

Item No.10

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No.906/2020

Tuesday, this the 15th day of December, 2020

Through video conferencing

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Mr. Anupam Mishra (IAS 2016)
S/o Sh. Ram Prakash Mishra
r/o 3064/1, Nirala Nagar, Sultanpur
Uttar Pradesh – 228 001

.. Applicant

(Through Mrs. Rashmi Chopra, Advocate)

Versus

Union of India through the Secretary
Govt. of India,
Department of Personnel & Training
North Block, New Delhi

.. Respondent

(Through Mr. Hanu Bhasker, Advocate)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant is an IAS officer of 2016 batch and was allotted to Kerala cadre. Before joining the service, he was married to Ms. Kavita Meena, who, too, became an IAS officer of 2016 batch, but was allotted to Uttar Pradesh cadre. The applicant made a representation to the Union Government as well as to the State Governments of Kerala and Uttar Pradesh, with a request for cadre change from Kerala to Uttar Pradesh. The Department of Personnel & Training (DoPT) passed an order dated 12.06.2017, refusing to accede to the request of the applicant. It was mentioned that the ground pleaded by the

applicant is the one of marriage with Ms. Kavita Meena, an IAS officer of Uttar Pradesh cadre and since the marriage has taken place much before both the officers entered into service, the request cannot be acceded to . This O.A. is filed challenging the said order dated 12.06.2017.

2. The applicant contends that on account of the fact that his aged parents are residing in State of Uttar Pradesh and are facing serious health problems, and having worked for quite considerable time in Kerala, he has sought change of his cadre so that he can join his family. The applicant contends that though his marriage with Ms. Kavita Meena has taken place before they joined the service, the ultimate objective underlying Rule 5 (2) of the Indian Administrative Service (Cadre) Rules, 1954 is to ensure that the officers working in different cadres are permitted to work in one cadre and that such a facility was denied to him.

3. The respondents filed a detailed counter affidavit. It is stated that the request of the applicant does not fit into the parameters referable to Rule 5 (2) of the Rules. It is also stated that the State of Uttar Pradesh happens to be the home State of applicant and the instances of officers being shifted to their home State by way of transfer, are very rare.

4. We heard Mrs. Rashmi Chopra, learned counsel for applicant and Mr. Hanu Bhasker, learned counsel for respondents, at length, through video conferencing.

5. As in any of the Service, there exists a provision in case of IAS also to ensure that the officer of a particular cadre is transferred to another cadre on the plea of his or her marriage with the officer serving in another cadre. The applicant sought transfer of the cadre to State of Uttar Pradesh on the ground that he married with an IAS officer, who is serving in that cadre. The fact, however, remains that the marriage between the applicant and the said officer has taken place before they were selected to IAS. Through the impugned order, the Union of India has taken a view that the request of the applicant cannot be acceded to.

6. We also examine the issue from various angles. However, we are of the view that the case of the applicant does not fit into the Rules, providing for change of cadre on the ground of marriage with an officer of another cadre. To that extent, we cannot find fault with the impugned order, however, it needs to be noted that the applicant is separated from his entire family by almost 2000 km. This is not a case of the applicant making effort to join his parents. His wife is permanently residing in the State of Uttar Pradesh. Whatever be the exigencies of service, the personal life of the officer cannot be completely ignored. We are of the view that the facility of deputation to another cadre deputation can be extended to the applicant, to enable him to remain with his family, at least for two years. Since it depends upon the consent given by the State and the permanent allocation of cadre is remained un-affected, there should not be

much difficulty in acceding to the request of the applicant as and when made.

7. We, therefore, dispose of the O.A.:

(a) Declining to interfere with the impugned order; and

(b) Directing that in case the applicant seeks cadre deputation to the State of Uttar Pradesh, it shall be considered positively, duly taking into account, the fact that the entire family is in Uttar Pradesh and there is no possibility of shifting his family to a place in which he is serving. The application, if any, shall be disposed by the respondents within two months from the date of receipt of a copy of this order.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

December 15, 2020
/sunil/ns/