



Central Administrative Tribunal Lucknow Bench, Lucknow

O.A. No. 38/2021
M.A. No. 521/2021

Friday, this the 9th day of July, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Provincial Police Services Association through its President Shri Dinesh Yadav & others

.Applicants

(Mr. Sudeep Seth, Senior Advocate assisted by Mr. Utsav Mishra and Mr. Amit Verma, Advocates)

Versus

Union of India through its Secretary, Ministry of Home Affairs, Government of India, North Block, New Delhi & others

..Respondents

(Ms. Prayagmati Gupta, Advocate for respondent No.1 and Mr. Shailendra Singh Rajawat, Advocate for respondent Nos. 2 to 4)

ORDER (ORAL)**Mr. Justice L. Narasimha Reddy:**

The applicant is an Association and its members are Provincial Police Services Officers of the State of Uttar Pradesh. They contend that the State and Central Governments are required to undertake review of the cadre of Indian Police Service (IPS) every five years, under Rule 4 (2) of IPS (Cadre) Rules, 1954 (for short "Rules") and though the last review took place in the year 2014, the respondents did not take the necessary steps thereafter, in that behalf.

2. The applicants state that O.A. No.3227/2019 was filed before the Principal Bench of this Tribunal in this behalf and vide order dated 07.11.2019, the said O.A. was disposed of directing the respondents to take necessary steps and to pass orders on the representations made by them within three months, and despite that no tangible steps were taken by the respondents. Reference is also made to an order dated 23.12.2019 passed by the Hon'ble High Court of Delhi in W.P. (C) No.13322/2019.

3. On the representation submitted by the applicants, the Government of Uttar Pradesh issued a reply on 12.10.2020, stating that the matter is under consideration by the Central

Government. In this background, they filed the instant O.A. with a prayer to direct the respondents to undertake review of IPS cadre of Uttar Pradesh under Rule 4 (2) of the Rules. According to them, as against 107 ex cadre posts, only 86 posts are being handled by the officers of IPS cadre of Uttar Pradesh.

4. The first respondent filed a detailed counter affidavit. It is stated that the review of IPS cadre is a cumbersome process involving many stakeholders. According to them, once the proposal was received from the Government of Uttar Pradesh, necessary steps were taken. They furnished a detail account of the steps that are taken from time to time in this behalf, up to 27.04.2021.

5. Today, we heard the arguments of Mr. Sudeep Seth, learned senior counsel, assisted by Mr. Utsav Mishra and Mr. Amit Verma, learned counsel for applicants, Ms. Prayagmati Gupta, learned counsel for respondent No.1 and Mr. Shailendra Singh Rajawat, learned counsel for respondent Nos. 2 to 4, in detail.

6. The effort of the applicants is to ensure that the IPS cadre of Uttar Pradesh is reviewed every five years, as provided under Rule 4 (2) of the Rules. It is a matter of record that the last of

such reviews took place in the year 2014. The applicants insist that within five years, the cadre ought to have been reviewed. If one takes into account, the language in Rule 4 (2) of the Rules, the mandatory part of it, is to examine the issue of cadre review. However, when it comes to the question of taking tangible steps, the word "may" is used.

7. Be that as it may, the purpose, underlining the provision is to ensure that the cadre is reviewed periodically, which in turn would strengthen the functioning of the Department.

8. It may be true that the cadre review is a cumbersome process, involving various stakeholders and huge financial implications also. The applicants moved the Principal Bench of the Tribunal and thereafter, the Hon'ble High Court of Delhi in this behalf. The respondents gave an undertaking to take up the cadre review process. Being true to that, the State Government submitted its proposal in the year 2019 and thereafter, the Union of India has also taken steps one after the other, till 27.04.2021. Maybe on account of slackness in the functioning of the Department due to covid-19 pandemic, the progress was not on expected lines. At the same time, the important step, like cadre review cannot be kept pending indefinitely. Since the proposal is at the advanced stage, it can be given finality within a period of three months.

9. Though the prayer is made for quashing the reply given by the State Government, we are of the view that the applicants have to await the final decision to be taken by the Union of India, since the State Government, by itself, cannot take any tangible steps.

10. We, therefore, dispose of the O.A., directing the respondent No.1 to finalize the issue pertaining to review of cadre of IPS Officers of State of Uttar Pradesh, within a period of three months from the date of receipt of a copy of this order.

11. All the pending M.As. shall stand disposed of.

There shall be no order as to costs.

(Mohd. Jamshed) (Justice L. Narasimha Reddy)
Member (A) Chairman

July 9, 2021
/sunil/vb/