

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/21/753/2017

Dated: 19/07/2019

Between

V.G. Satish Pasumarthi,
S/o. Sri P.R.K. Prasad,
Aged about 29 years,
Occ: IPS (Probationer),
69 RR, 2016 Batch (Under Training),
Sardar Vallabhbhai Patel National Police Academy,
Sivarampalli, Hyderabad,
Residing at Hyderabad
Telangana State.

... Applicant

AND

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

... 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, in extensor.

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 23.2.2017 and Memorandum No.33011/122/2016-Trg.IPS(P)69 RR dated 3.3.2017 of the 2nd respondent and quash or set aside the same in so far as allotting the applicant to the Sikkim 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 Telangana or in the alternative Karnataka cadre as an Outsider Unreserved category of Indian Police Service in accordance with the preference given by the applicant.ö

3. At the outset, Mr. Siva, learned counsel for the applicant submitted that the present O.A. is filed by the applicant aggrieved by his rejection for allotment to Sikkim cadre of IPS is bad and requires consideration and on being done so, he ought to have been allotted either to the State of Telangana or Karnataka cadre. It is further submitted by him that the Honøble Supreme

Court observed that the principle of allocation indicated in different clauses in letter dated 31.5.1985 is not only to implement the policy having two outsiders and one insider in each cadre, but also to ensure that general and reserved candidates selected and appointed to the AIS get a fair and just treatment. He further submitted that the Honøble High Court of A.P. has passed strictures regarding the manner in which the rosters both communal and the outsiders- insiders have not properly maintained and this resulted in the appellant before the Honøble Supreme Court. The CSE-2015 was the first examination conducted after the enactment of AP reorganization Act, 2014 bifurcating the erstwhile AP cadre into two cadres. As the basic requirement for allotment of the cadres i.e. the vacancy position is not properly maintained, all actions based on such a defective material cannot be set at naught.

4. The respondents have filed reply opposing the O.A. and the applicant has refuted the contentions of the reply by filing a rejoinder.

5. The applicant has already preferred a representation under Annex. A-XII. Sri Siva, learned counsel for the applicant brought to our notice the reply which has been received against the representation, which is impugned in the instant O.A. and annexed as Annex.A-I. On perusal of the said order, we found that the order reads as under:

öWith reference to your representation dated 29.1.2017 requesting re-allotment of cadre through CSE-2015, Ministry of Home Affairs (MHA) has replied that your request has been examined in the Ministry and the same is rejected it being devoid of merit.ö

6. In our considered view, this order can be termed as nothing but a cryptic one. Therefore, while quashing the order under Annex.A-I, we remand back the matter to the authority, who has passed the order under Annex.A-I to consider the same keeping in mind the rules and regulations governing the field and communicate the result thereof by way of a well reasoned order, within eight weeks from the date of receipt of a copy of this order. After such consideration, if the applicant's grievance is found to be genuine, then expeditious steps may be taken to allocate his cadre to Telangana or Karnatak and till such time, the applicant's continuance at New Delhi as of now will be maintained.

7. With the above observation, the aforesaid O.A. is disposed of. There shall be no order as to costs.

(B.V. SUDHAKAR)
ADMN. MEMBER

(A.K. PATNAIK)
JUDL. MEMBER

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