

(1)

Central Administrative Tribunal
Jabalpur Bench

OA No.25605

Jabalpur, this the 28th day of November 2006.

CORAM

Hon'ble Dr.G.C.Srivastava, Vice Chairman

Hon'ble Mr.A.K.Gaur, Judicial Member

M.Geetha

W/o Shri Ramesh P.

Collector, Shivpuri (M.P.)

Applicant

(By advocate Shri Anoop Choudhary, Sr.Advocate along with
Smt.J.Choudhary, Advocate)

Versus

1. Union of India
Through its Secretary
Department of Personnel & Training
North Block
New Delhi.
2. State of Madhya Pradesh
Through its Secretary
General Administration Department
State Re-organization Cell
Mantralay, Vallabh Bhavan
Bhopal.
3. The Chief Secretary
General Administration Department
State of Madhya Pradesh
Mantralay, Vallabh Bhavan
Bhopal.
4. The Chief Secretary
State of Chhattisgarh
DKS Bhavan
Bilaspur.

Respondents

(By advocate Shri P.Shankaran for respondent No.1)
(Shri Ajay Ojha for state of Chhattisgarh)

ORDER

By A.K.Gaur, Judicial Member

The applicant is an IAS officer of Madhya Pradesh Cadre and is presently posted as Collector of Shivpuri District in Madhya Pradesh. On formation of the newly created State of Chhattisgarh w.e.f.

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1.11.2000, the applicant, among others, was allocated to the IAS cadre of Chhattisgarh vide Notification dated 31.10.2000 (A-1). Feeling aggrieved, she agitated her transfer/allocation by way of an earlier OA No.1031/2000 before this Tribunal. In the meantime, the applicant approached the High Court of Madhya Pradesh in a writ petition No.7154/2000 and on the strength of the interim order dated 5.1.2001 passed by the High Court, the applicant continued in Madhya Pradesh. The OA No.1031/2000 was finally disposed of on 11.5.2003 and as per the directions contained in the order of the Tribunal in OA No.1031/2000 dated 11th May 2004, the applicant made a representation dated 23.8.2004 requesting for retention in Madhya Pradesh cadre on the ground that her husband, a bank officer, was posted there. The representation was rejected by the respondents vide order dated 23.2.05 (A-2) stating that the applicant cannot claim allocation to a particular cadre as a matter of right. Vide A-3 order dated 9.3.2005, the applicant was directed to be relieved. The present Original Application has been filed for quashing the impugned orders and for directing the respondents to retain the applicant in Madhya Pradesh cadre.

2. Respondents have contested the case by filing a detailed reply. They have contended that allotment of cadre is an exclusive domain of the department and a member of an All India Service, therefore, bears liability to serve either the Union or the State to which he/she is allocated in accordance with the principles of cadre allotment. The formation of the new State of Chhattisgarh out of the erstwhile state of Madhya Pradesh necessitated division of personnel employed in the undivided Madhya Pradesh including those belong^{ing} to the All India Services. The applicant has been allocated to the IAS cadre of Chhattisgarh strictly in accordance with the norms/guidelines recommended by U.C. Aggarwal Committee constituted under Section 71 (Part VIII) of the Madhya Pradesh Reorganization Act, 2000, which has been followed uniformly in all similar cases. The respondents have relied on *Rajiv Yadav v. Union of India & Ors* reported in 1994 (6) SCC 38 to emphasize the point that a member of


an All India service bears liability to serve in any part of India. The representation of the applicant has been considered strictly in accordance with the policy on inter-cadre transfer of all India Services Officers. As per the policy, inter-cadre transfer is allowed only in the case of marriage between two All India Service Officers. The policy categorically states that cadre transfers shall not be permitted to All India service Officers on marriage to an officer serving in a Central/State Government or Public Sector undertaking. As such, the request of the applicant is not covered under the policy. Moreover, the husband of the applicant is already posted in the nearest station. The case of Shri Bimal Julka, IAS, cited by the applicant, was different from the present case to the extent that Shri Bimal Julka sought transfer on the ground of medical problems whereas no such problem was faced by the applicant.

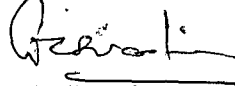
3. We have given careful consideration to the rival pleadings and have also heard the learned counsel appearing on both sides.

4. On a careful perusal of the pleadings, we find that the order of allocation to the State of Chhattisgarh in the case of the applicant was made way back in the year 2000, as is evident from Annexure A-1. For almost 5 years from the year 2000 till March 2005 when her representation was decided by the department, somehow or the other, the interest of the applicant has been protected and she has managed to continue in the State of Madhya Pradesh. Annexure R-4 amply demonstrates that there is a severe shortage of manpower in the newly created State of Chhattisgarh. The State is suffering on account of manpower shortage. As regards the personal problems of the applicant, she has stated that her husband is a bank officer posted in Madhya Pradesh. The respondents have stated that as per the transfer policy, inter-cadre transfer is allowed only in the case of marriage between two All India Service Officers. As per this policy, the case of the applicant does not strictly come under the ambit of posting of husband and wife at the same station. The policy on posting of husband and wife at one place, cited by the applicant, is a guideline of general nature and such requests are entertained on the basis of merit

and keeping in view the administrative requirements. It is also seen that the applicant's husband is posted at the nearest place in the undivided State which was recently bifurcated into two States. We also find that the applicant has made the request for retention in the State of Madhya Pradesh solely on the ground that her husband is working there. There is no other valid ground warranting our interference in a matter of allocation of cadre.

5. In view of the foregoing discussion, we do not find any merit in the OA. Accordingly OA is dismissed.


(A.K. Gaur)
Judicial Member


(Dr. G.C. Srivastava)
Vice Chairman

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पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....

प तिलिपि

(1) सचिव, उपायुक्त, जिला उपायुक्त, जबलपुर

(2) आवेदक श्री/श्रीमती/श्रीमती के काउंसल

(3) प्रत्यक्षी श्री/श्रीमती/श्रीमती के काउंसल

(4) मंत्रालय, मंत्रालय, जबलपुर

सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

J. Chaudhary 22/238
P. Chaudhary 22/238
A. 02/238

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