

(2018) 08 CAT CK 0015

In the Central Administrative Tribunal

Case No : Original Application No. 1094 Of 2012

R. Senthil Kumaran

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 30-08-2018

Acts Referred:

Citation : (2018) 08 CAT CK 0015

Hon'ble Judges : L. Narasimha Reddy, J; Aradhana Johri, Member (A)

Bench : Division Bench

Advocate : Shravan Sahay, Rajeev Kumar

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J

1. The applicant appeared in the All India Services Examination conducted by the Union Public Service Commission (UPSC) held in the year 2008. He belongs to OBC category, and hails from the state of Tamil Nadu. On the basis of marks secured by him, he was selected for Indian Forest Service. The applicant gave option for allocation to the cadres of Tamil Nadu, Karnataka, Kerala, Andhra Pradesh, Mumbai and Gujarat, in that order. Through an order dated 22.04.2010, the Government of India, Ministry of Environment and Forests allotted to the applicant Gujarat Cadre. The same is challenged in this OA.

2. The applicant contends that the Department of Personnel & Training issued detailed guidelines on 10.04.2008 prescribing the procedure for preparation of a 200-point running vacancy based roster for every State cadre, duly depicting the points earmarked for SC/ST/OBC and Unreserved categories, and for that purpose, the recruitments that have taken place since the year 1994 were to be taken into account, but the same was not prepared. The applicant further contends that had the roster, as contemplated under the said memorandum been prepared, fairly good number of vacancies in the cadre of Tamil Nadu would have been available for insider candidates, and on account of his being in a

meritorious position, he would have been allotted Tamil Nadu cadre. With this plea, he not only challenged the order dated 22.04.2010, but has also prayed for a direction to the respondents to allot him Tamil Nadu Cadre.

3. The respondents filed counter affidavit opposing the OA. Serious objection is raised as to the limitation. It is stated that though the allocation was made in April, 2010, the OA was filed two years thereafter, and on this ground alone, the OA is liable to be dismissed. It is further pleaded that the preparation of 200-point running vacancy based roster was done in accordance with the guidelines, and the cadre allocation for the concerned year has been made strictly in accordance with the relevant provisions of law.

4. Heard Shri Shravan Sahay, learned counsel for the applicant and Shri Rajeev Kumar, learned counsel for the respondents.

5. The applicant was allotted to the Gujarat cadre of IFS for the year 2008. His first contention is that had the 200-point running vacancy based roster been prepared properly in the State of Tamil Nadu, number of vacancies would have been available for insider candidates, and he would have got a chance of being allotted the Tamil Nadu cadre. All this is in the realm of imagination. It is not substantiated by placing any relevant material before the Tribunal. It is only when the 200-point running vacancy based roster prepared by the State is placed before the Tribunal, and any defects are pointed out therein, that there would have been an occasion for examining it, that too, if the OA is otherwise found to be in order and within limitation.

6. The cadre allocation is one of the most important steps in the appointment to All India Services. The allocation itself is a very complex process. Change of allocation of one candidate would have its own cascading effects on rest of the allocations. If any serious defect has crept into the allocation, the affected candidate is required to raise objections immediately, so that corrective steps are taken before any right accrues to the other allotted candidates.

7. In the instant case, the applicant approached the Tribunal, two years after the allocation was made. The only reason pleaded by him in the OA is that he was busy in training and attending to his old aged parents. These reasons hardly constitute an explanation. The rights that have accrued to various candidates cannot be defeated at this length of time, assuming that a case is made out on merits.

8. The OA is accordingly dismissed. There shall be no order as to costs.