

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). 47 OF 2004

UNION OF INDIA

Appellant (s)

VERSUS

JYOTHILAL K.R. & ORS.

Respondent(s)

(With office report)

Date: 03/05/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

For Appellant(s)

Mr. R. Mohan, ASG

Ms. Sandhya Goswami, Adv.

Mr. P. Parmeswaran, Adv.

For Respondent(s) Mr. L.N. Rao, Sr. Adv.

Mr. Itaris Beeran, Adv.

Mr. Jayant Muthuraj, Adv.

for M/S. Lawyer'S Knit & Co.

UPON hearing counsel the Court made the following

O R D E R

The Appeal is dismissed in terms of the signed order. No costs.

(Rajesh Dham)

(Radha R. Bhatia

Court Master

Court Master

(signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 47 OF 2004

UNION OF INDIA

Appellant (s)

VERSUS

JYOTHILAL K.R. & ORS.

Respondent(s)

O R D E R

It is not in dispute that the first respondent, an Indian Administrative Service

probationer, hailing from the State of Kerala, was allocated to the State of Orissa cadre.

Having joined there, he moved an application before the Central Administrative Tribunal

(hereinafter referred to as 'the Tribunal') seeking a direction to the Union of India to allocate

him to the Kerala State cadre on certain grounds. An interim order was passed on 09.08.1996 on

the basis of correspondence emanating from the State of Orissa and State of Kerala, which

indicated that, on the one hand, State of Orissa had no objection to the transfer and allocation

of the first respondent to the State of Kerala and, on the other hand, the State of Kerala had no

objection to accepting him as an officer in its cadre. As a result of this correspondence, the

interim prayer made by the first respondent was allowed by the Tribunal. Consequently, the

Union of India was directed to provisionally allow the first respondent to join the IAS cadre of

the State of Kerala treating him as provisionally allocated to the Kerala State cadre till the

disposal of the Original Application before the Tribunal. This interim order continued till the

Tribunal decided the application in favour of the first respondent. A Writ Petition carried by

the Union of India against the order of the Tribunal was dismissed by the impugned judgment.

The Union of India is in appeal before us against the judgment of the Division Bench of the

High Court of Kerala.

Although a number of legal issues of seminal importance were sought to be raised and

urged before us, it appears to us that there is no final relief that can be granted to the Union of

India in this Appeal. The first respondent has been working as an officer of the State of Kerala

cadre for almost ten years. Therefore, it would be unjust and inequitable to direct his

reallocation to the State of Orissa cadre, both from his point of view and from the point of view

of the efficiency of the administration. We are, therefore, not inclined to make any such order

with regard to the reallocation of the first respondent to the State of Orissa cadre.

In the result, we think that a just solution would be to dismissed this Appeal filed by

the Union of India, keeping open all the issues of law raised in this Appeal to be urged and

decided in a more appropriate case.

In this view, the Appeal is dismissed. No order as to costs.

J.

.....
(B.N. SRIKRISHNA)

J.

.....
(R.V. RAVEENDRAN)

NEW DELHI;

MAY 03, 2006.