

**Central Administrative Tribunal
Principal Bench
New Delhi**

OA No. 3138/2014

This the 1st day of November, 2018

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)

G. Guruprasad,
S/o Late Shri B.K. Ganganna,
R/o Room No. B-6, New Hostel,
Indira Gandhi National Forest Academy,
Dehradun - 248006.

... Applicant

(By Mr. S. P. Singh, Advocate)

Versus

1. Union of India through Secretary,
Ministry of Environment and Forest,
Paryavaran Bhawan, CGO Complex,
Lodhi Road, New Delhi - 110003.

... Respondents

(By Mr. Subhash Gosain, Advocate)

ORDER

Justice L. Narasimha Reddy, Chairman :

The applicant is an officer of Indian Forest Service (IFS) of the 2012 batch. He is a native of Karnataka, and was allocated to the Maharsahtra cadre. He submitted a representation on 29.07.2013, stating that in view of the existing composition of the Karnataka cadre of the IFS, and the rank held by him, he is entitled to be allocated to the Karnataka cadre. This OA is filed

with a prayer to direct the respondents to act upon the representation made by him, and to direct the respondents to allocate him to the home cadre of Karnataka.

2. It is stated that though there existed three vacancies for the year 2012 in the Karnataka cadre, two outsiders were allocated as against one insider, and there is a serious imbalance in the ratio of outsiders and insiders, particularly in the allocation made in the year 2012, on account of a large number of inter-cadre transfers.

3. The respondents filed a counter affidavit opposing the OA. It is stated that the representation dated 29.07.2013 was not received by them at all, and on noticing that it is filed as Annexure-A to the present OA, they passed an order dated 15.12.2014 furnishing the reasons for not acceding to the request of the applicant. It is stated that the applicant is not entitled to be allocated to his home cadre, and an exercise of such nature cannot be undertaken at this stage.

4. Three vacancies existed for the year 2012 in the Karnataka cadre. Two out of them were allocated to outsiders, and one to insider. It is not in dispute that the insider candidate was more meritorious than the applicant. In the year

2008 itself, it was decided that the allocation shall be in the ratio of 1:2 for insider and outsiders, and the roster points in this behalf were fixed as "O-I-O-O-I-O". In implementation of this, it may so happen that two outsider vacancies may occur as against one insider, depending on the points of roster. That is what exactly happened in the year 2012. The respondents mentioned the same in their reply dated 15.12.2014. Though the applicant filed a rejoinder, he is not able to demonstrate as to how the view taken by the respondents is incorrect.

5. Another plea of the applicant is that on account of the several inter-cadre transfers, the number of outsiders in the Karnataka cadre had exceeded their legitimate share. In this behalf, it is to be noted that the identification of the candidates as insider or outsider becomes relevant only at the stage of initial allocation. Once that is done, it loses significance for all purposes. If the contention of the applicant is to be accepted, the vacancy that arises out of the retirement of an insider officer, must be filled only with a candidate of that nature, and similarly, a vacancy arising out of the retirement of an outsider, by another outsider. This was never the contemplation under the rules of allocation. At any rate, the applicant did not

implead the candidates who are likely to be affected in the event of his contention being accepted.

6. Viewed from any angle, we do not find any basis to grant relief to the applicant. The OA is accordingly dismissed. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/as/