

Union Of India And Others vs Rajiv Yadav, Ias And Others, Anil Kumar, ... on 21 July, 1994

Equivalent citations: AIR1995SC14, 1994(3)SCALE625A, (1994)6SCC50A, AIRONLINE 1994 SC 659, AIRONLINE 1994 SC 657, AIRONLINE 1994 SC 650, AIRONLINE 1994 SC 655

Bench: Kuldip Singh, M.M. Punchhi, K. Ramaswamy

ORDER

1. We have today pronounced judgment in Union of India and Ors. V. Rajiv Yadav, IAS and Ors. Civil Appeal No. 3542/92. The appeal has been allowed, the impugned judgment of the Central Administrative Tribunal has been set aside and the principles of "cadre allocation" for reserved candidates have been upheld.

2. In view of our judgment in Rajiv Yadav's case this appeal by the Union of India has to be allowed. For the reasons given and the conclusions reached by us in Rajiv Yadav's case, we allow this appeal, set aside the impugned judgment of the tribunal dated April 28, 1992 and dismiss the application filed by Ms. Anju Gupta before the tribunal.

3. Anju Gupta is an IPS officer of 1990 batch. Although she was allocated to Himachal Pradesh cadre, as a result of the interim orders of the Central Administrative Tribunal she is serving in the Uttar Pradesh cadre. She has also undergone training in Uttar Pradesh in the Hindi language. In the facts and circumstances of this case, despite our reversing the tribunal's judgment we direct that Anju Gupta shall continue to be allocated to the Uttar Pradesh Cadre. This will, however, not debar the Central Government from transferring Anju Gupta from one cadre to another in terms of Rule 5(2) of the Cadre Rules on any justifiable ground arising after this judgment. The appeal is allowed in the above terms. No costs.