

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW DELHI

O.A. No. 1318/93  
T.A. No.

199

DATE OF DECISION 6-8-97

G. Anupama

Petitioner

Shri C. Hari Shankar

Advocate for the Petitioner(s)

Versus

UDI &amp; Ors

Respondent

Shri N. S. Mehta

Advocate for the Respondent(s)

## CORAM

The Hon'ble Shri S. R. Adige, Member (A)

The Hon'ble Smt. Lakshmi Swaminathan, Member (J)

1. To be referred to the Reporter or not? *yes*
2. Whether it needs to be circulated to other Benches of the Tribunal? *x*

*Lakshmi Swaminathan*  
(Smt. Lakshmi Swaminathan)  
Member (J)

Central Administrative Tribunal  
Principal Bench

O.A. 1318/93

New Delhi this the 6 th day of August, 1997

Hon'ble Shri S.R. Adige, Member(A).  
Hon'ble Smt. Lakshmi Swaminathan, Member(J).

G. Anupama,  
D/o Dr. Ganji Anjaneyulu,  
R/o H.No. 19/3 RT, Sanjiva Reddy Nagar,  
Hyderabad (AP). ... Applicant.

By Advocate Shri C. Hari Shankar.

Versus

1. Union of India, through  
Secretary,  
Ministry of Personnel, Public  
Grievances and Pensions,  
North Block,  
New Delhi.
2. Chief Secretary,  
State of Andhra Pradesh,  
Andhra Pradesh Secretariat,  
Hyderabad.
3. Chief Secretary,  
State of Tamilnadu,  
Tamilnadu Secretariat,  
Madras.
4. Chief Secretary,  
State of Haryana,  
Haryana Secretariat,  
Chandigarh. ... Respondents.

By Advocate Shri N.S. Mehta, Sr. Counsel.

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

The applicant, who is an IAS of 1991 batch,  
is aggrieved by the order passed by the respondents  
dated 8.1.1992 allocating her to the cadre of Haryana  
which she claims is in violation of the principles of  
cadre allocation being followed by them earlier and

18.

in subsequent years. The applicant has also sought quashing of the letter dated 15.4.1993 rejecting her representation dated 16.3.1993. The applicant claims that in accordance with the principles of cadre allocation, she is entitled to be allocated to the IAS cadre of Andhra Pradesh as an 'insider' and alternatively to the Tamilnadu cadre as an 'outsider'. She submits that on the contrary one Shri Umakant Panwar has been exchanged in her place, who has been allocated to the IAS cadre of Tamilnadu and she has been allocated in his place to the IAS cadre of Haryana.

2. The brief facts of the case are that the applicant appeared in the Civil Service Examination (CSE), 1990 and she had secured 392nd rank in the merit list. She belongs to the Scheduled Caste and has been selected against one of the posts reserved for SC/ST candidates. The applicant has submitted that the allocation of State cadres of IAS probationers is required to be done in accordance with the policy formulated by the respondents which was brought into force with effect from CSE, 1984. She has submitted that the respondents have been making cadre allocation every year taking into account the principles of reservations based on the continuous 40 point roster both in the 'insider' and 'outsider' vacancies of each IAS cadre till CSE, 1990 when they had suddenly stopped it. Shri Hari Shankar, learned counsel for the applicant, has submitted that this deviation from the standing policy for making reservations to the SC/ST candidates for the 1991 batch has deprived the

18.

applicant of being allocated her home State i.e. Andhra Pradesh. The respondents have submitted that because of the Full Bench judgement of this Tribunal in Rajiv Yadav Vs. Union of India (1992(19)ATC 455), decided on 1.10.1991 which had held the Govt. of India, Ministry of Personnel D.O. letter dated 31.5.1985 unconstitutional, they could not adopt these principles for cadre allotment with respect to SC/ST candidates for the 1991 batch. On an appeal being filed by the Union of India, the Supreme Court by its order dated 15.5.1992 stayed the order of the Tribunal in Rajiv Yadav's case (supra) and so the policy of 31.5.1985 was adopted in the 1992 batch also. Finally, the Supreme Court in Union of India & Ors. Vs. Rajiv Yadav, IAS. & Ors. (1994(6) SCC 38), overruled the Tribunal's judgement by order dated 21.7.1994. Shri Hari Shankar, learned counsel, has submitted that therefore, in the light of the judgement of the Supreme Court which has upheld the policy of 31.5.1985, the applicant is entitled to be allocated to Andhra Pradesh or Tamil Nadu cadre. He submits that the respondents' action in refusing to follow the aforesaid policy in her case is arbitrary. He relies on the following cases:

- (i) Dr. S.C. Verma Vs. The Chancellor, Nagpur University & Ors., 1990(4) SCC 55;
- (ii) Mst. Dhani Vs. State, AIR 1965 Raj 70; and
- (iii) Ravi S. Nayak Vs. Union of India, 1994 (Suppl) (2) SCC 641).


K.S.

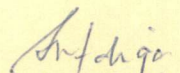
3. We have carefully considered the materials on record, the submissions made by the learned counsel and the relevant case law. The respondents have not disputed the fact that they had not maintained the reservation policy for allocation to the IAS cadre for the 1991 batch, although they had done so previously and <sup>in</sup> subsequent years. They have submitted that they did not maintain a separate roster for that year in view of the judgement of the Tribunal in Rajiv Yadav's case dated 1.10.1991 which was in force at that time when they made the <sup>alleg</sup>ations on 8.1.1992. However, the Supreme Court reversed the judgement of the Tribunal vide order dated 21.7.1994. The question is whether the respondents' stand regarding allocation of the applicant's cadre on 8.1.1992, which principles have been set aside by the Supreme Court is sustainable in law. The answer is in the negative because the allocation of <sup>the</sup> cadre cannot be considered as according to law in this case. It is settled law that the decision of the Supreme Court under Article 141 of the Constitution is binding on all Courts and authorities. In Dr.S.C Verma Vs.The Chancellor, Nagpur University (supra), the Supreme Court has held that it is unnecessary to point out <sup>that</sup> when the Court decides that the interpretation placed on the provisions of law by the Division Bench of the High Court on 7.12.1984 was erroneous, it will have to be held that the appointments made by the University on March 30, 1985 pursuant to that decision, were not according to law.

B:

4. Therefore, in the facts and circumstances of the case and having regard to the declaration of law by the Supreme Court in Rajiv Yadav's case (supra), the impugned Notification dated 8.1.1992 as regards allocation of the applicant to the Haryana cadre which is not according to law, is quashed and set aside. The respondents are directed to reallocate the applicant in the IAS cadre in accordance with the principles given in the judgement of the Supreme Court in Rajiv Yadav's case with consequential benefits. This action should be taken within three months from the date of receipt of a copy of this order.

In the result, O.A. is allowed. Parties to bear their own costs.

  
(Smt. Lakshmi Swaminathan)  
Member(J)

  
(S.R. Adige)  
Member(A)

'SRD'