

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 2557/90
T.A. No.

199

DATE OF DECISION 19.12.1991

Shri Rajeev Yadav

~~Petitioner~~ ApplicantMs. Indu Malhotra with Shri
Harbhagwan Singh,Advocate for the ~~Petitioner(s)~~ Applicant

Versus

Union of India & Others

Respondent

Shri P.H. Ramchandani, Sr.

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 applicant, who appeared in the Civil Services Examination held in 1988 was selected for appointment to the Indian Administrative Service (I.A.S.). In the order of merit published by the U.P.S.C., his rank was at Sl.No.16. He was, however, first amongst the candidates who belonged to the Union Territories and had opted for the Union Territories Cadre. The Government of India provisionally allocated four officers to the I.A.S. Cadre for the Union Territories, out of the 1989 Batch. All four of these officers are 'outsiders'. Respondent No.4, who belongs to

the reserved category of Scheduled Castes, has been considered as an 'insider'. He has stated that respondent No.4 was 618th in the general merit list. The remaining three candidates who have been allocated as 'outsiders' are also much below the applicant in the merit of the general category candidates. He has, therefore, prayed for the following reliefs:-

- (i) To strike down orders at Annexure A-1 to the extent that the same allots him to the State Cadre of Manipur - Tripura; and
- (ii) to allocate him to his Home Cadre of Union Territories and to allow him seniority with retrospective effect along with all ensuing benefits.

2. The respondents sought to justify the allocation made by them on the basis of the 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 and Training addressed to Shri T.N. Seshan, the then Secretary, Department of Forests and Wild Life.

3. After considering the matter, this Bench in its referral judgement dated 9.8.1991, requested the Hon'ble Chairman to refer the following questions to a Larger Bench for decision:-

- (1) 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?

- (2) 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?
- (3) 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?
- (4) Whether the decisions of the Guwahati Bench in Shri Narendra Kumar's case and of the Chandigarh

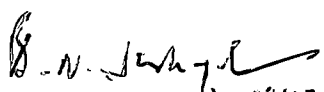
Bench in Miss Ravneet Kaur's case have laid down the correct law on the subject of cadre allocation of I.A.S. Probationers?


4. The Full Bench, 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 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.

5. Following the decision of the Full Bench, we allow the present application and the same is disposed of with the following orders and directions:-

- (i) The impugned notification dated 28.9.1989 to the extent that the same allots the applicant to the State Cadre of Manipur-Tripura, is hereby set aside and quashed. The applicant shall be allocated to his home cadre of Union Territories Cadre.
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- (ii) The applicant would be entitled to all consequential benefits, including seniority with retrospective effect along with all other benefits.
- (iii) The interim orders ^{passed} in this case ~~passed~~ are hereby made absolute.
- (iv) The parties will bear their own costs.


(B.N. Dhoundiyal) 19/12/91
Administrative Member


19/12/91
(P.K. Kartha)
Vice-Chairman (Judl.)