



CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 427/2003

This the 7th day of May 2004

HON'BLE SH. KULDIP SINGH, MEMBER (J)
HON'BLE SH. S.A. SINGH, MEMBER (A)

Ms. Anagha Jayant Ghotane,
R/o 47/525, Kashid Colony,
Samrat Nagar,
Kohlapur, Maharashtra.

(By Advocate: Sh. Arun Bhardwaj)

Versus

1. Union of India
through Secretary,
Ministry of Defence,
South Block,
New Delhi-110001.
2. Ministry of Railways
through Chairman,
Railway Board,
Baroda House,
New Delhi.
3. Union Public Service Commission
through its Secretary,
Dholpur House,
Shahjahan Road,
New Delhi.
4. The Director (SP),
Sanchar Bhawan,
20, Ashoka Road,
New Delhi.

(By Advocate: Sh. Rajender Khatter)

O R D E R

By Sh. Kuldip Singh, Member (J)

Applicant has filed this OA under Section 19 of the AT
Act seeking the following reliefs:-

- (i) To quash and set aside the impugned order dt.
17.10.2002.

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- (ii) To direct the respondents to change the cadre of the applicant from Indian Navy to Department of Telecommunications..

2. Facts in brief are that the applicant had appeared for the Indian Engineering Services Examination in 2000 which was conducted by the UPSC in June 2000. Applicant qualified the same and obtained the national merit at rank No.117. Applicant then received an offer of appointment to the post of Deputy Armament Supply Officer in the Indian Navy vide Annexure A-2. Applicant submits that since she is working as Sub Divisional Engineer in BSNL, Kolhapur for the last 5 years and after the selection of candidates in the Indian Engineering Services Examination, the allotment of candidates is done to different Ministries. Since the nodal Ministry for allotting the cadre is Railway Board so applicant made a representation to the Railway Board where the applicant made a request for a change in her allotment from Indian Navy to Department of Telecommunications vide Annexure A-3.

3. The representation of the applicant was rejected vide impugned order dated 17.10.2002 whereby the respondents had stated that keeping in view the criteria the applicant had been allotted to Indian Naval Armament Service (INAS for short) on the basis of Indian Engineering Services Examination, 2000. The engineering services allocation being a multi-service allocation the candidates cannot be viewed in isolation overlooking the allotment criteria as enunciated

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above and notified in the Official Gazette of India. After the same is finalised, it cannot be changed and reallocating any one candidate leads to a chain reaction.

4. It is also stand of the respondents that the rules for allotment of departments to a candidate have been notified in the Official Gazette of India which takes into consideration the merit position, preferences exercised by them, number of vacancies in various Ministries/Departments etc. subject to their medical fitness.

5. Applicant had also given a preference for INAS though her first preference was for Department of Telecommunication. Applicant challenges the impugned order on the ground that the same is arbitrary, illegal and against the rules. It is stated that out of 75 candidates who were allotted Department of Telecommunication only 66 candidates had actually joined and 9 vacancies are still there in the Department of Telecommunications for the post of Assistant Divisional Engineer and since candidate at Sl. No.116 had already been allotted to Department of Telecommunication and the next candidate at Sl. No.117 in the merit list was applicant so she could have been easily allotted the Department of Telecommunication.

6. Besides that it is pleaded that since the applicant is already working as Sub Divisional Engineer in BSNL in the field of Telecommunication, so her past experience could have also been properly used by the Department of Telecommunication. It is further submitted that since Indian Naval Armament Service also requires some physical exercises

to be carried out by the candidates which are not possible by a woman and so far only one lady had joined the Indian Naval Armament Service and later on she had also left that service. So it is prayed that impugned order be quashed and respondents be directed to allocate the Department of Telecommunication to the applicant.

7. Respondents are contesting the OA. Respondents in their reply pleaded that the cadre allocation rules have been notified in the Gazette Notification and as per Rule 2 the candidates are to be allotted to various services/posts strictly in accordance with merit position, preferences exercised by them, number of vacancies in various Ministries/Departments subject to their medical fitness. It is stated that on the basis of Engineering Services Examination 2000 in which 128 candidates qualified in the electrical and telecommunication stream. Applicant who is a SC candidate had obtained merit at Sl. No.117 and keeping in view her preferences she had been allotted INAS which is strictly in accordance with notified rules.

8. It is further stated that there is no provision in the rules for reallocation of departments, if some persons have not joined the ITS. It is so because the allocation has to attain finality at some stage and since the applicant belongs to the batch of the year 2000 and respondents have finalised allocation of 2001 batch and the result for 2002 batch had also attained finality so at this stage no change can be done. The allocation of department cannot be linked to the joining of candidates.

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9. We have heard the learned counsel for the parties and have gone through the record.

10. Applicant has taken only two grounds seeking allocation to ITS because she is already working there and secondly because some of the candidates who are allocated ITS have not joined so there are 9 vacancies which remain unfilled. But counsel for applicant was unable to show any provision in the rules of allocation of cadre that if a candidate does not join a particular service then the next candidate has to be allotted the cadre in which the persons have not joined. So merely because 9 persons have not joined in the ITS, applicant does not get any right to be allocated in the ITS cadre.

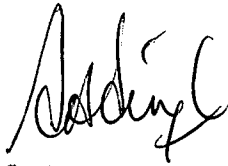
11. The second ground taken by the applicant is that so far no lady officer has joined INAS and besides that it involves some physical exercise. But we find that INAS was also one of the preference given by the applicant herself. So now she cannot say that no lady had joined earlier, so she cannot join the same. Rather OA suggest that one lady had joined the service but for personal reasons she had to left that job. This is also not a ground to change the allocation of cadre as per the rules notified in the Official Gazette.

12. No other point has been urged. Applicant has also not been able to point out any violation of the rules of allocation of cadre nor he has pointed out any rules regarding allotment of cadre which may entitle her to be allocated to ITS cadre because of non-joining of some of the candidates who have been allocated that cadre.

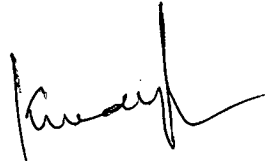


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13. Applicant fails to prove any violation of the rules regarding allocation of cadre. Thus, we find no case is made out for change of cadre. OA has no merits and the same is accordingly dismissed.



(S.A. SINGH)
Member (A)



(KULDIP SINGH)
Member (J)

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