

**Central Administrative Tribunal
Principal Bench, New Delhi**

**RA No. 240/2016
OA No. 1715/2014**

New Delhi this the 07th day of November, 2016

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Dr. B.K. Sinha, Member (A)**

1. Union of India
Through the Secretary,
Ministry of Defence,
South Block, New Delhi
2. The Engineer-in-Chief,
Kashmir House,
Army Headquarters,
New Delhi - Review Applicants

VERSUS

1. Indian Defence Service of Engineers Association,
Room No.173, E-in-C Branch,
Military Engineer Services,
Kashmir House, Rajaji Marg,
New Delhi
Through its President
2. Veer Singh Yadav, EE,
S/o Shri RR Yadav,
GE (West) Delhi Cantt. - Respondents

O R D E R (in Circulation)

Dr. B.K. Sinha, Member (A):

The instant Review Application has been filed by the review applicants under Section 22(3)(f) of Administrative Tribunals Act, 1985 read with Rule 17 of CAT (Procedure) Rules and Order 47 Rule 1 & 2 of CPC seeking review of the

order of this Tribunal dated 18.08.2016 in OA No. 1715/2014.

2. The original applicants were aggrieved with the respondents on the ground that though the cadre review is stipulated to take place after every five years, the first cadre review was done in 1985, the second in the year 2000 and third on 22.09.2011. It had been decided in a high level meeting dated 22.09.2011 to conduct fourth cadre review in the year hence. However, the decision of the third cadre review could not be implemented and respondent no.2, in the OA, had declined to hold to hold the fourth cadre review as stipulated in the meeting of 22.09.2011 on the pretext of awaiting implementation of the decision of the third cadre review dated 22.09.2011. The respondents provided, vide order dated 05.02.2015, that the cadre review would take place after having watched the performance of the third cadre review for a period of five years, i.e., from 2013 to 2018.

3. The respondents (original applicants), in the Review Application, had come to this Tribunal vide OA No. 1715/2014, which had been disposed of on 19.08.2016, seeking a direction that the fourth cadre review should be held in terms of the decision dated 22.09.2011 and they also sought quashing of the order dated 05.02.2015

providing the fourth cadre review to take place in 2018. This Tribunal, vide order dated 19.08.2016, set aside the order dated 05.02.2015 and allowed the OA with direction that the 4th cadre review should be held within a period of three months from the date of production of a certified copy of this order.

4. In the instant Review Application, stagnation is not the sole ground in governing the principles of cadre review in the Government of India's monograph regarding the cadre review Group 'A' Central Civil Services Officers. It is to strike a healthy balance between functional requirements and the career progression and thereby promoting internal efficiencies. The review applicants have further submitted that the IDSE is one of the Group 'A' Civil Services and has its own requirements for effectiveness. They have also submitted that a large number of exercises are involved in the cadre review which could not be done in the short period. The review applicants have also referred to internal conflict within IDSE, whereby certain Groups in the IDSE cadre, including its 7th President Shri R.K. Sharma were pressing for the cadre review, while some of the other cadres had not had a single or second cadre review because the entire attention was riveted on the demand of cadre review for the IDSE.

5. We have considered the issues raised by the review applicants in the instant Review Application.

6. The review applicants are seeking their trade between different sets of imperfections. Monograph of cadre review clearly provides as under:-

“The Government of India, while accepting the above recommendations of the ARC, decided that cadre management reviews in respect of each Group ‘A’ Service should be undertaken once in 3 years by high level Cadre Management Committees headed by the Cabinet Secretary. The frequency was later changed to once in five years.”

It is also agreed position that the review applicants have been hopelessly late in carrying out the cadre review often as many as 15 years.

7. The review applicants mentioned as a ground that in some other Group ‘A’ Services, cadre review has either never been carried out in the state of first or the second review. Given the efficiency of the review applicants, we have not the least doubt that such would be prevailing state of affairs. However, to allow the Review Application to be carried through is to put a premium on inefficiency and lethargy. Once when it had been provided at the level of the Government that the cadre review should be carried out after five years, the review applicants are duty bound to

abide by this. Monograph itself provides the objective of cadre review, which is as follows:-

- “a) estimate future manpower requirements on a scientific basis for a period of 5 years at a time;
- b) plan recruitment in such a way as to avoid future promotional blocks and at the same time prevent gaps from building up;
- c) restructure the cadre so as to harmonize the functional needs with the legitimate career expectations of its members; and
- d) enhance the effectiveness of the service.”

However, all these objectives would stand defeated, if the cadre review is not completed well in time. Moreover, if a statue requires a thing to be done in a particular manner, then it must be done in that manner or not at all (**Shiv Kumar Chadha vs. Municipal Corporation of Delhi & Ors.** MANU/SC/0522 of 1993). Here, the Government has provided a cadre review to be held after every five years. This liability would be discharged in the particular manner, as provided. The review applicants cannot take shelter behind their own inefficiency and inaptitude.

8. Therefore, in view of the above, we have no option, except to dismiss the Review Application in circulation.

(Dr. B.K. Sinha)
Member (A)

(V. Ajay Kumar)
Member (J)