



\* IN THE HIGH COURT OF DELHI AT NEW DELHI

*Reserved on: 24.12.2025*  
*Pronounced on: 09.01.2026*

+ W.P.(C) 77/2015

UNION OF INDIA .....Petitioner

Through: Ms.Pratima N. Lakra, CGSC  
with Mr.Shailendra Mishra,  
Ms.Mansi Aggarwal and  
Mr.Chanakya Kene, Advs.

versus

SHRI RAJ PRIY SINGH .....Respondent

Through: Mr.Sagar Saxena,  
Mr.Krishnandu Haldar and  
Mr.Abu Hassan Usmani, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**  
**HON'BLE MS. JUSTICE MADHU JAIN**

**JUDGMENT**

**NAVIN CHAWLA, J.**

1. This petition has been filed by the petitioner challenging the Order dated 11.02.2014 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the, 'Tribunal') in O.A. No. 1517/2012, titled *Sh. Raj Priy Singh v. Union of India*, by which the learned Tribunal had been pleased to allow the O.A. filed by the respondent herein with the following directions:

*"20. In the totality of facts and circumstances  
of the case, we dispose of the instant Original*



*Application with the following directions:*

- (i) *The impugned order dated 26.12.2011 is quashed and set aside;*
- (ii) *The respondent is directed to consider the case of the applicant for allocation of the State of Rajasthan by creating a supernumerary post;*
- (iii) *The exercise ordained above shall be completed by the respondent within a period of five months from the date of receipt of a certified copy of this order; and*
- (iv) *There shall be no order as to costs.”*

**CASE OF THE RESPONDENT BEFORE THE LEARNED TRIBUNAL:**

2. To give a brief background of the facts in which the present petition arises, the respondent had joined the Indian Forest Service on 30.08.2010 as a probationer after qualifying for the Indian Forest Service Examination, 2009 (IFS, 2009).

3. While filling up the form, he had recorded his willingness to work in the Home State of Rajasthan in Column 19 thereof by writing 'yes'.

4. The respondent claimed that he had recorded Rajasthan as his first choice of posting by way of his e-mail dated 08.05.2010. The respondent, before the said e-mail, had uploaded the preference forms, including one dated 23.04.2010, wherein he gave Rajasthan as a 6<sup>th</sup> choice in preference. He submitted before the learned Tribunal that this was due to a confusion being caused between the roman and the arithmetic numerals used in the form. It was submitted by the respondent that this confusion was recognized by



the petitioner, leading to the petitioner issuing the Office Memorandum (O.M.) dated 11.03.2011.

5. The respondent claimed that though Rajasthan was mentioned by the respondent as his 6<sup>th</sup> preference, being his Home State and the respondent having already stated in his application that he was willing to be posted in the Home State, the same was of no consequence and the respondent should have been treated as an 'insider candidate' by the petitioner while allocating the cadre in terms of the Cadre Allocation Policy for the All India Services-IAF/IPS/IFS, 2008, issued *vide* O.M. dated 10.04.2008 (hereinafter referred to as the, 'Cadre Allocation Policy').

6. The respondent further claimed that as per the Union Public Service Commission (UPSC) Selection List of IFS, 2009, there were three insider vacancies available for Rajasthan; one in General category, one in OBC category, and one in ST category. The respondent claimed that applying Clauses 5 to 8 of the Cadre Allocation Policy, the third insider vacancy should have been allocated to the respondent, instead he was allocated Nagaland cadre, which was his 22<sup>nd</sup> preference, by an incorrect interpretation of the Cadre Allocation Policy.

7. With the above grievance, the respondent had approached the learned Tribunal in form of the above O.A., praying for the following reliefs:

"a) Direct the respondent to allocate Rajasthan Cadre to the applicant.



*b) Direct the respondent to take necessary action to allocate cadre to the applicant as per his eligibility according to preference of the applicant out of the remaining 11 vacancies not taking into account preferences for those who had not joined."*

**IMPUGNED ORDER:**

8. The learned Tribunal, by way of the Impugned Order, held that though there was a confusion in the proforma seeking preferences from the candidates and the same led to a clarification being issued by the petitioner *vide* Letter dated 11.03.2011, however, the same would not have any effect on the case of the respondent inasmuch as the respondent had submitted a new set of preferences *vide* his communication dated 11.05.2010 and reiterated the same by way of a subsequent signed document dated 04.04.2011, giving Rajasthan as a 6<sup>th</sup> preference for the cadre allocation.

9. The respondent has not challenged the above finding before us. Therefore, as far as the present petition is concerned, we have to proceed on the basis that though the respondent had submitted that he has no objection on being posted in the Home Cadre, the Home Cadre of Rajasthan was given by him as his 6<sup>th</sup> preference, with the 1<sup>st</sup> preference being of State of Himachal Pradesh.

10. On above facts, the learned Tribunal held that as the respondent could not be allocated his first five preferences, he should have been considered for his 6<sup>th</sup> preference, that is, Rajasthan, as an 'Insider Candidate'. We quote from the Impugned Order as under:

*"16. It is well admitted that the applicant could not be allocated his first five*



*preferences. Therefore, we are of the opinion that the applicant ought to have been considered for his 6th preference, which is Rajasthan as he had opted in the revised option duly accepted by the respondent vide its letter dated 04.04.2011. Here, we are of the opinion that the option made while filling up the application form cannot be disregarded altogether. The second question that we are compelled to ask is that if the applicant is not considered for his 6th preference, which is of his Home State, then what would be meaning and purpose of giving the 6th choice. In that case, the rules would have simply stated that if an officer, who has not opted for his Home State as his first choice, would not be considered for his Home State in any of the subsequent options that he has made. The same, in our opinion, is totally against the rulings. Instead the position is otherwise. If an officer has opted for his Home State in a subsequent option, he has to be considered against the insider vacancy as per his position in merit. There is no general insider. Admittedly, Sudeep Kaur is superior to the applicant in the order of merit and has rightly been placed against the OBC vacancy and one Kapil Chandrawal (SC insider candidate having rank no.83), has also been rightly moved to fill in the other vacancy. Still there is one more insider vacancy against which the applicant ought to have been considered but this has not been the case. This issue is accordingly decided."*

11. Based on its above finding, the learned Tribunal held that while it would not be advisable to unsettle the cadre allocation already conducted by the petitioner, the petitioner must consider the case of the respondent for allocation of Rajasthan as a cadre by creating a supernumerary post.



12. Aggrieved of the above, the petitioner has filed the present petition.

**SUBMISSIONS OF THE LEARNED COUNSEL FOR THE PETITIONER**

13. The learned counsel for the petitioner submits that the learned Tribunal has erred in interpreting the Cadre Allocation Policy. She submits that for being appointed as an 'Insider Candidate', the respondent was required to give his Home State, that is, Rajasthan, as the 1<sup>st</sup> preference. In support of this plea, she places specific reliance on Clause 8 of the Cadre Allocation Policy and the Order of the learned Tribunal in *Ms. Arti Lal IAS Probationer (2010 Batch) v. Union of India & Anr.*, (2012) SCC OnLine CAT 565.

14. Placing reliance on the judgments of the Supreme Court in *Union of India & Ors. v. Rajiv Yadav, IAS & Ors.*, (1994) 6 SCC 38, and *Union of India & Anr. v. A. Shainamol, IAS & Anr.*, (2021) 20 SCC 267, she submits that no candidate can claim a vested right to the allocation of a particular cadre, including his Home State. The respondent was to join an All India Service and, therefore, has to be ready to serve at any part of the country and cannot insist on being allocated the Home State as his cadre. She submits that, therefore, the learned Tribunal has erred in issuing the above directions to the petitioner.

**SUBMISSIONS OF THE LEARNED COUNSEL FOR THE RESPONDENT**

15. On the other hand, the learned counsel for the respondent



submits that in terms of Clause 7 of the Cadre Allocation Policy, the rules for allocation of the Home Cadre have been prescribed. He submits that there were three Home Cadre vacancies in the impugned selection process; one for general category, one for OBC category and one for ST category. Ms.Sudeep Kaur was appointed against the insider OBC vacancy, and Mr.Kapil Chandrawal, an insider SC candidate was appointed against the second insider vacancy. For the third insider vacancy, the respondent should have been allocated the same as he was the senior most OBC insider candidate and had stated that he was willing to be allocated his Home State. However, by a wrong interpretation of the Cadre Allocation Policy, the respondent was not allocated his Home State but instead allocated Nagaland cadre, which was his 22<sup>nd</sup> preference.

15. Placing reliance on the judgment of the Supreme Court in ***C.M. Thri Vikrama Varma v. Avinash Mohanty & Ors.***, (2011) 7 SCC 385; of this Court in a batch of connected petitions including in ***Himanshu Kumar Verma & Anr. v. Union of India & Ors.***, (2019) SCC OnLine Del 8353, and on the judgment of the Kerala High Court at Ernakulam in ***Shilpa. D IPS v. Union of India & Ors.***, 2025:KER:37197, he submits that while a candidate may not have a vested right to being allocated a particular cadre, the candidate has a right to be considered fairly and in accordance with the rules applicable to the cadre allocation.

16. He submits that, in the present case, a reading of Clauses 5 to 8 of the Cadre Allocation Policy would clearly show that preference has



to be given for allocation of Home Cadre to the candidates who opt for Home Cadre, and it is only when there is no Insider Candidate available, that the vacancy will be shifted to outsider category.

17. He submits that the rules have to be interpreted with their normal grammatical meaning and hardship cannot dictate the interpretation of the rules. If there is a conflict between the rules and the policy directives, it is the statutory rules which will prevail. In support, he places reliance on the judgments of the Supreme Court in *Union of India & Ors. v. Somasundaram Viswanath & Ors.*, (1989) 1 SCC 175, *Gurudev datta VKSSS Maryadit & Ors. v. State of Maharashtra & Ors.*, (2001) 4 SCC 534; and *Rohitash Kumar & Ors. v. Om Prakash Sharma & Ors.*, (2013) 11 SCC 451.

### **ANALYSIS & FINDINGS**

18. We have considered the submissions made by the learned counsels for the parties.

19. As far as the facts are concerned, they are not in dispute and can be stated as under:

i. The respondent, in his application form, had in answer to Column 19 stated as under:

<i>In case you are finally recommended and appointed to the Indian Forest Service indicate whether you would like to be considered for allocation to the State/UT to which you belong.</i>	YES
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ii. The respondent, in his final preference, had given 1<sup>st</sup> preference to the State of Himachal Pradesh, with Rajasthan as his 6<sup>th</sup> preference and Nagaland being his 22<sup>nd</sup> preference.



iii. There were a total of 3 'Insider' vacancies for the State of Rajasthan, which were divided into various categories as under:

Name of the State/ Joint Cadre	General (Unreserved)		Other Backward Classes		Scheduled Castes		Scheduled Tribes		Total
	Insider	Outsider	Insider	Outsider	Insider	Outsider	Insider	Outsider	
Rajasthan	1	2	1	0	0	1	1	0	6

iv. The final allocation for the State of Rajasthan was as under:

Rank No.	Name of Candidate	Home State declared	Category	Insider/Outsider
28	Bijo Joy	Kerala	General	Outsider
36	Vikram Kesharee Pradhan	Orissa	General	Outsider
60	Sudeep Kaur	Rajasthan	OBC	Insider
75	Anita	Uttar Pradesh	SC	Outsider
80	Supongsashi	Nagaland	ST	Outsider
83	Kapil Chandrawal	Rajasthan	SC	Insider

v. The respondent had secured 64<sup>th</sup> rank in the final merit and was an OBC category candidate, however, in spite of non-availability of Insider candidate for the General vacancy, instead of being allocated Rajasthan, his Home State, was allocated Nagaland, that is, his 22<sup>nd</sup> preference.

20. In the above facts, we need to determine if the respondent had rightly been excluded from being allocated Rajasthan cadre under the Cadre Allocation Policy.

21. The Cadre Allocation Policy, so far as is relevant to answer the above issue, is contained in Clause 5 to Clause 8 thereof, which are reproduced hereinunder:



*“5. The candidates shall give their choice in the order of their preference from amongst the various State cadres including his ‘Home cadre/state’ and if a candidate does not give any preference for any of the cadre(s), it will be presumed that he has no specific preference for those cadre(s). Accordingly, if he is not allotted to any one of the cadres for which he has indicated preference, he shall be allotted along with other such candidates in the order of rank to any of the remaining cadres, arranged in alphabetical order, in which there are vacancies in his category after allocation of all the candidates who can be allotted to cadres in accordance with their preference.*

*6. A candidate shall be allotted to his Home cadre or any other cadre, as the case may be, on the basis of his merit, preference and vacancy available at his turn in his category.*

*7. The following shall be the formula for filling up of an insider vacancy belonging to a particular category for which a candidate is not available.*

*a. When no candidate is available against an Insider SC vacancy in a Cadre, the same shall be filled up by bringing in the senior most insider officer available in the merit list of ST candidates (failing which in the merit list of OBC candidates and in the merit list of the Unreserved candidates in that order), and shifting the SC vacancy of the Cadre to the cadre to which the incoming officer would have normally been allotted against the available outsider vacancy in his category (failing which to the next cadre in alphabetical order in which the outsider vacancy is available).*

*b. When no candidate is available against an Insider ST vacancy in a Cadre, the same shall be filled up by bringing in the senior most insider officer available in the merit list of SC candidates (failing which in the merit*



*list OBC list and in the merit list of the Unreserved candidates in that order) and shifting the ST vacancy of the Cadre, to the cadre to which the incoming officer would have normally been allotted against the available outsider vacancy in his category (failing which to the next cadre in alphabetical order in which the outsider vacancy is available).*

*c. When no candidate is available against an Insider OBC vacancy in a Cadre, the same shall be filled up by bringing in the senior most insider officer available in the merit list of ST candidates (failing which in the merit list of SC candidates and in the merit list of the Unreserved candidates in that order) and shifting the OBC vacancy of the Cadre to the cadre to which the incoming officer would have normally been allotted against the available outsider vacancy in his category (failing which to the next cadre in alphabetical order in which the outsider vacancy is available).*

*Provided that in every such case listed in clause (a), (b) and (c) above, if insider-physically-disabled-candidate(s) of the relevant community is/are available, such physically disabled candidate (senior most in the merit list) shall be so adjusted. In other words, a physically disabled candidate would have a higher claim for being adjusted as compared with non-physically disabled candidates of his community.*

*d. When no insider unreserved candidate is available against an Insider Unreserved vacancy available in a Cadre but insider SC/ST/OBC candidate(s) is/are available, such senior most ST candidate (failing which such senior most SC candidate and such senior most OBC candidate in that order) shall be adjusted by shifting out the Unreserved insider vacancy to the next cadre in alphabetical order having outsider vacancy in that category and bringing in an Outsider vacancy of that*



category from that cadre.

8. The cadre allocation shall consist of three steps as follows:

(i) First, all those candidates who can be allocated against the insider vacancies available in their category would be so allocated.

(ii) Second, the candidates who are eligible for allocation to their Home State as per para 7 above will be allocated-first as per clause (d) of para 7 and then as per the remaining part of para 7. In the context of clause (a), (b) and (c) of para 7 above, the cadres to which the incoming officers would have normally been allocated would be determined by allocating all the candidates remaining unallocated after allocation as per clause (i) of para 8 and clause (d) of para 7 above, against the outsider vacancies plus all the insider vacancies remaining unallocated after the said allocation as per clause (i) of para 8 and clause (d) of para 7 above. Wherever the allocation happens to be against only the unallocated insider vacancy and no outsider vacancy is available in the cadre to facilitate the exchange, the next cadre in alphabetical order in which outsider vacancy is available in the relevant category would be considered for transfer of SC/ST/OBC vacancy as per clause (a), (b) and (c) of para 7 above. If an insider vacancy cannot be filled as per para 7 above, it would be converted to outsider vacancy and filled as such, duly accounting the fact of unfilled insider vacancy in the insider-outsider roster of the relevant cadre.

(iii) Finally, all the remaining candidates will be listed under their respective category in the order of merit and then allocated to a cadre on the basis of their merit, preference and the outsider vacancies in their category (including the outsider vacancies resulting from conversion of insider vacancies, which remained eventually unfilled after the



*allocation as per clause (i) and (ii) of para 8 above) available at their turn in the cadres other than their home cadre. Notwithstanding this, however, if during the course of allocation against the outsider vacancies as above a candidate is going to be allocated to his own home cadre because there are no other vacancies left for allocation other than those in his home cadre, an 'exchange' would be resorted to whereby the allocation of such candidate would be swapped with the cadre allotted to the first candidate above him in the list whose home state and allotted cadre are different."*

22. A reading of the above Policy would show that a candidate has to give his/her choice in order of his/her preference from amongst the various State cadres, including his/her 'Home Cadre/State'. The candidate shall be allocated his home cadre or any other cadre, as the case may be, on the basis of his merit, preference and vacancy available 'at his turn in his category'. Clause 7 of the Cadre Allocation Policy gives a formula for filling up of an insider vacancy, that is, a vacancy earmarked for the Home State cadre. However, before we deal with the same in detail, we would first like to note Clause 8 of the Cadre Allocation Policy, which states that the cadre allocation shall consist of three steps, with the first being that all those candidates who can be allocated against the insider vacancies available in their category would be allocated first; thereafter, the candidates who are eligible for allocation to their Home State as per Clause 7 above will be allocated by first applying Clause 7(d) and thereafter, Clause 7(a), (b) and (c); and it is only thereafter that the remaining candidates will be listed under their respective categories in order of merit and



allocated a cadre on the basis of their merit, preference, and outsider vacancies in their category including the ones resulting from conversion of insider vacancies available at their turn in the cadres other than their home cadre. Therefore, once the Insider Vacancies are filled, the allocation proceeds for the Outsider Vacancies, which would also include the leftover vacancies of the Insider Vacancies.

23. We are of the opinion that if Clause 8 of the Cadre Allocation Policy is to operate, the candidate must give his/her Home State as his/her first preference otherwise the whole scheme of Clause 8 would fail. This can be easily seen from the following example- Let us say, a candidate, like in the present case the respondent, had not given his Home State as the first preference but as the 6<sup>th</sup> preference. The candidate, because of merit, was entitled to one of the first five preferences that he had given as an outsider candidate. In case the preference of Home State is to prevail, such a candidate would necessarily be given the home cadre though that was not his choice, over and above the first five preferences. This would deny such a candidate of his right to be allocated a cadre in accordance with his merit and preference. The Cadre Allocation Policy does not provide for the same.

24. A harmonious reading of Clauses 5 to 8 of the Cadre Allocation Policy can mean that the petitioner shall first allocate the insider vacancies as per the category of the candidates who have given Home State as the first preference. In case the insider vacancy still remains vacant and unfilled, Clause 7 of the Cadre Allocation Policy will be



put into operation and the vacancies will be allocated in accordance thereto, to the remaining candidates who had given Home State as their first preference, however, due to lack of vacancy or the vacancy being filled in their category as Insiders, could not be allocated the Home Cadre. Once this exercise is completed, the leftover Insider vacancies shall be treated as Outsider vacancies and shall be allocated to remaining candidates as per their merit and preference.

25. The Cadre Allocation Policy cannot be read to mean that irrespective of the preference of the candidate, if an insider vacancy is available in his Home cadre and he has opted for the same, only the Home cadre will be allocated to such a candidate. This, to our mind, would defeat the rights of the candidate to be allocated the cadre as per his/her merit and his/her preference.

26. The above mode of allocation of cadre was also explained by the learned Tribunal in its judgment in *Ms. Arti Lal* (supra), with which we agree.

27. While considering the claim of a candidate for allocation of a particular cadre, the Supreme Court in *A. Shainamol* (supra), following the judgment in *Rajiv Yadav* (supra), held that the allocation of a particular cadre is not a matter of right; while a selected candidate has a right to be considered for appointment and being allocated a cadre in terms of the Cadre Allocation Policy, he/she has no right to be allocated a particular cadre of his/her choice or to his/her Home State; allotment of cadre is an incidence of service and the candidate must be willing to serve in any cadre that is allocated to



him/her in accordance with the Policy.

28. In **C.M. Thri Vikrama Varma** (supra), which has been relied upon by the learned counsel for the respondent, this principle was reiterated by observing that a member appointed to the All India Service has no right to be allocated a particular State cadre, but only has a right to a fair and equitable treatment in the matter of allocation under Article 14 and Article 16(1) of the Constitution of India.

29. While there can be no dispute with the legal principles of interpreting a statute/rule/policy document, that such interpretation must be in accordance with the natural, ordinary or popular sense and in accordance with the grammatical meaning assigned to the words used, and cannot be governed by the considerations of hardship or inconvenience being caused to any party, however, applying the above rules, we find that no fault can be ascribed to the petitioner in not allocating the Home Cadre of Rajasthan which the respondent claimed as a 6<sup>th</sup> preference. The judgments of the Supreme Court in **Somasundaram Viswanath** (supra), **Gurudev datta VKSSS** (supra) and in **Rohitash Kumar** (supra) cannot come to the aid of the respondent.

30. In **Himanshu Kumar Verma** (supra), this Court found that the interpretation and implementation of the Cadre Allocation Policy, 2017, resorted to by the respondents therein, was unreasonable and arbitrary. We do not find any such case being made out by the respondent herein.

31. In **Shilpa. D IPS** (supra), the High Court of Kerala at



Ernakulam found fault in the number of vacancies having been allocated for the insider candidates in various categories and the subsequent allocation thereof. The said judgment, therefore, will have no application to the facts of the present case.

32. Keeping in view the above, we are unable to sustain the Impugned Order passed by the learned Tribunal. In our view, the respondent was rightly not considered for the insider vacancy for his Home Cadre, that is, the State of Rajasthan, as he had chosen the same as his 6<sup>th</sup> preference of his cadre allocation, and when considered for the same as an Outsider Candidate, did not qualify as per his merit.

33. The Impugned Order passed by the learned Tribunal is, accordingly, set aside.

34. The petition is allowed.

35. The parties shall bear their own costs.

**NAVIN CHAWLA, J.**

**MADHU JAIN, J.**

**JANUARY 9, 2026/sg/ik**