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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

OA NO.2437/91

DATE OF DECISION:28.04.92.

MS. ANJU GUPTA

....APPLICANT

VERSUS

UNION OF INDIA

....RESPONDENTS

CORAM:-

THE HON'BLE MR. P.K. KARTHA, VICE-CHAIRMAN(J)

THE HON'BLE MR. I.K. RASOTRA, MEMBER (A)

1. Whether Reporters of Local Papers may be allowed
to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*

FOR THE APPLICANT SHRI A.K. BEHRA, COUNSEL

FOR THE RESPONDENTS NONE FOR 1-4

SHRI V.S.R. KRISHNA, COUNSEL

FOR RESPONDENT NO.5

JUDGEMENT(ORAL)

(DELIVERED BY HON'BLE MR. P.K. KARTHA, VICE-CHAIRMAN(J))

We have heard the learned counsel for the
applicant and for Respondent No.5.

2. The applicant who has passed the Civil Services
Examination, 1989 filed this Original Application,
under Section 19 of the Administrative Tribunals Act,
1985, praying for the following reliefs: -
- [Signature]*

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- "(i) to strike down the impugned cadre allocation at Annexure A-1 to the extent that the same allocates, the applicant to the cadre of Himachal Pradesh.
- (ii) direct the respondents to allocate and post the applicant to the IPS cadre of Uttar Pradesh with all consequential benefits.
- (iii) direct the respondents to pay the costs of the legal proceedings to the applicant.
- (iv) pass any other order or direction which this Hon'ble Tribunal thinks fit and proper in the circumstances of the case."

3. The applicant had also prayed for an interim relief to the effect that the respondents be directed to depute her for District Training in the State of U.P. with the I.P.S. probationers of 1990 batch of U.P. Cadre, as if the applicant had been allocated to the Uttar Pradesh Cadre of Indian Police Service.

4. On 22.10.91, when the Application was admitted, an interim order was passed, directing the respondents to provisionally depute the applicant for District Training in the State of U.P. along with the I.P.S. Probationers of 1990 batch of U.P. cadre, treating

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her as having been allocated to the U.P. cadre of I.P.S. On 11.12.91, the said interim order was directed to be continued until further orders.

5. The respondents Nos.1-4, though served in November, 1991 have not entered appearance. They have also not filed their counter-affidavit. Respondent No.5 has filed counter affidavit, stating that as no relief has been claimed against him, his name should be deleted from the array of the respondents.

6. We have heard the learned counsel for the applicant and have gone through the records of the case.

7. The applicant has stated that on the basis of the results of the Civil Services Examination, 1989, she was assigned rank No.102 in the All India merit list and on that basis she was allocated to the Indian Police Service. She has stated that she secured the third position amongst the I.P.S. probationers who succeeded on the basis of the 1989 examination and who belong to the State of U.P.

8. The applicant has submitted that the allocation of State Cadres to the I.P.S. probationer is required to be done in accordance with the policy formulated by Respondent No.2 (Ministry of Personnel, Public Grievances & Pensions) which was brought into force with effect from the Civil Services Examination 1984. The said policy was placed on the Floor of the

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in the annual report of the department for the year 1986-87. According to the said policy, there is no provision for reservation in favour of the Scheduled Castes and Scheduled Tribes in the insider quota in a State cadre. The question whether any reservation could be provided in the insider quota was the subject matter of a reference to the Full Bench in **OA 2557/90 (SHRI RAJIV YADAV, IAS (Probationer) Vs. UNION OF INDIA & OTHERS)**. The Full Bench decided the matter on 1.10.91 holding that the principles of allocation set out in the annual report do not envisage reservation for Scheduled Castes and Scheduled Tribes in the insider quota at the time of cadre allocation. The respondents had relied upon a D.O. letter dated 31.5.1985 in support of their stand that reservation could be provided in the insider quota at the stage of allocation. The Full Bench held that the provision relating to the reservation for Scheduled Castes and Scheduled Tribes in respect of cadre allocation contained in the D.O. letter conferred 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.

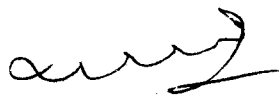
9. Following the decision of the Full Bench, mentioned above, we allow the present Application and the same is disposed of with the following orders and directions:-



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- i) The impugned cadre allocation at Annexure A-1 to the Application, to the extent that the same allocates the applicant to the cadre of Himachal Pradesh, is set aside and quashed.
 - ii) The respondents are directed to allocate and post the applicant to the I.P.S. cadre of Uttar Pradesh with all consequential benefits.
 - iii) The allocation of respondent No.5 (Shri Satish Kumar Mathur) to the U.P. cadre will not be affected by the aforesaid orders, as no relief is claimed against him.
10. The Application is disposed of accordingly.
11. There will be no order as to costs.


(T.R. RASGOTRA)
MEMBER(A)


(P.K. KARTHA)
VICE-CHAIRMAN

APRIL 28, 1992

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