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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.2200/93

New Delhi: this the 23<sup>rd</sup> day of July, 1999.

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN(A).

HON'BLE MR.P.C.KANNAN, MEMBER(J)

Krishan Kumar Kaushal,  
S/o Shri Hemraj Kaushal,

R/o Vill.Khanote,  
P.O.Baldwara,  
Distt. Mandi  
Himachal Pradesh

... Applicant

(By Advocate: Shri D.K.Sinha)

Versus

1. Union of India,  
through  
Secretary of Environments & Forests,  
Paryavaran Bhawan,  
CGO Complex,  
Lodi Road,  
New Delhi -0003.

2. The Director,  
Indira Gandhi National Forest Academy,  
P.O., New Forest,  
Dehradun (UP).

3. State of Himachal Pradesh,  
through  
Chief Secretary,  
State Secretariat,  
Shimla,  
Himachal Pradesh

..... Respondents

(By Advocate: Shri V.S.R.Krishna )

ORDER

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN(A).

Applicant who is an Indian Forest Officer of 1989 Batch impugns respondents' order dated 20.3.92 (Annexure-B) allotting him to Tamil Nadu cadre and prays for allotment to his Home State of Himachal Pradesh.

2. Heard both sides.

3. Admittedly in that year only one candidate was to be allocated to H.P.Cadre, and as per roster it was an 'outsider' who was to be allocated

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against that vacancy. As per impugned order dated 20.3.92 one Shri J.K.Singh who was an 'outsider' was allocated against that vacancy, but on behalf of applicant it has been contended that as Shri Singh had resigned from service on 6.3.92, before the allocation was notified by order dated 20.3.92, the aforesaid vacancy should have gone to him, he being the only successful candidate and hence 'topper' from Himachal Pradesh. A related argument is that if respondents had taken into account Shri J.K.Singh's resignation from service on 6.3.92 when they issued the impugned order dated 20.3.92 applicant may have got an allocation to a State other than Tamil Nadu State, which may have been nearer to his Home State of Himachal Pradesh.

4. Neither of these arguments have any legal validity. The single vacancy in Himachal Pradesh for that year was to go to an 'outsider' and merely because Shri J.K.Singh who as an outsider was allocated to H.P., and resigned on 6.3.92 before the cadre allocations were announced on 20.3.92 does not give applicant a legally enforceable right as an 'insider' to be allocated to H.P. Cadre, as allocations had to be made strictly as per roster. Further the mere fact that Shri J.K.Singh resigned on 6.3.92 before the allocation of cadres was notified on 20.3.92 did not impose a legal obligation on respondents to conduct the entire cadre allocation exercise again, or render the cadre allocation notified on 20.3.92 illegal merely for that reason. If this view canvassed on behalf of applicant was

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to be accepted, there would be no finality in cadre allocations. Moreover applicant's prayer was for allocation to his Home State of H.P., and not for allocation to any State other than Tamil Nadu. Hence these arguments fail.

5. It has also been contended that respondents failed to carry out the triennial cadre review in time as per rules, and had they done so, more vacancies would have become available in Himachal Pradesh and applicant could have been accommodated against one of these. While conducting of cadre reviews as per prescribed schedule is no doubt something that requires to be done by respondents, the question of resultant increase or decrease of post is a matter of chance and cannot be made the basis of a claim to legally enforceable right to compel respondents to allocate applicant to Himachal Pradesh cadre as an insider.

6. Applicant has also appealed to us on grounds of equity, contending that he is the only son of his father who is unfortunately blind and his presence close to his father is necessary. Equitable considerations cannot be permitted to prevail over the relevant cadre allocation rules.

7. The OA is dismissed. No costs.

*P. C. Kannan*  
( P. C. KANNAN )  
MEMBER (J)

*S. R. Adige*  
( S. R. ADIGE )  
VICE CHAIRMAN (A).

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