

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.269/2020

This the 26th day of February, 2021

**COROM : Hon'ble Shri Jayesh V. Bhairavia, Member (J)
Hon'ble Dr. A.K.Dubey, Member (A)**

Dobariya Chintan Prabhubhai
Male, aged about 28 years
Son of Shri Dobariya Prabhubhai Popatbhai
Occupation : Probationer, Indian Forest Service (UP Cadre)

Residing at :
6, Baghban Bungalows
Behind Brahmlok Residency
Near Water Tank, Cancer Hospital Road,
Katargam, Surat – 395 004..... Applicant.

(By Advocate : Shri Rahul Sharma)

Versus

1. Union of India,
Notice to be served through
The Secretary,
Ministry of Environment, Forest & Climate Change,
Govt. of India
Indira Paryavaran Bhawan,
6th Floor, Prithvi Block,
Jor Bagh Road, Ali Ganj,
New Delhi 110 003.
2. State of Gujarat
(Notice to be served through
The Chief Secretary
Government of Gujarat
5th Floor, Block No.1,
Sachivalaya, Gandhinagar – 382 011.
3. State of Uttar Pradesh
(Notice to be served through
The Chief Secretary
Government of Uttar Pradesh

101, Lok Bhawan, U.P. Civil Secretariat
Vidhan Sabha Marg,
Lucknow – 226 001. Respondents

(By Advocate : Ms. R.R.Patel)

O R D E R – ORAL

Per : Hon'ble Shri A.K. Dubey, Member (A)

Counsel for the applicant, Shri Rahul Sharma submits that the applicant belongs to the 2019 batch of the Indian Forest Service (IFS) Cadre and he has to be allotted a cadre in accordance with the cadre allocation Rules applicable for his year of recruitment. Counsel for the applicant argued that Office Memorandum dated 05.09.2017 (Annexure A-11) has superceded the earlier Cadre Allocation Policy for All India Services, issued vide DoPT O.M. dated 10.4.2008 (Annexure R-1) whereas in applicant's case, his cadre was allocated on the basis of the Cadre Allocation Policy, 2008 as clarified vide DoPT O.M. dated 01.04.2014 (Annexure R-2) even though it should have been allocated vide Cadre Allocation Policy for All India Services notified vide DoPT O.M. dated 05.09.2017. The counsel submitted that the applicant had preferred representations regarding cadre allocation which had been disposed of on the basis of the Policy of the year 2008, whereas the Cadre Allocation Policy of 2017 would be applicable to the batch of All India Services from 2017 onwards. Representation of the applicant has been not accepted vide impugned order dated 05.11.2019. This impugned order indicates no reason or

basis of decision. But in the reply filed by the respondent No.1, it is contended that cadre allocation was done in accordance with the DoPT Office Memorandum dated 01.04.2014. This O.M. is only clarificatory to the Cadre Allocation Policy, 2008. On a careful perusal of the Cadre Allocation Policy, 2008, its clarification in O.M. dated 01.04.2014 and the Cadre Allocation Policy of 2017, we find that Cadre Allocation Policy, 2017 has been revised and is applicable to the officers of All India Services from the batch of 2017. The incumbent is an officer of the IFS of 2019 batch, and invoking the Cadre Allocation Policy of 2008 when the Policy of 2017 is inforce, is an apparent error.

3. We take these facts into account and are inclined to dispose of this OA by directing the applicant to prefer a representation specifically mentioning his grievance, within two weeks from the date of receipt of a copy of this order and thereupon the respondents shall re-examine the matter and take a decision by way of speaking order apropos of the Cadre Allocation Policy, 2017 and extant rules/instructions therein, within a period of eight weeks from the date of receipt of such representation from the applicant. We make it clear that we have not entered into the merit of the case.

4. With the above direction, the OA stands disposed of.

(A.K.Dubey)
Member (A)

(J.V.Bhairavia)
Member (J)

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