

**Central Administrative Tribunal
Principal Bench
New Delhi**

**OA No.4414/2011
MA No.347/2014**

Order Reserved on : 25.07.2018
Pronounced on : 18.09.2018

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

Hon'ble Ms. Aradhana Johri, Member (A)

D. K. Vinod Kumar S/o K. Devarajan,
IFS Officer Trainee, O/o Conservator of
Forests (Admn. & Planning),
Forerst Head Office, Sanjenthong,
Imphal-795001, residing permanently at
Vinod Gardens, near Nagari Temple,
Harippad P.O., Alappuzha,
Kerala-690514.

... Applicant

(By Shri Ajesh Luthra, Advocate)

Versus

1. Union of India represented by
Secretary to the Government of India,
Ministry of Environment and Forests,
Pariyavaran Bhawan, CGO Complex,
New Delhi-110003.
2. Secretary,
Department of Personnel and Training,
Ministry of Public Grievances and Pension,
New Delhi-110001.
3. Director, Indian Forest Service,
Ministry of Environment and Forests,
Pariyavaran Bhawan, CGO Complex,
New Delhi-110003.

4. State of kerala, represented by the
Chief Secretary to Government of Kerala,
Secretariat, Trivandrum-695001.
5. State of Manipur, represented by the
Chief Secretary to the Government of Manipur,
Imphal-795001.
6. State of Tripura, represented by the
Chief Secretary to the Government of Tripura,
Agartala.
7. State of Tamil Nadu, represented by the
Chief Secretary to the Government of Tamil Nadu,
Chennai-400001.
8. State of Karnataka, represented by the
Chief Secretary to the Government of Karnataka,
Bangaluru.
9. State of Uttarakhand, represented by the
Chief Secretary to the Government of Uttarakhand,
Dehradun-246001.
10. State of Madhya Pradesh, represented by the
Chief Secretary to the Government of Madhya Pradesh,
Bhopal.
11. State of Sikkim, represented by the
Chief Secretary to the Government of Sikkim,
Gangtok.
12. State of Maharashtra, represented by the
Chief Secretary to the Government of Maharashtra,
Mumbai.
13. State of Andhra Pradesh, represented by the
Chief Secretary to the Government of Andhra Pradesh,
Hyderabad.
14. State of Himachal Pradesh represented by the
Chief Secretary to the Government of Himachal Pradesh,
Shimla.

15. R. Adalarasan, DFO, Kozhikode division, O/o PCCF, Govt.of Keral, D/o Forests, Vashuthacaud, Thiruvananthapuram 695014
16. Akash Kumar Verma, ACF, O/o PCCF, Govt. of Uttarakhand, Deptt of Forests, Dehradun
17. Ms.T.Uma, ADCF to Konni Division, O/o PCCF, Govt. of Kerala, D/o Forests, Vazhuthacaud, Thiruvananthapuram 695014.
18. Sreenatha N, ACF, Surat, O/of PCCF Govt. of Gujarat, Deptt. of Forests, Block No.14, Jiwraj Bhai Mehta Bhavan, Gandhinagar-382010.
19. Vinay Kumar, ACF, O/o PCCF, Govt. of Uttarakhan, Deptt. of Forests, Dehradun.
20. Anjan Kumar B.N., Indian Forest Service,Officer Trainee, Office of the Divionsal Forest Officer, Mananthavady, Wayanad, Kerala.
21. Ms. Kamla K. ACF, O/of CF, Mysore Circle, Mysore, O/o PCCF, Govt. of Karanataka, Arnya Bhavan, Hallenshwaram, Bangalroe560003.
22. Rahul V.C., ACF, O/o PCCF, Govt. of Tamil Nandu D/o Forests, 79 E/81, Anna Salai: Chennai600006
23. Anupam Sahay, ACF, Dewas (T) , O/o PCCF, Govt. of Madhya Pradesh, Saipura Bhavan, Bhopal 462004.
24. V S.N. V. Prasad, Undergoing training in Bhadrachalam South, O/o PCCF, Govt. of Andhra Pradesh Deptt. of Forests, Saifabad, Hyudrabad500004.
25. Pankaj Kumar, ACF, O/o PCCf, Govt. of Uttarakhand, Deptt. of Forests, Dheradun.
26. Prashant Kumar Singh, ACF, Harda (T) O/o PCCF, Govt. of Mdaya Pradesh Saipura Bhavan, Bhopal 462004.

27. Manoj Kumar Shukla , ACF, O/o PCCF, Govt. of Uttar Pradesh 17, Rana Pratap Marg, Lucknow, 226-001.
28. R. Senthilkumaran, ACF, Dangs, O/o PCCF, Govt. of Gurjarat, Deptt. of Forests, Block No.14, Jiwraj Bhai Mehta Bavan, Gandhinagar 382010.
29. Ram Chandra Rajguru, ACF, O/o PCCF, Govt.of Uttarakhand, Deptt of Forests, Dehradun
30. Karthick V, ACF, O/o PCCF, Govt.of Orissa, Deptt. of Forests 2nd & 3rd Floor, Janpath, Saheed Nagar, Bhubaneswar 751007.
31. Agni Mitra, On probation, A & N Islands, O/o PCCF, A & N Administration, P O Chatham, Deptt of Forests, Port Blair-744101.
32. Ms. Kiran Bisen ACF, Jabalpur (T), O/o PCCF, Govt.of Madhya Pradesh, Saipura Bhavan, Bhopal 462004.
33. Abhishek Kumar Singh, ACF, O/o PCCF, Govt. of Chattishgarh, Deptt. of Forests, Raipur.
34. Mohit Kumar Nigam, ACF, O/o PCCF, Govt.of Rajasthan, Deptt of Forests, Van Bhavan, Jaipur -302-009.
35. Ms. Harini V, DFO, Udaipur Forest Division, O/o PCCF, Govt. of Rajasthan, Deptt. of Forests, Van Bhavan, Jaipur 302-009.
36. Sunil, ACF, O/o PCCF, Govt. of Rajasthan, Deptt of Forests, Van Bhavan , Jaipur 302-009
37. Nameirakpam Jaswant, ACF , O/o PCCF, Govt. of Sikkim, Deptt of Forests, Deorali: Gangtok 737-102.
38. Shashi Shankar, ACF, O/o PCCF, Govt.of Rajasthan, Deptt of Forests, Van Bhavan, Jaipur-302-009.
39. T.V. Karikalan, ACF, O/o CF, Mysore Circle, Mysore, O/o PCCF Govt. of Karnataka, Aranya Bhavan, Hallenshwaram, Bangalore 560003

40. R.K. Amarjit singh, DFO, Tengnopal Forest Division, O/o PCCF, Govt.of Manipur, Deptt of Forests Sanjenhong, Imphal 795011
41. Vivekanand Jha, On Probation (Korba Division), O/o PCCF, Govt.of Chattishgarh, Deptt. of Forests, Raipur
42. Thejasvi S. N. , ACF O/o PCCF, Govt. of Tamil Nadu D/o Forests, 79E/81, Anna Salai: Chennai 600006.
43. Navneet Singh Bains, ACF, O/o PCCF, Govt. of Punjab, Deptt of Forests, 17, Bays Building Sec. 17: Chandigarh 160-017.
44. Tawheed Ahmad Deva, ACF, Srinagar Circle, O/o PCCF, Govt.of Jammu Kashmir, Forest Complex, Exchange Raod, Jammu 180001
45. M S. Arun Mahesh Babau, ACF, O/o PCCF, Govt.of Orissa, Deptt of Forests 2nd & 3rd Floor, Janpath, Saheed Ngar, Bhubaneswar 751007.
46. Prakash Chand Gogineni, ACF, O/o PCCF, Govt. of Orissa, Deptt. of Forests 2nd & 3rd Floor, Janpath Saheed Ngar, Bhubaneshwar 751007.
47. Prateek Bhatia, ACF, O/o PCCF, Govt.of assam, Deptt. of Forests, Guwahati 781001.
48. Anisha Kalkoor M, On Probation, A & N Islands, O/o PCCF, A. & N administration, P O Chatham, Deptt of Forests, Port Blair-744101.
49. Kamdi Hemand Bhaskar, ACF, O/o PCCF, Govt. of Nagaland, Deptt of Forests,Kohima 797-001.
50. Kuldeep, DCF (Botanical Garden and Nature Reserve), Chandigarh Administration, Deptt of Forests 17, Bays Building: Sec. 17, Chandigarh 160-017.
51. Saurabh Sharma , ACF, Mizoram , O/o PCCF, Govt. of Mizoram, Deptt. Of Forests, Aizawal 796001.

52. Paras Mani Tripathi, Attached to DFO Aalo, Arunachal Pradesh, O/o PCCf, Deptt. of Forests, Govt.of Arunachal Pradesh, Itangar 791101
53. Ms Minakashi Prasad, ACF, O/o PCCF, Govt. of West Bengal, Forest Department, Writers Bulding, Calcutta - 700-01.
54. N. Palanikanth, DCF (Wildlife), NDH, Silavasa, O/O PCCF, Govt.fof Dadra & Nagar Heveli, Silvasa-396-230
55. Ms. C. Meenkashi, Inter cadre deputation to Tamil Nandu, O/o PCCF, Govt.fof Tamil Nandu D/o Forests, 79E, 81 Anna Salai :PCheenai 600006
56. Sriram J. ACF, O/o PCCF, Govt.of Chattishgarh, Deptt. of Forests, Raipur,
57. B. Mohandaas, ACF, Chenab Circle, O/o PCCF, Govt.of Jammu Kashmir, Forest Complex Exchange Road, Jammu 180 001.
58. T. Mohan Raj, ACF , O/o PCCF Govt.of Rajasthan, Dept of Forests, Van Bhavan, Jaipur 302 009.
59. Balaji Kari, ACF, O/o PCCF, Govt.of Rajasthan, Deptt of Forests, Van Bhavan Jaipur 302-009
60. Rajiv Dhiman, ACF, O/o PCCF, Govt. of Uttarakhand, Deptt of Forests, Dehradun
61. Sanjaya Kumar Swain , ACF, O/o PCCF, Govt. of Orissa,Deptt of Forests 2nd and 3rd Floor Janpath, Saheed Ngar, Bhubanewshwar 751007
62. Gopinath R, ACF, South Forest Division, Tuglakabad, New Delhi ,O/o PCC , Govt. of NCT of Delhi, Uderhill Road, Delhi-6
63. C. Vidhyasgar, ACF, Mizoram, O/o PCCF, Govt.of Mizoram, Deptt of Forests Aizawal 796001

64. Manivasagan S, On probation (South Sarguja Division,), O/o PCCF, Govt.of Chattishgarh, Deptt. of Forests, Raipur
65. Ms. Banumathi G, ACF, O/o PCCF, Govt.of Tripura, Deptt of Forests P O Kunjvan, Agartala 799001.
66. Madhu V Raj, ACF, Hoshangabad (T), O/o PCCF, Govt.of Madhya Pradesh, Saipura Bhavan, Bhopal
67. V. Baskaran, Attached Office, Hazaribagh east Division, O/o PCCF, Govt. of Jharkhand, Deptt of Forests, Ranchi.
68. Ms. Yasodha K, ACF, Goa, Prl. CCF Office, D/o Forests Janta House, 3r d Floor,Panaji -303001
69. T. Karuppasamy, ACF, Chhotaudepur, Vadodara, O/O PCCF, Govt.of Gujarat, Deptt of Forests, Block No. 14, Jiwraj Bhai Mehta Bhavan Gandhingar, 382010
70. S. Prabhu , ACF, O/o PCCF, Govt.of Tripura, Deptt. Of Forests P O Kunjvan , Agartala 799-001
71. Kirupasankar M, on Probation, Attached to DFO, Dhramshala, O/o PCCF, Govt.of Himachal Pradesh Talland, Shimla 171002
72. Sudhanshu Sekhar Khora, ACF, O/o PCC, govt.of Orissa, Deptt. of Forest 2nd & 3 rd Floor, Janpath, Saheed Ngar, Bhubaneswar 751007
73. Arunlrajan P, ACF Mizoram , O/o PCCF, Govt.of Mizoram, Deptt of Forests Aizawal 796001.
74. Suratna Sur Shan Sher Sherpa, ACF, O/o PCCF, Govt.of West Bengal, Forest Department, Writers, Bulding, Calcutta -7000-001
75. Dhram Singh Meena, ACF, O/O PCCF, Govt. of Uttrakahand, Deptt of Forests, Dehradun

76. Wahule Pradeepchandra P., Attached to DFO, Bomdilla , Arunachal Pradesh, O/o PCC, Deptt of Forests, Govt. of Arunachal Pradesh Itanagar 791101.
77. T. Aochuba, ACF, O/o PCC, Govt. of Nagland, Deptt of Forests, Kohima, 797001
78. Purushothama P., ACF, Junagadh, O/o PCCF, Govt. of Gujarat, Deptt of Forest, Block No. 14, , Jiwraj Bhai Mehta Bhavan Gandhinagar 38010
79. Nianamalai R, ACF (P) O/o PCCF, Govt. of Meghalaya Deptt of Forests & Environment, Sylvan House Lower Lackumierces, Shillong 793001
80. Shivanand S Talwar, ACF, O/o PCCF, Govt. of Tripura, Deptt. of Forests P O Kunjvan , Agartala 799001.
81. Arun Kumar R., ACF, O/o PCCF, Govt. of Tripura, Deptt. of Forests, P O Kunjvan, Agartala 799 001
82. Millo Tasser, ACF, Arunachal Pradesh, O/o PCCF, Deptt of Forests, Govt. of arunachal Pradesh Itanagar 791101.

... Respondents

(By Mr. H. K. Gangwani, Advocate)

ORDER

Justice L. Narasimha Reddy, Chairman :

The applicant participated in All India Services Examination held in the year 2008. On the basis of the rank obtained by him in the examination, he was appointed to the Indian Forest Service. In the context of allocation of cadres, he gave options in the order of - (1) Kerala, (2) Tamil Nadu, (3) Karnataka, (4) Himachal Pradesh, (5) Uttarakhand, (6) Sikkim,

(7) Madhya Pradesh, (8) Andhra Pradesh and (9) Maharashtra. However, he was allotted to the Manipur and Tripura cadre, through notification dated 22.04.2010. He made representation dated 26.04.2010 protesting against the cadre allocation.

2. The Ministry of Environment and Forests replied through letter dated 15.09.2010, stating that on account of non-reporting of vacancies by all the States, the data maintained by the Ministry was taken as the basis, and as the first step, one candidate for each of the 24 cadres was allotted, and thereafter the remaining 51 officers were apportioned among all the cadres, proportionate to the deficiency, in order to reduce the gap. Another communication was issued on 01.10.2009 regarding cadre allocation. The applicant feels aggrieved by the act of the respondents in not allocating him the Kerala cadre for the concerned year.

3. The applicant contends that though adequate number of vacancies existed in the Kerala cadre, the respondents did not fill them, and the ratio between the insiders and outsiders was not maintained.

4. The respondents filed a counter affidavit opposing the OA. It is stated that the computer-aided allocation was

made to the various cadres and no illegality has taken place in the same. It is also mentioned that due to shortage of candidates, all the vacancies available in a particular State cadre were not filled, and that no illegality has crept in allocation to the applicant to the Manipur and Tripura cadre.

5. We heard Shri Ajesh Luthra, learned counsel for the applicant, and Shri H. K. Gangwani, learned counsel for the respondents.

6. The issue pertains to the allocation of cadres to the Indian Forest Service officers of the 2008 batch. In OA No.4413/2011 filed by one Mr. Arun R. S., the same issue was dealt with. Incidentally, Mr. Arun R.S. and the applicant herein are natives of the Kerala State, and both of them were allotted the Manipur and Tripura cadre. After discussing various aspects at length, we allowed OA No.4413/2011 through order dated 30.08.2018. The only difference between the applicant herein and Mr. Arun R.S. (applicant in OA No.4413/2011) is that while the former occurs at serial number 33 in the order of allocation dated 22.04.2010, the latter occurred at serial number 27. Specific directions were issued in the order in that O.A.

The parties herein do not dispute that the facts of the present case are identical to those in OA No.4413/2011.

8. We, therefore, allow this OA directing that –
 - (a) the allocation of outsider candidate against the one of the vacancies of IFS Cadre of Kerala State through order dated 22.04.2010, is set aside;
 - (b) the respondent Nos.1 to 3 shall identify the vacancy that was otherwise to be filled by insider, and the insider candidate who was entitled to be posted against that;
 - (c) if it is otherwise permissible in law, the exercise indicated in para 14 of the order in OA No.4413/2011 shall be undertaken;
 - (d) if that alternative is not possible, the outsider candidate who was appointed against the insider vacancy of the year shall be shifted to the cadre, which he was otherwise entitled to, and the fact that all the vacancies available in that year were not filled shall be taken into account;

- (e) the exercise in this behalf shall be completed within a period of four months from the date of receipt of copy of this order.

8. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/as/