

(11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

Regn.No. DA-696/92

Date of decision: 27.11.1992

Shri <sup>α</sup>Vijay Kumar

.... Applicant

Versus

Union of India & Ors.

.... Respondents

For the Applicant

.... Shri A.K. Behra, Advocate

For the Respondents

.... Shri P.H. Ramchandani, Advocate

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? *Yes*,

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

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

The applicant, who is an I.P.S. (Probationer),  
filed this application under Section 19 of the Administrative  
Tribunals Act, 1985, praying for the following reliefs:-

- (i) to strike down the impugned cadre allocation  
at Annexure-A1 to the extent that the same  
allocates the applicant to the I.P.S. Cadre  
of Uttar Pradesh;

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- (ii) to direct the respondents to allocate and post the applicant to the I.P.S. Cadre of Karnataka with all consequential benefits; and
- (iii) to direct the respondents to pay the cost of the legal proceedings to the applicant.

2. We have gone through the records of the case and have heard the learned counsel for both the parties. On 12.3.1992, the Tribunal passed an interim order directing the respondents to provisionally depute the applicant for District Training in the State of Karnataka along with I.P.S. (Probationers) of 1990 Batch of Karnataka, treating him as having been allocated to the Karnataka Cadre of the Indian Police Service.

3. The applicant belongs to the general category and hails from the State of Karnataka. He appeared in the Civil Services Examination, 1989 and on the basis of the results of the said examination, was assigned rank No.166 in the All India merit list. On the basis of the above rank, he was allocated to the Indian Police Service. He occupied the second position amongst the I.P.S.(Probationers) who had succeeded on the basis of the Civil Services Examination, 1989 and who belonged to the State of Karnataka.

4. The allocation of State Cadres to the I.P.S.(Probationers) is required to be done in accordance with the policy formulated

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by the Government and brought into force w.e.f. the Civil Services Examination, 1984. According to the applicant, the said policy was placed on the Floor of Parliament in the Annual Report of the Department of Personnel & Training for the year 1986-87. According to the respondents, the policy is contained in the d.o. letter No. 13013/5/84-AIS(I) dated 31.5.1985 from Shri K. Ramanujam, the then Secretary, Department of Personnel & Training addressed to Shri T.N. Seshan, the then Secy., Department of Forests and Wildlife.

5. The applicant has stated that there were four vacancies in the I.P.S. Cadre of Karnataka to be filled up on the basis of the Civil Services Examination, 1989. Out of these four vacancies, two were earmarked to be filled up by insiders. The applicant, having occupied second position amongst the I.P.S. (Probationers) who were selected on the basis of the Civil Services Examination, 1989, and who belonged to the State of Karnataka, should in the ordinary course, have been allocated to the State of Karnataka as an insider in accordance with the above-mentioned policy. However, the respondents allocated the said vacancy to one, Shri S. Parashiva Murthy, who belongs to the Scheduled Caste community though he was much lower in rank than the applicant in the All India merit list.

Shri Murthy had occupied 686th position in the All India merit list in the said Examination.

6. A Division Bench of this Tribunal, in its referral judgement dated 9.8.1991, in OA-2557/90 (Rajiv Yadav Vs. Union of India & Others) had requested the Hon'ble Chairman to refer the following questions relating to the allocation of Cadres, 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 under the provisions of Article 16 of the Constitution?

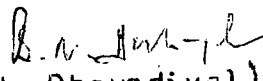
- (3) Whether the policy guidelines on cadre allocation adopted by the Government in the light of experience gained over the years, are liable to be struck down on the ground that it does not ensure allotment to each State/Union Territory of at least one direct recruit I.A.S. Probationer who is a topper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


7. 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.

8. 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 cadre allocation at Annexure-A1 to the application to the extent that the same allocates the applicant to the I.P.S. Cadre of Uttar Pradesh, is set aside and quashed. The applicant shall be allocated to the I.P.S. Cadre of Karnataka.
- (ii) The applicant would be entitled to all consequential benefits, including seniority;
- (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) the interim order passed on 12.3.1992, is hereby made absolute; and
- (v) there will be no order as to costs.

  
(B.N. Dhoundiyal) 27/11/92  
Administrative Member

  
27/11/92  
(P.K. Kartha)  
Vice-Chairman(Judl.)