

IN THE SUPREME COURT OF INDIA  
 CIVIL APPELLATE JURISDICTION  
 CIVIL APPEAL NO.6699 OF 2004

UNION OF INDIA & ANR.

... APPELLANTS

VERSUS

PABAN KUMAR BARTHAKUR & ANR.  
 RESPONDENTS

...

ORDER

The Union of India has challenged the order of the High Court dated 07.02.2003 upsetting the Cadre Allotment Rules 1985 with regard to the IAS. In the catena of decisions this Court repeatedly held that cadre allotment is within the domain of the Executive Authority unless the exercise of power is tainted with malafide or against the prescribed statutory Rules. In that view of the matter the impugned order of the High Court is not legally sustainable and is accordingly set aside.

However, in the instant case it has been brought out by the Union of India in their affidavit dated 19.07.2007 that a policy of cadre change applicable to North-Eastern Region has been framed on 11.07.2006 and on the basis of the said policy the case of respondent No.1 shall be considered for transfer from Nagaland cadre to the Joint Cadre of Assam-Meghalaya. The leave is also sought for from this Court to allow the Central Government to give effect to the policy decision dated 11.07.2006 taken by the Central Government specifically applicable to the North Eastern Region. It is also averred that the case of Shri

2

Barthakur(Respondent No.1) for transfer from Nagaland cadre to the Joint Cadre of Assam-Meghalaya being considered on the basis of North-East policy as contained in the order dated 11.07.2006 without affecting the general policy of Cadre Allotment. In view of this averment made by the Union of India in paragraphs 6 and 8 of the affidavit filed on 19.07.2007, in compliance to the order dated 18.7.2007 passed by this Court, they are allowed four weeks' time to pass necessary orders to effect the transfer of Shri

Barthakur from Nagaland to the Joint Cadre of Assam-Meghalaya in terms of policy decision dated 11.07.2006 specifically applicable to the Norther Eastern Region. Till the order as aforesaid is passed the respondent shall be allowed to remain in Joint Cadre of Assam-Meghalaya.

The appeal is disposed of in the above terms.

.....J.  
( H.K. SEMA )

.....J.  
( LOKESHWAR SINGH PANTA )

NEW DELHI,  
AUGUST 14, 2007.

3

ITEM NO.104

COURT NO.5

SECTION XIV

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 6699 OF 2004

UNION OF INDIA & ANR.

Appellant (s)

VERSUS

PABAN KUMAR BARTHAKUR & ANR.

Respondent(s)

(With prayer for interim relief and office report )

Date: 14/08/2007 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Appellant(s)

Mr. Vijay K. Mehta, Adv.

Mr. Sunita Sharma, Adv.

Mr. P. Parmeswaran, Adv.

For Respondent(s)

Mr. Vijay Hansaria, Sr. Adv.

Mr. Suresh C. Gupta, Adv.

Mr. D. Vidyanandan, Adv.

Mr. A. Guneshwar Sharma, Adv.

Ms. Sneha Kalita, Adv.

Mr. Satyendra Kumar, Adv.

Ms. Momota Oinam, Adv.

for M/S Corporate Law Group, Adv

UPON hearing counsel the Court made the following  
ORDER

The appeal is disposed of in terms of the signed

order.

(PAWAN KUMAR)  
COURT MASTER

4

(ANAND SINGH)  
COURT MASTER

(signed order is placed on the file)