 1986-87. According to him, the said policy does not envisage giving of reservation at the time of allocation. This is being denied by the respondents in the counter-affidavit filed by them.

5. We have gone through the records of the case and have heard the learned counsel for both the parties. According to the applicant, he was entitled to be allocated to the Andhra Pradesh Cadre as he was sufficiently high in the merit list among the candidates hailing from Andhra Pradesh and had also opted for Andhra Pradesh Cadre. His grievance is that instead of allocating him to his home State as an insider, he had been allocated to the Assam-Meghalaya Cadre. The respondents have sought to justify the allocation made by them on the

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principles of Cadre allocation as explained in the d.o. letter dated 31.5.1985 from Shri K. Ramanujam, the then Secretary, Department of Personnel & Training addressed to Shri T.N. Seshan, the then Secretary, Department of Forests and Wildlife. This issue had come up before a Division Bench of this Tribunal in OA-2557/90 (Rajeev Yadav Vs. Union of India & Ors.).

dated 9.6.1991,
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The Division Bench, in its referal judgement / requested the Hon'ble Chairman to refer the following questions to a Larger Bench for decision:-

(i) Whether the principles set out in the letter of Shri Ramanujam, the then Secretary (Personnel) addressed to Shri T.N. Seshan, the then Secretary (Environment and Forests) dated 31st May, 1985 or those set out in the Annual Report of the Department of Personnel for the year 1986-87 and similar Annual Reports of previous and subsequent years can be said to represent the established policy guidelines for the purpose of allocation of I.A.S. Probationers?

(ii) Whether the system of allocation adopted by the Government since 1985 confers a double benefit on the I.A.S. Probationers belonging to the Scheduled Castes and Scheduled Tribes category over and above the benefits to which they are entitled to under the provisions of

Article 16 of the Constitution?

(iii) Whether the policy guidelines on cadre allocation adopted by the Government in the light of experience gained over the years, are liable to be struck down on the ground that it does not ensure allotment to each State/Union Territory of at least one direct recruit I.A.S. Probationer who is a topper in the Examination and who had opted for that State/Union Territory?

(iv) Whether the decisions of the Guwahati Bench in Shri Narendra Kumar's case and of the Chandigarh Bench in Miss Ravneet Kaur's case have laid down the correct law on the subject of cadre allocation of I.A.S. Probationers?

6. Accordingly, the Hon'ble Chairman constituted a Full Bench which by its judgement dated 1.10.1991, held that the principles of allocation set out in the Report represent the established policy guidelines governing the allocation of I.A.S. probationers, and that the principles set out in the D.O. letter to the extent not covered by the former cannot have legal sanction as established policy guideline in the matter. It was further held that the provision relating to the reservation for Scheduled Castes and Scheduled Tribes in

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respect of the cadre allocation contained in clause (2) of the D.O. letter confers an added benefit on the I.A.S. probationers belonging to the Scheduled Castes and Scheduled Tribes, and that this additional benefit does not have the sanction of law under Article 16(4) of the Constitution. The Full Bench also came to the conclusion that the Chandigarh Bench has laid down the law correctly.

7. We are of the opinion that the applicant is also entitled to the benefit of the judgement of the Full Bench, mentioned above. The learned counsel for the respondents, however, stated that operation of the judgement of the Full Bench has been stayed by the Supreme Court by passing an interim order.

8. After hearing both the sides, we are of the opinion that the applicant is entitled to the same relief as allowed in Rajeev Yadav's case. Following the decision of the Full Bench in Rajeev Yadav's case, the application is disposed of with the following orders and directions:-

- (i) The impugned notification dated 16.12.1988 to the extent that the same allots the applicant to the State Cadre of Assam-Meghalaya, is hereby set aside and quashed. The applicant shall be allocated to his home Cadre of Andhra Pradesh.
- (ii) The applicant would be entitled to all consequential benefits, including the

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seniority along with all other benefits.

(iii) The respondents shall comply with the above directions expeditiously and preferably within a period of three months from the date of receipt of this order.

(iv) There will be no order as to costs.

B.N. Dhadial
(B.N. Dhadial)
Administrative Member

13/11/92
(P.K. Kartha)
Vice-Chairman(Jud1.)