

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.1518/93

NEW DELHI THIS THE 11TH DAY OF JULY, 1994.

**Mr. Justice S.K.Dhaon, Acting Chairman(J)
Mr.B.K.Singh, Member(A)**

(8)

Shri K.Vaiphei
S/o Shri Lam Kam Vaiphei
R/o Kangvai Bazar,
P.O.Churachandpur
Manipur-795128 ... APPLICANT
BY ADVOCATE SHRI M.K.GUPTA.

vs.

1. Union of India,
through
The Secretary,
Ministry of Home Affairs,
North Block, New Delhi-110001.
2. The Secretary,
Ministry of Personnel, Public Grievances
& Pensions,
Dept. of Personnel & Training,
North Block, New Delhi-110001.
3. State of Madhya Pradesh,
through
its Chief Secretary,
Bhopal
4. State of Manipur
through
its Chief Secretary
Imphal RESPONDENTS

NONE FOR THE RESPONDENTS.

ORDER(ORAL)

JUSTICE S.K.DHAON:

The controversy in this original application is confined to the allotment of the State of Madhya Pradesh to the applicant as an Indian Police Officer. According to him, he should have been allotted Manipura-Tripura Cadre.

2. The material facts in this OA are these. The applicant appeared in the Civil Services Examination, 1989 and secured 760th rank in the All India Merit List. He was allocated the State of Madhya Pradesh on provisional and tentative basis

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and this allocation was communicated to the Academy on 15.2.1991. He did not join the training along with the 1990 batch. He was given permission to abstain from the prescribed training with a view to appearing in the 1990 Examination to improve his position. He appeared in the subsequent Examination held in 1990 but remained unsuccessful. He was given an offer of appointment vide letter dated 4.4.1991. He joined the Indian Police Service on 15.9.1991 on the basis of the results of 1989 Examination. On 18.11.1992, he addressed an application to the Secretary, Ministry of Home Affairs, Government of India, New Delhi stating therein that he may be permitted to change his cadre on mutual exchange basis with Shri Joydeep Nayak.

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3. The applicant has principally relied upon the judgement of this Tribunal in the case of **Rahul Rasgotra vs. Union of India rendered in OA No.1478/92 on 31.7.1992**. This judgement has been upset by the Hon'ble Supreme Court and is reported as **(JT 1994(1) S.C.441)**. The applicant now turns round to challenge the very basis of the allocation of State of Tripura. He could not persuade this Tribunal to get an interim relief. Admittedly, he has received his training in Madhya Pradesh and is now posted there.

4. The applicant acquiesced to the allocation of the cadre of the State of Madhya Pradesh to him. He did so as he was confident that he would succeed in the examination of the subsequent year and would be allocated a better service. He remained unsuccessful. He, as stated above, has now taken a somersault by asserting that he should be allocated to his Home State, namely Manipura-Tripura. His conduct disentitles him to invoke the jurisdiction of this Tribunal under Article 226 of the Constitution.

5. There is another reason as to why this application should fail. He acquired knowledge of the fact that he had been allocated to the State of Madhya Pradesh sometimes in February 1991 and he preferred this original application in this Tribunal on 23.7.1993 after the declaration of the results of the 1990 Examination. The period of limitation prescribed for filing an application under Section 19 of the Administrative Tribunals Act, 1985 is one year from the date of passing of the order sought to be challenged. This, in our opinion, is not a fit case for condoning the delay. 10

6. The OA is dismissed. There shall be no order as to costs.


(B.K. SINGH)
MEMBER(A)
SNS


(S.K. DHAON)
ACTING CHAIRMAN