

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

ORIGINAL-APPLICATION-NO.896-of-1994

DATE-OF-ORDER: 13-FEBRUARY, -1997

BETWEEN:

MAHESH S.DIXIT

.. APPLICANT

AND

1. Union of India through the Secretary to the Government of India, Ministry of Personnel & Training, North Block, Central Secretariat, New Delhi,
2. Ministry of Home Affairs, through its Secretary, North Block, New Delhi,
3. The State of Maharashtra, through the Chief Secretary to the Govt. of Maharashtra, Secretariat, Bombay,
4. S.V.P.National Police Academy, through its Director, Hyderabad 500252,
5. Shri Prashant Burde, IPS (Probationer), SVP National Police Academy, Hyderabad 500252,
6. State of Andhra Pradesh through the Chief Secretary to the Government of A.P, Secretariat, Hyderabad.

.. Respondents

COUNSEL FOR THE APPLICANT: Mr. Y.SURYANARAYANA

COUNSEL FOR THE RESPONDENTS: Mr.N.R.DEVARAJ, Sr.CGSC

CORAM:

HON'BLE SHRI JUSTICE M.G.CHAUDHARI, VICE CHAIRMAN

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

JUDGEMENT

ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Mr.Y.Suryanarayana, learned counsel for the applicant and Mr.N.R.Devaraj, learned senior standing counsel for the respondents.


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2. Shri N.Shivasailam, Deputy Secretary in the Department of Personnel & Training was present to assist the court.

3. The applicant in this OA appeared in the Civil Services Examination in 1992 and qualified in that examination. He secured 55th rank.

He was allotted to Indian Police Service Cadre as per his option. It is stated that he is first among the candidates opted for the State of Maharashtra as per his rank for posting in IPS cadre in Maharashtra State. It is also stated that Maharashtra State is his home state. The cadre allocation of 1993 batch was issued by the order No.13016/8/93-AIS(I) dated January 1994 (Annexure A to the OA) addressed to R-4. 4 candidates were posted to IPS cadre of Maharashtra State. Out of them, 3 were outsiders and one was an insider reserved candidate. R-5 in this OA is insider reserved candidate posted to Maharashtra State. The applicant submits that he was first from the state of Maharashtra and R-5 who was posted to Maharashtra cadre ranks 604 in the order of merit. The applicant was allotted to A.P.cadre as per the impugned order referred to above. The applicant submits that the cadre allocation is to be done strictly in accordance with the roster system as contained in letter dated 31.5.85 and also in accordance with the reply placed on the table of the house of Parliament in the Annual Report of the Department in the year 1986-87.

4. The applicant submitted a representation dated 15.2.94 (Annexure B to the OA) to allot him Maharashtra



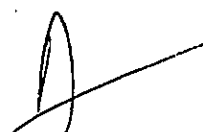
State instead of Andhra Pradesh as he topped in the list of Civil Services Examination for IPS from Maharashtra State. That representation was disposed of by the impugned order No.13011/27/94-AIS(I) dated 3.3.94 (Annexure C to the OA).

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insider vacancy available in Maharashtra cadre to be filled on the basis of the Civil Service Examination 1992. Hence the applicant was allotted to A.P. cadre as outsider strictly in accordance with the principles of cadre allocation of All India Service officers. Hence his request for cadre allocation to A.P. State was rejected.

5. Aggrieved by the same, he has filed this OA to set-aside the impugned proceedings No.13016/8/93-AIS(I) dated January 1994 of R-1 and consequential order NO.13011/27/94-AIS(I) dated 3.3.94 (Annexure C) by holding them as unjust and violative of Articles 14 and 16 of the Constitution of India so far it relates to the allotment of the applicant to the State of A.P, instead of his home state of Maharashtra.

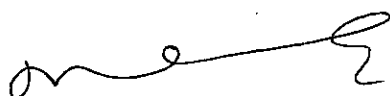
6. The main contention of the applicant in this OA is that the principle enunciated in D.O.letter dated 31.5.85 in regard to the cadre allocation by way of roster system along with reservation is affirmed by the Supreme Court in Rajiv Yadav's case; (1994) 6 SCC 38; the vacancies whether insider or outsider, and whether the inside or outside vacancy is reserved or unreserved have to be determined as if the said roster system along with reservation was deemed to be in force throughout from 1985. If it is so followed,



the insider vacancy for IPS in Maharashtra State for the candidate who appeared in 1992, will be OC vacancy, and the applicant should have been allotted to Maharashtra State. Respondents to allot him to the Maharashtra State.

7. This contention is similar to the contention raised in OA 897/94 which was disposed of today. This contention was rejected in OA 897/94 for the reasons stated therein. For the same reasons, the contention in the present OA is also liable to be rejected. Reasons for non maintainability of the application for the reasons stated in the order in OA 897/94 hold good equally in this case also.

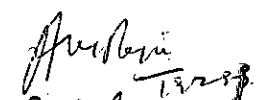
8. For the reasons stated in the order in OA 897/94, this OA is also dismissed as having no merits. All the interim orders stand vacated. No order as to costs.

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

  
(M.G. CHAUDHARI (J))  
• VICE CHAIRMAN

DATED: 13 -- February, -- 1997

vsn

  
Deputy Registrar (b) cc

O.A.896/94.

To

1. The Secretary to Govt.of India,  
Ministry of Personnel & Training,  
North Block, Central Secretariat,  
New Delhi.
2. The Secretary, Ministry of Home Affairs,  
North Block, New Delhi.
3. The Chief Secretary to the Govt.of Maharashtra,  
State of Maharashtra, Secretariat, Bombay.
4. The Director, S.V.P.National Police Academy,  
Hyderabad-252.
5. Sri Prashant Burde, IPS (Probationer)  
SVP National Police Academy, Hyderabad-252.
6. The Chief Secretary, State of A.P.  
Govt.of A.P. Secretariat, Hyderabad.
7. One copy to Mr.Y.Suryanarayana, Advocate, CAT.Hyd.
8. One copy to Mr.N.R.Devraj, Sr.CGSC. CAT.Hyd.
9. One copy to Library, CAT.Hyd.
- ~~10. Copy to All Reporters,~~
10. One spare copy.
11. One copy to D.R.(A) CAT.Hyd.

pvm.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI  
VICE-CHAIRMAN

AND

*R. Ranga Rao*

THE HON'BLE MR. H. RAJENDRA PRASAD  
MEMBER (ADMN)

Dated: 13-2-199

ORDER / JUDGMENT

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

in

O.A. No. 896/94

T.A. No. (W.P.)

Admitted and Interim Directions  
Issued.

Allowed.

Disposed of with directions

Dismissed.

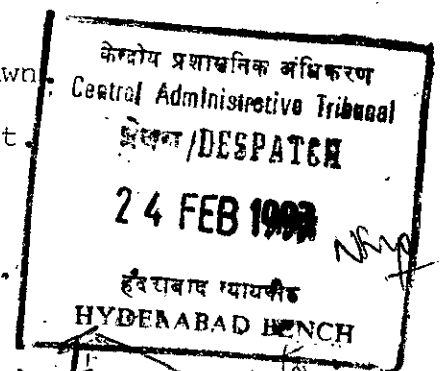
Dismissed as withdrawn.

Dismissed for default.

Ordered/Refected.

to order as to costs.

pvm.



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