

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 1031 of 2000

2004

Jabalpur, this the 11th day of May, (2003) *u u u u u*

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

Mrs. M. Geetha, IAS  
w/o Shri Ramesh P.  
aged about 28 years,  
at present Assistant Collector  
Gwalior and Sub-Divisional  
Officer, Dabra, Distt. Gwalior  
(M.P.)

APPLICANT

(By Advocate - Sh. Manoj Sharma)

VERSUS

1. Union of India through Secretary,  
Deptt. of Personnel & Training  
North Block, Central Secretariate,  
New Delhi.
2. State of M.P. through Secretary,  
General Adm. Department,  
State Re-organisation Cell,  
Mantralaya, Vallabh Bhavan,  
Bhopal (M.P.)

RESPONDENTS

(By Advocate - Shri B. da. Silva Sr. Adv. alongwith  
Shri Sajid Akhtar)

ORDER (ORAL)

By M.P. Singh, Vice Chairman -

By filing this OA, the applicant has sought the  
following main relief :-

"ii). to set aside the impugned Notification  
dated 31.10.2k so far as it relates to the  
applicant and be further pleased to direct  
the respondents that the applicant be retained  
in the Madhya Pradesh Cadre of the IAS".

2. The brief facts of the case are that the  
applicant is a direct recruit <sup>IAS officer</sup> of 1997 batch and <sup>was allocated to</sup> belonging  
to M.P. cadre. As per allocation of I.A.S. officers  
between Madhya Pradesh and Chhattisgarh, she has been  
allocated Chhattisgarh by the impugned order dated 31.10.2000.  
Aggrieved by this, she has filed this OA.

3. Heard the learned counsel for the parties.

Judgment  
corrected  
as per order  
dt. 26-7-04  
in M.A. No. 751/04  
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Registered

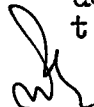
3. The learned counsel for both the parties have submitted a copy of the order dated 15.9.2003 passed by the Hon'ble High Court of Madhya Pradesh in Writ Petition No. 21562/03, wherein a similar issue relating to the cadre allocation of State has been considered. The Hon'ble High Court of M.P. has passed the following order in the aforesaid W.P.:-

10. In view of the aforesaid following directions 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, Loknaya 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 concerned 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 concerned 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 concerned 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.

The learned counsel for the applicant states that the present OA is fully covered by the order of the Hon'ble High Court in the aforesaid writ Petition. We have perused the aforesaid order and find that the present case is covered in all <sup>four</sup> ~~five~~ by the judgment dated 15.9.2003 in aforesaid W.P. No. 21562/03.

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(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 concerned 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.

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The learned counsel for the applicant states that the present OA is fully covered by the order of the Hon'ble High Court in the aforesaid Writ Petition. We have perused the aforesaid order and find that the present case is covered in all <sup>four</sup> ~~force~~ by the judgment dated 15.9.2003 in aforesaid W.P. No. 21562/03.

4.  
In this view of the matter, we dispose of this OA.

: 4 :

with a direction that the order of Hon'ble High Court  
given in the aforesaid Wript Petition will mutatis-mutandis  
applicable in the instant case. No costs.

(Madan Mohan)  
Judicial Member

(M.P. Singh)  
Vice Chairman

SKM

पूठांकन सं ओ/न्या.....जबलपुर, दि.....

प्रतिलिपि कावे रिफ:-

- (1) सचिव, उच्च न्यायालय कावे रिफ, जबलपुर
- (2) आवेदक श्री/श्रीमती/श्री.....के काउंसल M. Sharma
- (3) प्रत्यर्थी श्री/श्रीमती/श्री.....के काउंसल B. Danwar
- (4) जंयपाल, कोषा, जबलपुर न्यायाधीश  
सूचना एवं आवश्यक कार्यवाही हेतु Rajendra  
रिजिस्ट्रार 28/7/04

सत्य प्रतिलिपि

28.7.04

अनुभाग अधिकारी  
कै. प्र. अ. जबलपुर (म.प्र.)

Forwarded  
on 28.7.04  
BS