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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 1158/2019**

MS. T. UMA (IFS)

..... Petitioner

Through: **Mr. B. Balaji with Mr. S. Arun
Prakash, Advs.**

versus

UNION OF INDIA AND ORS.

..... Respondent

Through: **Mr. Arun Bhardwaj with Ms. Nidhi
Prashar, Advs. for R-1 & R-2.**

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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05.02.2019

C.M. No. 5226/2019 (Delay In Refiling)

By this application the applicant seeks condonation of delay of 30 days in refiling the petition. For the reasons stated in the application, the delay is condoned. The application is allowed.

The application stands disposed of.

W.P.(C) 1158/2019

The petitioner has preferred the present writ petition to assail the order dated 18.09.25018 passed by Central Administrative Tribunal, Principal Bench, New Delhi (the Tribunal) in O.A. No. 698/2014. The Tribunal has rejected the said Original Application of the petitioner on the ground of limitation and on the ground that the affected parties are not

impleaded as party respondents.

The petitioner was selected to the Indian Forest Service (IFS) in the 2008 batch. The All India Rank of the petitioner in IFS was at serial No. 2 in the merit list. Since the candidate at Serial No.1 did not join, the petitioner became the 1st in the merit list for IFS. She is a native of Tamil Nadu State. She gave her preferences for cadre allocation as follows:

- i) Tamil Nadu
- ii) Karnataka
- iii) Andhra Pradesh
- iv) Kerela

The petitioner was allocated the Kerela Cadre in the year 2010. In the year 2014, she preferred the Original Application with the plea that the Cadre allocation done in her respect was incorrect in as, much as, there was one insider vacancy for the general category – to which she belonged, and the same should have been given to her. The petitioner contended that one of the candidates in the 2007 batch, namely Ms. M. Subhashri, who was allocated the Tamil Nadu cadre as an insider candidate, had not joined the said post and, therefore, that vacancy was available for the 2008 batch. The petitioner, therefore, contended that that vacancy should have been allocated to the petitioner.

We may observe that the stand of the respondent was that there were 2 outsider vacancies and, consequently, the petitioner could not be accommodated despite her being higher on the merit.

In our view, the Tribunal was right in dismissing the Original Application on the ground of bar of limitation. The allocation was made in the year 2010 and since then the respective officers allocated to different

cadres in the different states have been serving. The petitioner has not made any specific averments to explain the delay in filing the Original Application. No application to seek condonation of delay was filed before the Tribunal. In these circumstances, since the rights of the concerned parties have crystallised over the years, in our view, the Tribunal, rightly, did not examine the Original Application on merits. To alter the cadre allocation at this stage is bound to have chain reaction, which is best avoided.

We may also observe that the petitioner has been allocated to the State of Kerela, which is adjoining to the State of Tamil Nadu and, therefore, we are of the view that, in any event, no serious prejudice has been caused to the petitioner.

Dismissed.

VIPIN SANGHI, J

A. K. CHAWLA, J

FEBRUARY 05, 2019

N.Khanna