
(2018) 09 CAT CK 0097
In the Central Administrative Tribunal
Case No : Original Application No. 698 Of 2014

T. Uma

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 18-09-2018

Acts Referred:

Limitation Act, 1963 — Section 3

Citation : (2018) 09 CAT CK 0097

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

Bench : Division Bench

Advocate : P. Ulaganathan, Rajinder Nischal

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J

1. The applicant challenges the notification dated 22.04.2010 issued by the Ministry of Environment and Forests, making allocation of the selected Indian Forest Service officers of the 2008 batch, to various State cadres. The applicant took part in the All India Services Examination conducted by UPSC in the year 2008, and on the basis of the marks secured by her, she was appointed to the Indian Forest Service. She was placed at serial number 2 in the merit list, and since the candidate at serial number 1 did not join, she became first in the list. She is a native of Tamil Nadu State.

2. In the context of preference for cadre allocation, the applicant gave following preferences:

1. Tamil Nadu
2. Karnataka
3. Andhra Pradesh
4. Kerala

The applicant was, however, allotted to the Kerala cadre. Two officers by name Mr. Rahul V.C., occurring at serial number 7, and Mr. Thejasvi S. N., at serial number 31, in the notification were allotted to Tamil Nadu cadre. The applicant contends that the denial of allocation to the Tamil Nadu cadre to her is illegal, arbitrary and contrary to the procedure stipulated under the relevant office memoranda. She further contends that though the norms stipulate that as against two outsiders, at least one insider must be allocated, no insider was allocated to the Tamil Nadu cadre.

3. In the counter affidavit filed by the respondents, it is stated that for the year in question, only two outsider vacancies in the Tamil Nadu cadre were available, and despite the meritorious rank obtained by the applicant, there was no possibility to allot her to the Tamil Nadu cadre. The contention of the applicant that no insider was allotted to the Tamil Nadu cadre since 2006 to 2010, is denied. The names of the insider candidates appointed during that period are also furnished.

4. We heard Shri P. Ulaganathan, learned counsel for the applicant, and Shri Rajinder Nischal, learned counsel for the respondents.

5. We do find some merit in the contention of the applicant that, being the top-most in the merit list, she was entitled to be allotted the cadre of her choice. However, according to the office memorandum dated 10.04.2008, the pattern of maintaining the insider-outsider ratio is "O-I-O-O-I- O". From the arguments advanced before us, it appears that for the year in question, the two vacancies occurred in "O-O" category. Therefore, though the applicant who was otherwise meritorious and entitled to, she could not be allotted the Tamil Nadu cadre. Added to that, each roster point is identified from the point of view of reservation also.

6. We would have certainly examined the matter in further detail, but for the fact that the applicant did not implead the candidates who are likely to be affected. Secondly, the allotment took place in the year 2010, and the OA was filed in the year 2014, i.e., after a delay of four years. In the OA, under the column "Limitation", the applicant has simply stated that the OA was filed at a belated stage because she was undergoing training. The record does not disclose that any application for condonation of delay was filed. Though the respondents did not raise any objection in this behalf, Section 3 of the Limitation Act enables the Tribunals to take the question of limitation into account.

7. We, therefore, dismiss the OA. There shall be no order as to costs.