

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

DA.1514/94

decided on : 29-12-94

Between

Kum. Malini Krishnamoorthy

: Applicant

and

1. Union of India, through
The Secretary to GOI
Min. of Personnel & Training
Central Sectt. North Bloc
New Delhi

2. Min. of Home Affairs
Through its Secretary
Govt. of India, Central Sectt.
North Block, New Delhi

3. State of Karnataka, through
Govt. of Karnataka
Bangalore

4. SVP National Police Academy
Through its Director
Shivaram pally, Hyderabad 500252

5. Govt. of Assam-Meghalaya
rep. by its Chief Secretary
Govt. of Assam-Meghalaya
Sectt., Guwahati, Assam

: Respondents

Counsel for the applicant

: Y. Suryanarayana

Counsel for the respondents

: N.V. Ramana, SC for
Central Government

CORAM

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN
HON. MR. R. RANGARAJAN, MEMBER (ADMN.)

submitted for the learned standing counsel that ~~the~~ ^{on} ~~letter was~~ ^{17-12-94, he} ~~addressed~~ ^{letter} to the Secretary, Government of India, Ministry of Personnel, PG & Pension, by enclosing the OA copy and the copy of the proceedings dated 15-12-1994 in this OA.. It was further stated for the learned standing counsel that no instructions were ~~from~~ ^{Department of Personnel} even till today forenoon.

7. Letter dated 18-6-1991 of the Ministry of Personnel (vide Annexure-A) makes it clear that the All India Service Women Probationary officers would not be allotted to the North Eastern States for a period of five years commencing from 1990 batch ~~1993 batch only~~. But it is not known as to why the applicant was allocated to Assam and Meghalaya eventhough it was stated as per letter dated 18-6-1991 that for five years commencing from 1990 batch ~~the~~ Probationary officers would not be allocated to North Eastern States. It cannot be stated that ^{There was change in the} ~~further~~ decision ~~was taken in the matter~~ for it is stated even in the representation dated 5-10-1994 ^{as applicant} that ~~the~~ two women IAS Probationary officers ~~of~~ transfers from North Eastern States to Haryana cadre/ UT Cadre. It cannot be stated that there is no force in the contention for the applicant that if it is not implemented in regard to ~~the same~~ ^{some, with} it is violative of Article 14 of the Constitution. Thus, there is a prima-facie case in regard to the cadre transfer of the applicant.

8. As the leave of the applicant is going to ~~be~~ expired by tomorrow i.e. 30-12-94 afternoon, we feel

on 31-12-1994 as the leave would expire by 30-12-1994. The applicant states that by letter dated 16-2-1994 (vide Annexure-B to the OA) she applied for cadre change to Karnataka or Tamil Nadu or Maharashtra in the order in which the cadres have been mentioned. It is ^{stated} ~~reported~~ in the said letter, that by letter dated 18-6-1991 vide No. 13017/23/91-AIS addressed to Chief Secretary to the Govt. Manipur, Imphal (vide Annexure A to the OA) the Government decided that Women probationers of All India Service would not be allocated to North Eastern States for a period of five years commencing from Civil Services Examinations, 1989 (1990 batch) ^{and in} ~~in~~ pursuance of the same she was working ~~--- term for~~. It is also the case of the applicant that she again addressed a letter to the Secretary, Department of Personnel, PG & Pensions, Ministry of Personnel, & Training, New Delhi through the Director, SVPNPA on 5-10-1994 reminding them about her request for cadre transfer as per letter dated 16-2-1994 ~~Annexure-C~~. The applicant pleaded in Para-4(iv) that the Government of Karnataka had sent a ~~letter~~ Government of India and Government of Assam and Meghalaya informing that they consent for the cadre transfer of the applicant to Karnataka State and they also sent No Objection Certificate for the ~~cadre change~~ Government of India and Government of Assam and Meghalaya.

6. When this OA had come up on 15-12-1994 for consideration in regard to the interim relief claimed, ^{and as it was} ~~it is state~~ the leave would expire by 30-12-1994 afternoon, learned standing counsel sought time till 28-12-1994 to have necessary instructions in the matter. It was

it not a case where further adjournment has to be given for consideration of the interim relief so as to enable the learned standing counsel for the respondents to have instructions in the matter. As it was specifically pleaded that the Karnataka Government had sent the no objection certificate to both the Government of India and Government of Assam and Meghalaya, for cadre transfer of the applicant to Karnataka State cadre, and as any further delay in passing the interim order will cause prejudice to the applicant, it is just and proper to pass the following interim order :

R-3 has to make necessary arrangements for the District Training of the applicant in Karnataka State ^{and} and when she reports to ^{R3-} the Chief Secretary, Karnataka State, alongwith copy of this Order. This is subject to further orders in this OA./

CERTIFIED TO BE TRUE COPY
[Signature]
 Date..... 3.04.1967
 Court Officer
 Central Administrative Tribunal
 Hyderabad Bench
 Hyderabad

1. The Secretary to GOIP
 Min. of Personnel and Training, Central Secretariat,
 North Block, New Delhi.
2. The Secretary, Min. of Home Affairs, Govt. of India,
3. The Chief Secretary, North Block, New Delhi. Karnataka.
4. The Director, SVP National Police Academy,
 Shivrampalli, Hyderabad-500 252.
5. The Chief Secretary, Govt. of Assam Meghalaya,
 Secretariat, Guwahati, Assam.
6. One copy to Mr. Y. Suryanarayana, Advocate, CAT, Hyderabad.
7. One copy to Mr. N. V. Ramana, Addl. CGSC, CAT, Hyderabad.
8. One copy to Library, CAT, Hyderabad.
9. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD

O.A. No.1514/94

Ms. Malini Krishnamoorthy

Applicant

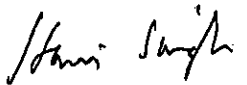
V/s

Union of India and ors.

Respondents

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(Hari Singh)

Shri N.V. Ramana,
Addl. Central Govt. Standing Counsel