

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/21/475/2017

Dated: 18/07/2019

Between

D. Shilpa,
D/o. Sri C.D. Dyavaiah,
Aged about 34 years,
Occ: Indian Police Service Probationer,
Undergoing training at Sardar Vallabhbhai Patel
National Police Academy, Hyderabad
R/o. Hyderabad.

... Applicant

AND

1. Union of India rep. by
the Secretary to Government,
Ministry of Home Affairs,
Room No.220, North Block,
New Delhi – 110 001.
2. Sardar Vallabhbhai Patel National Police Academy,
Rep. by its Director,
Ministry of Home Affairs,
Sivarampally, Hyderabad – 500 052
Telangana District,
Andhra Pradesh.

... Respondents

Counsel for the Applicant : Mr. Siva

Counsel for the Respondents : Mr. V. Vinod Kumar, Sr. CGSC

CORAM :

Hon'ble Mr. A.K. Patnaik, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member

ORAL ORDER

[A.K. Patnaik, Judl. Member]

Heard Sri Siva, learned counsel for the applicant and Sri V. Vinod Kumar, learned Senior Standing Counsel appearing for the respondents.

2. This O.A. has been filed u/Section 19 of the Administrative Tribunals Act 1985, with the following prayers:

- i. Call for all the relevant and connected records relating to Notification No.1-12015/02/2016-IPS.IV dated 28.12.2016; Lr. No.I-14012/1/2017-IPS.IV dated 3.3.2017 and Memorandum No.33011/122/2016-Trg.IPS(P)69 RR dated 14.3.2017 of the 2nd respondent and quash or set aside the same in so far as allotting the applicant to the Kerala cadre holding it as arbitrary, illegal, unjust, violative of principles of natural justice and violative of Articles 14 & 16 of the Constitution of India;
- ii. Consequently, direct the respondents to allot the applicant to the Karnataka or in the alternative Telangana cadre of Indian Police Service in accordance with the preference given by the applicant.ö

3. On being questioned whether this O.A. is at all maintainable before this Bench of this Tribunal, as we have certain doubts regarding the point of territorial jurisdiction, Sri Siva, learned counsel for the applicant brought to our notice Annex.A-1, which has been impugned in this O.A., whereby the

rejection order has been issued very much at Hyderabad to the applicant, who was undergoing training at Hyderabad. Therefore, although she belongs to Karnataka cadre, a part of cause of action has arisen here in Hyderabad and, therefore, this Bench of this Tribunal is competent to adjudicate the matter.

4. Sri Siva, learned counsel for the applicant brought to our notice the representation preferred by the applicant under Annex.A-4. The reply to that representation under Annex.A-1 is nothing but a cryptic order, so far as our views are concerned. The law is well settled by catena of decisions that the respondent authorities should always pass a reasoned and speaking order whereby they allow or reject the prayer of an employee but that should not be an arbitrary or a cryptic one, and some reasons should be recorded while rejecting any such prayer of an employee. But in this order under Annex.A-1, no such reasons have been recorded. Therefore, we are of the considered view that the order impugned in the O.A. is nothing but a cryptic one.

5. Sri V. Vinod Kumar, learned Senior Standing Counsel appearing for the respondents vehemently opposed the O.A. by submitting that the applicant being a qualified candidate of All India Service and allotted to a particular cadre, cannot challenge the same because it is not palatable. Therefore, the O.A. is liable to be dismissed. He further submitted that the respondents should be given free hand to allocate the cadre as per administrative policies.

6. We, however, without issuing notice, quash the order under Annex.A-1 and remand the matter back to Respondent No.1, with a direction to consider the representation so preferred under Annex.A-4, and pass a reasoned and speaking order within a period of four weeks from the date of

receipt of this order, and communicate the result thereof within one week thereafter.

7. We also made it clear that although the applicant is already functioning as an IPS officer in Kerala, still then after such consideration, if the applicant's claim is found to be genuine, expeditious steps may be taken to re-allocate her cadre to Karnataka .

8. With the above observation, the O.A. stands disposed of. There shall be no order as to costs.

9. As prayed by Sri Siva, a copy of this order along with the paper book and all its annexures be transmitted to Respondent No.1 by speed post for which he undertakes to pay the costs by 22.07.2019.

(B.V. SUDHAKAR)
pv **ADMN. MEMBER**

(A.K. PATNAIK)
JUDL. MEMBER