

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 675 of 2001

Jabalpur, this the 16th day of July, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

R.S. Vishwakarma, aged about 46
years, son of Late Shri B.L. Vishwakarma,
Joint Secretary, Finance and Civil Aviation,
Government of Chhattisgarh, D.K. Bhawan,
Raipur. Applicant

(By Advocate - None)

V e r s u s

1. Union of India, through the Secretary, Ministry of Personnel, P.G. and Pension (Department of Personnel & Training), Govt. of India, New Delhi.
2. State of Madhya Pradesh, Through Principal Secretary, Department of General Administration, Govt. of Madhya Pradesh, Vallabh Bhawan, Bhopal.
3. State of Chhattisgarh, Through Principal Secretary, Department of General Administration, Govt. of Chhattisgarh, D.K. Bhawan, Raipur. Respondents

(By Advocate - Shri P. Shankaran)

O R D E R

By Madan Mohan, Judicial Member -

None for the applicant. Since it is an old case of 2001, we proceed to dispose of this OA by invoking the provisions of Rule 15 of CAT (Procedure) Rules, 1987. Heard the learned counsel for the respondents and perused the records and pleadings carefully.

2. By filing this Original Application, the applicant has claimed the following main reliefs :

"i. to quash the impugned order dated 31.10.2000 (Annexure A-6) in the interest of justice,

ii. to direct the respondents to allocate State of Madhya Pradesh cadre to the applicant in terms of the option exercised by him,

iii. to direct the Govt. of India to allow application (Annexure A-6) for mutual exchange of cadre with Shri V.K. Singh."

QF

2. The brief facts of the case are that the applicant is a Member of Indian Administrative Service. He was inducted in the said service by notification dated 19.7.1996 and was allotted 1991 as the year of his allotment. As per allocation of IAS officers between Madhya Pradesh and Chhattisgarh, he has been allocated to Chhattisgarh by the impugned order dated 31.10.2000. Aggrieved by this, he has filed this OA claiming the aforesaid reliefs.

3. The learned counsel for the respondents stated that a similar order dated 15.9.2003 has been passed by the Hon'ble High Court of Madhya Pradesh in Writ Petition No. 21562/2003, wherein a similar issue relating to the cadre allocation of state has been considered. He further submitted that considering this case of the Hon'ble High Court this Tribunal has also decided a similar case of Mrs. M. Geetha Vs. Union of India & Anr. in OA No. 1031 of 2000.

4. We perused the judgment of the Hon'ble High Court and also the judgment of this Tribunal in the case of Mrs. M. Geetha (supra) and we find that the Hon'ble High Court of Madhya Pradesh has passed the following order in the Writ Petition No. 21562/2003 :

"10. In view of the aforesaid following direction are issued :-

(A) The petitioners may file fresh representations to Government of India, Department of Personnel and Training Ministry of Personnel Public Grievances and pensions, Loknayak Bhawan, Khan Market, New Delhi (State Re-organisation Cell) within a period of 30 days from today. This representation shall be sent by the concerned employee through proper channel i.e. through their concerning department. Petitioners shall also send one copy of their representations, apart from through proper channel directly to Central Government on above address by speed post, within the aforesaid period. Along with this representation petitioners will enclose their previous representations and necessary authentic documents (if any) for ready reference to the respondents. The petitioner in the representation will give his correct and complete postal address and specify his present place of posting. If he is working because of some interim order of the High Court, Tribunal or otherwise, he will specify this in the representation.



(B) On receiving the representations by the Central Government, the comment of both the Governments will be called. The representations sent by the employees through departments shall accompany comments of the concerned departments on forwarding the representations, touching all the points involved in the representations. This will be done by the concerning departments within a period of 15 days from the date of receipt of the representations from petitioners or from the Central Government for comments. It will be open to the Central Government to seek further information from the State Government and on such requisition being made from the Central Government the concerned State Government will supply the same expeditiously, not later than 15 days from the date of receipt of such communication.

(C) The concerned Government will also send its comments within a period of 15 days from the date of receipt of the notices in this regard to the Central Government.

(D) On receipt of the aforesaid, Central Government will decide each representation after considering the merits and the grievances raised in the representations within a period of three months from the date of receipt of the comments from the State Governments. The Central Government shall be within the powers either to consider the representations itself or to constitute an Advisory Committee in accordance with the provisions of Section 71.

(E) The decision of the Central Government will be communicated to the employees forthwith through the concerning Department who will receive the acknowledgement of the concerned employee on the communication, if the employee is not available or avoid the communication, the concerned department will send the decision to the employee by registered A/D post on the address given by the employee on the representation and this will be deemed sufficient compliance of the order. The decision of the Central Government will be given effect to after 15 days from the date of communication of the order to the concerned employee. The employee will be allowed 15 days' time to comply with the order. If the employee feels aggrieved with the aforesaid decision, he/she will be free to approach the appropriate forum for the redressal of the grievance.

(F) It is made clear that while Central Government deciding the representation of the petitioner finds appropriate to afford some opportunity of hearing to the concerned employee, it will be within the discretion of the Central Government to afford such opportunity to the employee for the redressal of grievances.

(G) The employees who have joined their successor State will continue in the same state. Those, employees who were not relieved or were permitted to rejoin or continue by interim order of the Tribunal or otherwise shall be permitted to continue in the State in the same cadre (as per the allocation) till the decision on the representation as directed hereinabove."

Original Application is fully covered by the order of the Hon'ble High Court in the aforesaid Writ Petition and also of the case of Mrs. M. Geetha (supra) decided by this Tribunal on 11th May, 2003. In view of the aforesaid, we dispose of this Original Application with a direction that the order of the Hon'ble High Court given in the aforesaid Writ Petition will mutatis-mutandis applicable in the instant case. No costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

"SA"

Issued
On 22.7.04
B3

पृष्ठांकन से ओ/न्या..... जबलपुर, दि.....
प्रतिलिपि अब्दे रिट:—
(1) संघिल, उच्च न्यायालय वार एसोसिएशन, जबलपुर
(2) आदेकड श्री/श्रीमती/कु..... के काउंसल S.K. Agarwal
(3) प्रत्यर्थी श्री/श्रीमती/कु..... के काउंसल P. Shukla
(4) वायपाल, कोप्रां, जबलपुर न्यायालय
सूचना एवं आवश्यक कार्यवाही हेतु

22-7-04
उप रजिस्ट्रार