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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI

O.A. No. 2344 of 1993

5th day of November, 1993

Dated 24.11.1993

1. Shri J.P. Sharma, Member (J)
Shri B.K. Singh, Member (A)

Shri Jagmohan
S/o Shri Charan Dass,
B-1/1165, Kabir Nagar,
P.O. D.A.V. College,
Jalandhar (Punjab)

..... Applicant

By Advocate Shri S.K. Rungta
assisted by Shri Anil Tanwar, Advocate.

Versus

1. Union of India, Through
Secretary,
Ministry of Home Affairs,
North Block, New Delhi.
2. Secretary,
Department of Personnel &
Public Grievance,
North Block, New Delhi.

..... Respondents.

ORDER

Shri B.K. Singh, Member (A)

This O.A. No. 2344/93 in the matter of Jagmohan
Vs. Union of India through Secretary, Ministry of Home
Affairs as respondent No.1 and Secretary, Department
of Personnel & P.G. as respondent No.2, has been filed
against the allotment of the applicant to the West
Bengal cadre.

2. Shri S.K. Rungta assisted by Shri Anil Tanwar
counsels for the applicant, argued that the applicant



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(D)

was selected to Indian Police Service as a result of the Civil Services (Examination (Main), 1990 and was provisionally allotted to West Bengal cadre as per list enclosed with the O.A. (annexure 'A')). The learned counsel for the applicant argued that the principle of reservation was applied all through from 1948 till 1989 and again from 1991 onwards but this policy of reservation was not applied in case of allotment of cadres to SC/ST candidates who were selected as a result of C.S.E. (Main) 1990. He also said that there are still two vacancies in Punjab earmarked for the SC/ST candidates and the applicant could be accommodated against one of them as an insider.

3. The Hon'ble Supreme Court in the case of Union of India Vs. Anil Kumar dated 26.4.1993, wherein the question once again came up whether the principle of reservation would apply in the case of cadre allotment of All India Service Officers or not, was pleased to direct as follows:-

"Heard Mr. Reddy. We are prima facie of the view that Ravneet Kaur's case was wrongly decided by the Tribunal.

Delay condoned. Special leave granted. Short matter. The point involved is likely to effect number of cases. Printing dispensed with. The appeal be listed for final disposal on 4.8.93 along with SLP (C) No. 6767/92 and other connected matters. Stay of operation of the impugned judgment meanwhile."

(D)

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4. In the light of the aforesaid direction, there is no question of accepting any prayer for interim relief. For interim relief the basic principle is that irreparable damage would be caused to the applicant which cannot be compensated in terms of money if the relief prayed for is denied; and the balance of convenience should rest in favour of the applicant.

5. In the present case the applicant has already undergone Foundational Course training and he has also been taught Bengali language in the LBS National Academy of Administration, Mussoorie and also in the SVP National Police Academy, Hyderabad during the last two years. Secondly the entire expenditure of training must have been reimbursed by the West Bengal Government to the concerned authorities. Thirdly, advance TA etc. is paid to the All India Service probationers (during their training) on behalf of the State Governments by the Academy and that is later on adjusted and the amount is reimbursed to the LBS/NAA, Mussoorie. There is no question of any loss being suffered by the applicant and the balance of convenience also lies with the Union of India. In the light of the directions of Hon'ble Supreme Court and the balance of convenience being in favour of the Union of India, we are not inclined to

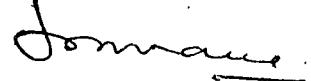
(Signature)

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accept the prayer for interim relief and also ^{not} inclined
to entertain the present O.A. and these are accordingly
rejected at admission stage itself leaving the applicant
the option, if so advised, to press his prayer, after
hearing on the issue whether the principle of reser-
vation would be applicable in cadre allotment of IAS/
IPS officers, concludes.


(B.K. Singh)
Member (A)


(J.P. Sharma)
Member (J)

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