

'cadre' generally "denotes a strength of a service or a part of service sanctioned as a separate unit. It also includes sanctioned strength with reference to grades in a particular service. Cadre may also include temporary, supernumerary and shadow posts created in different grades".

JS Yadav v. State of UP, (2011) 6 SCC 570

A three-judge Bench of this Court while dealing with the scope of the expression 'cadre' referred to various judicial pronouncements. The Bench noted:

"24. [...] The dispute that arose for consideration of this Court in *Dr. Chakradhar Paswan v. State of Bihar* [(1988) 2 SCC 214] relates to the posts of Director and three Deputy Directors in the Directorate of Indigenous Medicines, Department of Health, State of Bihar being grouped together for the purpose of implementing the policy of reservation under Article 16(4) of the Constitution of India. [...] It was held that the term "cadre" has a definite legal connotation in service jurisprudence. This Court referred to Fundamental Rule 9(4) which defines the word "cadre" to mean the strength of a service or part of a service sanctioned as a separate unit. [...]

25. [...] The meaning of "cadre" fell for consideration of this Court again in *Union of India v. Pushpa Rani* [(2008) 9 SCC 242]. "Cadre" in the 1985 edition of the Railway Establishment Code is defined as the strength of a service or a part of a service sanctioned as a separate unit. This Court held that the posts sanctioned in different grades would constitute independent cadres, even for the purpose of implementing the roster. The reason for giving an enlarged meaning to the term "cadre" was that the posts in the railway establishment are sanctioned with reference to grades. Even temporary, work-charged, supernumerary and shadow posts created in different grades can constitute part of the cadre.

[...]

28. It is clear from the above statutory regime and the law laid down by this Court that civil posts under the Government are organised into different services. A service constitutes 'classes'/'groups' of posts. A 'class'/'group' is further bifurcated into grades. Though the nomenclature might be different, the structure of services under the Union and the States is similar. According to the instructions issued by the Union of India, cadres are constituted for each grade. At the cost of repetition, the Union of India submitted that there are 3800 cadres in 44 Ministries / Departments. **Fundamental Rule 9(4) defines "cadre" to mean the strength of a service or part of a service sanctioned as a separate unit. It is the choice of a State to constitute cadres.** The entire service cannot be considered to be a cadre for the purpose of promotion from one post to a higher post in a different grade. Promotion is made from one grade to the next higher grade, in relation to which cadres are constituted. This Court in *Dr. Chakradhar Paswan* (supra) has categorically stated that the post of Director and Deputy Director cannot form one cadre. A cadre is constituted by the Government by taking into account several factors within its sole discretion."

Jarnail Singh v. Lacchmi Narain Gupta, 2022 SCC OnLine SC 96