

(2018) 09 CAT CK 0103

In the Central Administrative Tribunal

Case No : Original Application No. 4636 Of 2014

Sunil

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 18-09-2018

Acts Referred:

Citation : (2018) 09 CAT CK 0103

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

Bench : Division Bench

Advocate : Rajinder Nischal

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J

1. The applicant participated in All India Services Examination held in the year 2008. He hails from the State of Karnataka. On the basis of marks secured by him in the examination, he was selected for the Indian Forests Service. The allocation of cadres was made through notification dated 22.04.2010 and he was allotted to the cadre of State of Rajasthan. The same is challenged in this OA.

2. The applicant contends that though he was meritorious and was eligible to be allotted the Karnataka cadre, the respondents denied him that opportunity, and that the allocation is vitiated. It is also mentioned that as against four vacancies available for that year in the Karnataka cadre, only one was filled, that too, by an outsider.

3. The respondents filed counter affidavit opposing the OA. It is stated that though 85 candidates were recommended by UPSC, the candidature of as many as 11 of them was cancelled, and left with only 74 candidates, the Government had to make allotment to the respective cadres, proportionately. Another factor pleaded by them is that the allocation is made on the information as to the vacancies, furnished by the State cadres, and that the allocation of the applicant

to the Rajasthan cadre was strictly in accordance with rules.

4. We heard Shri Rajinder Nischal, learned counsel for the respondents. None was present for the applicant.

5. The allocation of cadre of the Indian Forest Service batch of the year 2008 is challenged in the year 2014. The respondents, no doubt, did not raise a specific plea of limitation. However, it is required to be explained. The only explanation offered by the applicant in this behalf is that he was permitted by the High Court to file the OA. However, no order of the High Court in this behalf is filed.

6. Be that as it may, the allocation of cadres is a very complicated process. The vacancies of each cadre for the concerned year are determined on the basis of the information furnished by the Governments of the respective States. For the year in question, only one vacancy was filled in the Karnataka cadre. The occasion to maintain the ratio between insider and outsider candidates did not arise. The respondents have mentioned reasons for such allocation.

7. Assuming that the applicant has made out a case for setting aside the allocation, and for undertaking the exercise afresh, it was essential for him to implead all the affected candidates. Even if the allocation of one candidate is disturbed, it would have cascading effect on various others in the cadres of several States. The applicant did not choose to implead anyone, who is likely to be affected.

8. Viewed in the context of - (a) the time at which the applicant filed the OA; (b) the manner of allocation of the candidates, explained in the counter affidavit; and (c) the failure of the applicant to implead the affected parties - we do not find any basis to grant the relief to the applicant. The OA is accordingly dismissed. There shall be no order as to costs.