

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH, JAIPUR.

Jaipur, the 8th day of November, 2005

**ORIGINAL APPLICATION NO. 409/2005**

CORAM :

HON'BLE MR.A.K.AGARWAL, VICE CHAIRMAN  
HON'BLE MR.M.L.CHAUHAN, MEMBER (J)

Miss Shalini Agarwal  
D/o Shri S.K. Agarwal,  
R/o 1/251, Vishnu Marg,  
SFS, Agarwal Farm,  
Mansarovar,  
Jaipur.

By Advocate : Shri Dharmendra Jain,  
Proxy counsel for  
Mr. Manish Bhandari  
... Applicant

Versus

1. Union of India  
Through Secretary,  
Department of Personnel & Training,  
North Block,  
New Delhi.

By Advocate : Shri Bhanwar Bagri

2. State of Rajasthan  
Through Secretary,  
Department of Personnel,  
Government of Rajasthan,  
Secretariat,  
Jaipur.

By Advocate : Shri U.D.Sharma

... Respondents

**ORDER (ORAL)**

The applicant has filed this OA thereby  
praying for the following relief :

"i) By an appropriate order or direction  
the Hon'ble Tribunal may kindly quash and

set aside the rule(s)/policy/instructions providing reservation for the purpose of allocation of cadre/posting in Indian Civil Service being violative of Article 14 and 16 as well as the judgement of the Hon'ble Supreme Court in the case of Indira Sahani;

ii) by further appropriate order or direction the respondents be further commanded not to fill up insider (SC/ST) post from less meritorious candidate than the applicant. The respondents be further commanded with a direction that insider post meant for SC/ST candidate cannot be transferred to an OBC candidate and any such action of the respondents be held to be illegal and during the pendency of the application if any such order is passed, then it may kindly be quashed and set aside. A further direction may also be issued that looking to the merit position of the applicant at No.22 (otherwise No.2 in the State of Rajasthan), the applicant be allocated State of Rajasthan against the second post meant for insider quota and thereby the allocation of cadre of J&K to the applicant be declared to be illegal. If any order passed during the pendency of the Original Application, then the same may also be quashed and set aside and if need be the relief may kindly be molded appropriately so as to impart justice in the facts and circumstances of the case as well as the grounds taken in the Original Application."

2. Notice of this OA was given to the respondents, who have filed their reply. Respondent No.2 i.e. State of Rajasthan has taken preliminary objection regarding maintainability of this OA as well as to the effect that the present OA is premature. In view of the stand taken by the respondent in the reply, the learned counsel for the applicant submits that he wants to withdraw this OA at this stage with a liberty reserved

to him to file appropriate OA before appropriate forum.

3. Since this Tribunal has got no territorial jurisdiction to entertain this OA, accordingly, this OA shall stand disposed of in terms of statement made by learned counsel for the applicant. I.R. granted earlier in the matter shall also stand vacated.



(M.L.CHAUHAN)

MEMBER (J)



(A.K.AGARWAL)

VICE CHAIRMAN