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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

Dt. of Decision : 8/9-11-94.

D.A. 40/91.

Janga Srinivas Rao

.. Applicant.

Vs

1. Government of India,
Ministry of Personnel,
Public Grievances and Pensions,
Department of Personnel & Training,
New Delhi.
2. Chedalawada Umesh Chandra
3. P.N. Rao

.. Respondents.

Counsel for the Applicant : Mr. Y. Suryanarayana

Counsel for the Respondents : Mr. N.R. Devaraj, Sr. CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

I AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,
VICE-CHAIRMAN I

JUDGEMENT

Heard both the counsels.

The applicant was one of the candidates who became eligible for appointment to the IPS in 1990. He was allotted to Rajasthan cadre. The applicant contends that he should be allotted to A.P. State cadre as he opted for it and if the rule in regard to allotment is strictly followed.

This OA was filed praying for a direction to the Respondents to allot the applicant to the State of A.P in place of Shri C. Umesh Chandra and Shri P.N. Rao.

2. By following the relevant rule in regard to cadre allotment Shri Umesh Chandra and Shri P.N. Rao of 1990 batch were allotted to A.P. State cadre. Shri Umesh Chandra sought permission to appear for the I.A.S. in the next year and when he did not ultimately succeed for I.A.S. he joined I.P.S. ^{he} along with the following batch and ~~then~~ was given A.P. State cadre which was initially allotted.

3. The contention for the applicant is that when Shri P.N. Rao was working as Group 'B' officer in Customs, he should not have been permitted to appear for the I.P.S. ¹⁹⁸⁹ ~~1990~~ and when he was not ultimately appointed for I.P.S., his selection for I.P.S. in 1990 should have been ignored and if the cadre allotment was made ignoring the appointment of Shri P.N. Rao, the applicant should be allotted to A.P. State.

4. It is stated for the Respondents that cadre allotment is made on the basis of the rankings and the options of the candidates appointed and the cadre is not altered on the basis of subsequent events.

5. On the basis of the ranking of Shri Umesh Chandra in 1989 examination, he was allotted to A.P. State even though he joined the post of I.P.S. service in the following year when he could not succeed in getting selected for I.A.S. Supreme Court held in 1992 ~~supp~~ (1) SCC 594 (Mohan Kumar Singhania Vs. Union of India)xxxxxxxxxxxxxxxxxxxx and 1994 (2) SCC 600 (Union of India Vs. Rahul Rasgotra and others)xxxxxxxxxxxxxxxxxxxx that Rule 17(3) of Civil Services Examination rules to the extent to which a candidate selected for I.P.S or any other Civil Service other than I.A.S. & I.F.S. ^{is} ~~are~~ permitted to appear in the following ^{and} year for improving his chances ~~has~~ ^{to} be allowed to join the service as per selection in the earlier examination is not illegal. Hence allotment of Shri Umesh Chandra to A.P. State cadre on the basis of 1989 examination results, cannot be held as illegal.

6. The contention for the Respondents that allotment of the cadre is not altered on the basis of the subsequent events, was already referred to. It is submitted that if it is necessary to alter the cadre allotment in regard to any officer, then there will be chain reaction and it is impracticable. Hence the practice adopted in not altering the cadre allotment on the basis of subsequent events cannot be held as arbitrary. Thus even assuming that Shri P.N. Rao was not eligible for appearing for

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I.P.S., still as it is an event which had come to light after the cadre allotment and as no direction can be given for alteration of the cadre on the basis of the subsequent events, the Respondents cannot be directed to allot the applicant to A.P. State in the vacancy for which Shri P.N. Rao was allotted.

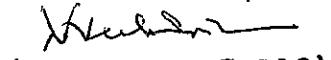
7. In the above view, there is no need to consider as to whether the applicant would have been allotted to A.P. State, if in fact Shri P.N. Rao was not selected for I.P.S.

8. But as the Central Government in consultation with the State Governments has the power to change the cadre, this order of dismissal does not deprive ^{debar} the Central Government to consider the case of the applicant for allotment to A.P. State in accordance with rules.

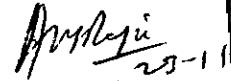
9. In the result, the OA is ordered accordingly.
No costs./



(R. RANGARAJAN)
Member (Admn.)


(V. NEELADRI RAO)
Vice-Chairman

Dated 8/9-11-94
Open court dictation


Deputy Registrar

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To

1. The Ministry of Personnel,
Public Grievances and Pensions,
Department of Personnel & Training,
Govt. of India, New Delhi.
2. One copy to Mr.Y.Suryanarayana, Advocate, CAT.Hyd.
3. One copy to Mr.N.R.Devraj, Sr.CGSC. CAT.Hyd.
4. One copy to Mr.C.Kodandaram, Advocate, 05 Ground Floor
Subhodaya Apartments, 4-1-1233/10, Boggulakunta, Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

pvm

Parul Rao, Sriniv

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR.R.RANGARAJAN : M(ADMIN)

DATED: 01 - 11 - 1994

ORDER/JUDGEMTN:

M.A./R.A/C.A.No.

in

O.A.No. 40/91

T.A.No. (w.p.)

Admitted and Interim directions issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected

No order as to costs.

Pvm

