

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
N E W D E L H I

(3)

O.A. No. 1846/90
T.A. No.

199

DATE OF DECISION 3.5.1991

Shri Subhash Chandra

Petitioner Applicant

Shri J.C. Singhal

Advocate for the Petitioner(s) Applicant

Versus

Union of India through Secy., Respondent

Ministry of Environment & Forest

Shri M.L. Verma

Advocate for the Respondent(s)

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

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

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? Yes
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether it needs to be circulated to other Benches of the Tribunal? No

(Judgement of the Bench delivered by Hon'ble
 Mr. P.K. Kartha, Vice-Chairman)

The grievance of the applicant, who is a probationer in the Indian Forest Service, relates to his allocation to the Union Territory Cadre and not to Uttar Pradesh Cadre by order dated 16.5.1989.

2. The facts in a nutshell are as follows. The applicant was selected for the Indian Forest Service on the basis of the results of the examination held in July, 1987. He joined the service on 4.7.1988.

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3. The principles of allocation of Cadre are not embodied in any statutory rule. However, allocation is made in terms of the provisions of Rule 5(1) of the I.F.S. (Cadre) Rules, 1956 made under the All India Services Act, 1951. Rule 5(1) provides that "the allocation of cadre officers to the various cadres shall be made by the Central Government in consultation with the State Government concerned."

4. The procedure of allocation is briefly outlined at Annexure A-7, p.23 of the paper-book, which contains extracts from the Annual Report, 1986-87 of the Government of India, Ministry of Personnel & Public Grievances and Pensions. The main features of the procedure are the following:-

(i) the number of probationers to be allocated to each State/Joint Cadre, out of the total number of probationers available for such allocation is determined;

(ii) out of the number of probationers to be allocated to a cadre as thus worked out, the number available for unreserved

probationers (i.e., those not belonging to either the Scheduled Castes, or the Scheduled Tribes), and those for reserved probationers (i.e., those belonging to the SCs/STs), is worked out;

(iii) out of the 'unreserved', and the 'reserved' probationers to be allocated to a given cadre, those reserved for 'insiders' (i.e., candidates with particular State as their home-State) is determined;

(iv) the number of probationers to be allocated to a given cadre as 'insiders' is limited to the seniormost of the probationers belonging to that State who have opted their willingness to be allocated to their home-State.

5. The applicant had given his willingness/option in writing for serving in his home State, i.e., Uttar Pradesh. He had expected that he would be posted to Uttar Pradesh, but to his surprise, he found that in the allotment order dated 16.5.1989, he had been allotted to the U.T. Cadre.

6. The representations made by the applicant did not yield any results. In the replies to his representations, the Government of India informed him that the allocation of probationers has been made strictly in accordance with the relevant principles (vide letters dated 8.9.1989, pages 13 and 14 of the paper-book).

7. We have carefully gone through the records of the case and have considered the rival contentions. The respondents have stated in their counter-affidavit in the c that Indian Forest Service Examination, 1987, all the candidates recommended by the U.P.S.C. for appointment, did not join training in the year 1988. Some could not join training as some of the formalities had not been completed. Nevertheless, allocation of probationers to the participating cadres was to be undertaken in accordance with the ranks of the probationers.

8. For allocation to the Uttar Pradesh Cadre of the Service, the position of vacancies available, i.e., the number of probationers to be allocated to the Cadre and the category-wise distribution was as under:-

(1) Number of general vacancies:	13
(2) Out of (1) above, no. of insider vacancies:	4
(3) Number of reserved vacancies:	4
(4) Out of (3) above, no. of insider vacancies:	1
(5) Total number of vacancies:	17

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9. The 4 vacancies available for allocation of the general category insiders to U.P. Cadre was taken up by the allocation of the following probationers, senior to the applicant in the list recommended by the U.P.S.C.:-

<u>S. No.</u>	<u>Name of the candidate/probationer</u>	<u>Rank</u>
1.	Shri Sudhir K. Sharma	02
2.	Shri Sachhidananda Srivastava	03
3.	Shri Dhananjai Mohan	05
4.	Shri Atul Jindall	06

10. The ratio for allotment of outsiders and insiders is 2 : 1 respectively. The applicant is junior to all the above candidates who belong to Uttar Pradesh and secured allocation to their home State. Shri Sachhidananda Srivastava, who figures at Sl. No. 2 above, has not joined the Service. The respondents have stated that the question of cancellation of his candidature on account of his non-completion of medical examination is under their consideration.

11. The question arises whether the applicant, who is the next junior in the merit list, could be given allocation to Uttar Pradesh in place of Shri Sachhidananda Srivastava, who has not yet joined the Service. The

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respondents have stated that this cannot be considered for the reason that "such interpolations could have cascading effect and are not possible." In other words, according to them, allocation once made cannot be changed.

12. In the instant case, the admitted factual position is that at the time of making of the allocation to Uttar Pradesh, the applicant could not be allocated to that State as he was junior to the four candidates who had been allocated to Uttar Pradesh. The fact that one of them could not join the Service, does not give any legal right to the applicant to claim for allocation to Uttar Pradesh. Had Shri Sachhidananda Srivastava joined, this question would not have arisen at all. The allocation of the applicant was in accordance with the guidelines laid down by the Govt. The guidelines do not envisage any subsequent change after the probationers concerned had exercised their option in the matter of allocation of the State concerned.

13. In the facts and circumstances of the case, we are of the view that this is not a fit case in

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which the Tribunal should interfere with the allocations made by the respondents, which have been challenged in the present application.

14. The application is, therefore, dismissed.

There will be no order as to costs.

B.N. Dhundiyal
(B.N. Dhundiyal)
Administrative Member

P.K. Kartha
(P.K. Kartha)
Vice-Chairman(Judl.)