

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7866 OF 2009

M. GEETHA Appellant(s)
:VERSUS:
UNION OF INDIA AND ORS. Respondent(s)

O R D E R

Heard Ms. Rachana Shrivastava, learned counsel in support of this appeal, Ms. Indra Sawhney, learned counsel appearing for Union of India, Mr. Rajash Gautam, learned counsel appearing for the Allahabad Bank and Mr. Charudatta Mahindrakar, learned counsel appearing for the State of Chhattisgarh.

2. This appeal seeks to challenge the judgment and order dated 7.2.2007 rendered by a Division Bench of the High Court of Madhya Pradesh at Gwalior in Writ Petition (Civil) No.6345 of 2006 dismissing the said writ petition. The writ petition sought to challenge the order dated 28.11.2006 passed by the Central Administrative Tribunal, Jabalpur ("Tribunal", for short) in O.A. No.256/2005 which was filed by the appellant herein. The appellant is an I.A.S. Officer. She had filed that application challenging her allocation to the State of Chhattisgarh, and also the decision of the Central Government dated 23.2.2005 whereby her application for reconsideration of the allocation from the State of Madhya Pradesh to the State of Chhattisgarh had come to be rejected.

3. The short facts leading to this appeal are this wise. The appellant is an IAS officer of 1997 batch belonging to the Madhya Pradesh cadre. With the bifurcation of the State of Madhya Pradesh and creation of the State of Chhattisgarh, many I.A.S. officers of Madhya Pradesh including the appellant, have been allotted to the State of Chhattisgarh by order dated 31.10.2000. The appellant has submitted before the Tribunal as well as before the High Court that her husband was a Bank officer and was earlier working in the Allahabad Bank at Hyderabad, and in view of her allotment to the State of Madhya Pradesh, the Allahabad Bank posted him in Madhya Pradesh. It will be difficult for him to come over to Chhattisgarh. She has also a son to look after.

4. Ms. Shrivastava had pointed out before the Tribunal as well as before the High Court that some other IAS officers, who were transferred to Chhattisgarh, had also made representation and their representation came to be entertained by the Central Government and the appellant should also be accommodated on similar footing. The Central Government, however, explained its position before the Tribunal as well as before the High Court and this Court, as to why those representations were accepted and pointed out that it was not possible to accommodate each and every officer. The Tribunal as well the High Court accepted the submission of the Central Government and that is how her original application and writ petition came to be dismissed.

5. This appeal having been admitted, it was adjourned from time to time, and was heard on different dates. On the last date of hearing i.e. on 28.11.2013, learned counsel for the appellant submitted that

the appellant may make one last representation and took time to take instructions as to whether the appellant is agreeable to make a last representation to the Central Government whose decision thereon one way or the other, will be accepted by the appellant as the final decision. Ms. Shrivastava has informed us that the appellant has conveyed her concurrence to the suggestion made on the last date of hearing. She states that this fresh representation will be made within four weeks from today.

6. Before we pass further order, we may record that Mr. Balasubramaniam, learned counsel appearing for the Central Government has stated that if a representation is made by the appellant, it will be duly considered in accordance with law and governing rules. Learned counsel appearing for the State of Chhattisgarh submitted that the State of Chhattisgarh is short of officers and is in need of senior officers.

7. In view of what is stated above, the appellant may make a last representation to the Central Government within four weeks from today. We expect the Central Government to take a decision thereon as early as possible. As stated above, we are sure that the Central Government will duly consider her representation on its own merits in accordance with law and governing rules. We may make it clear that the decision of the Central Government rendered one way or the other, will be final.

8. In the event the decision of the Central Government is not in favour of the appellant, the appellant will join at Chhattisgarh within the time provided in the decision of the Central Government. The appellant will, however, not be relieved from her present position in Madhya Pradesh until a decision is taken by the Central Government on her representation and conveyed to her.

9. The appeal stands disposed of with this order. The orders of Central Administrative Tribunal and High Court stand substituted by this order.

(H.L. GOKHALE)

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.....J
(KURIAN JOSEPH)

New Delhi;
January 22, 2014.

ITEM NO.105 COURT NO.10 SECTION IV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 7866 OF 2009

M.GEETA Appellant(s)

VERSUS

(With appln(s) for directions, exemption from filing O.T., impleadment and office report)

Date: 22/01/2014 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. GOKHALE
HON'BLE MR. JUSTICE KURIAN JOSEPH

For Appellant(s) Ms. Rachana Srivastava,Adv.
Mr. Utkarsh Sharma,Adv.
Ms. Pratiksha Chaturedi,Adv.

For Respondent(s) Ms. Indra Sawhney,Adv.
Mr. R. Balasubramaniam,Adv.
Mrs. Tara Narula,Adv.
Mr. C.S. Nair,Adv.
For Mr. B.S. Banthia,Adv.

Mr. Rajesh Kumar Gautam,Adv.
Ms. Anupama Dhurve,Adv.
Mr. Manoj Mehta,Adv.
Mr. Yashraj Singh Deora,Adv.

Mr. Charudatta Mahindrakar,Adv.
Mr. A.P. Mayee,Adv.

Mr. Rohit Minocha,Adv.

Mr. P. Parmeswaran,Adv.

Mr. Dharmendra Kumar Sinha,Adv.

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UPON hearing counsel the Court made the following
O R D E R

Heard Ms. Rachana Shrivastava, learned counsel in support of this appeal, Ms. Indra Sawhney, learned counsel appearing for Union of India, Mr. Rajash Gautam, learned counsel appearing for the Allahabad Bank and Mr. Charudatta Mahindrakar, learned counsel appearing for the State of Chhattisgarh. Application for impleadment is allowed.

The appeal is disposed of in terms of the signed order.

(A.S. BISHT)
A.R.-CUM-P.S.

(SNEH LATA SHARMA)
COURT MASTER

(Signed order is placed on the file)