

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 6356 OF 2011  
(Arising out of SLP(C) No. 19865/2010)

TRIVENDRA KUMAR VERMA

Appellant(s)

VERSUS

STATE OF U.P. & ANR

Respondent(s)

O R D E R

Leave granted.

This appeal is directed against the judgment and order dated 22.02.2010 passed by the Allahabad High Court dismissing the writ petition of the Appellant on the ground that there could be no change in cadre in case of the Appellant, particularly in view of the fact that selection was pursuant to an advertisement issued for the purpose of selecting Medical Officers in Ayurvedic and Unani Medicine.

We have heard the learned counsel appearing for the parties on this appeal. Our attention is drawn to the appointment letter issued to the Appellant which clearly indicates that the Appellant was appointed as Medical Officer, Ayurvedic/Unani. In that view of the matter Appellant could be appointed only as Medical Officer Ayurvedic and Unani and not to any other cadre.

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Counsel appearing for the respondents has stated that there is no rule allowing any change of cadre, as the Appellant is bound and guided by the provisions of U.P. State Ayurvedic and Unani Service Regulations, 1990. There is no such rule in the said Rules permitting any such change of cadre.

Counsel appearing for the Appellant states that since

there is no rule prohibiting such cadre transfer, therefore,  
cadre transfer is permissible. We are unable to accept such a  
submission. If there is no condition in the service regulations  
permitting any change of cadre by an employee, no such cadre  
transfer would be permissible despite the prayer of the  
Appellant.

Therefore, there is no merit in the appeal, which is  
accordingly dismissed.

.....J  
(Dr. MUKUNDAKAM SHARMA)

.....J  
(ANIL R. DAVE)

NEW DELHI,  
AUGUST 5, 2011

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ITEM NO.45

COURT NO.13

SECTION XI

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

Petition(s) for Special Leave to Appeal (Civil) No(s).19865/2010

(From the judgement and order dated 22/02/2010 in CMWP No.  
5055/2010 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

TRIVENDRA KUMAR VERMA

Petitioner(s)

VERSUS

STATE OF U.P.& ANR

Respondent(s)

(With office report)

Date: 05/08/2011 This Petition was called on for hearing today.

CORAM : HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA  
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s) Dr. L.S. Chaudhary, Adv.  
Mr. D.S. Chaudhary, Adv.  
Mr. Indra Makwana, Adv.

For Respondent(s) Mr. Shail Kumar Dwivedi, AAG  
Mr. Ashutosh K. Sharma, Adv.  
Mr. Abhinav Shrivastava, Adv.

Ms. Niranjana Singh, Adv  
Ms. Shalini Kumar, Adv.  
Ms. Prema Singh, Adv.

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

Leave granted.

The appeal is dismissed in terms of the signed order.

(NAVEEN KUMAR)  
COURT MASTER

(RENU DIWAN)  
COURT MASTER

(Signed order is placed on the file)