

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.040/00411/2016

Date of Order: This the 20th Day of November, 2017

HON'BLE MOHD HALEEM KHAN, ADMINISTRATIVE MEMBER
HON'BLE MR.S.N.TERDAL, JUDICIAL MEMBER

1. Sri Mahesh Chandra Kalita,IFS
Working as Plan Officer,
Karbi Anglong Autonomous Council,
P.O.-Diphu, Dist:Karbi Anglong,
Assam

Applicant

By Advocate Mr.M.Chanda,

-Versus-

1. The Union of India
Through the Secretary
Ministry of Environment, Forest & Climate Change,
Indira Paryavaran Bhawan, 6th Floor Prithvi Block,
For Bagh Road, Ali Ganj, New Delhi-110003.
2. The State of Assam,
Represented by the Chief Secretary
Govt. of Assam,P.O.-Dispur,Guwahati-781006
3. The State of Meghalaya
Represented by the Chief Secretary
Govt. of Meghalaya, Shillong-790001
4. The Principal Secretary,
Forests Department, Govt.of Assam, Dispur
Guwahati-781006

5. The Secretary

Government of India
 Department of Personnel and Training
 Ministry of Personnel,
 Public Grievances and Pensions,
 North Block, New Delhi-110001.

6. The Union Public Service Commission,

Represented by its Secretary,
 Dholpur House,
 Shahjahan Road,
 New Delhi-110069

7. The Joint Cadre Controlling Authority, IFS

Assam Meghalaya Joint Cadre
 Represented by the Chief Secretary,
 Govt. of Assam,
 P.O.-Dispur, Guwahati-781006.

Respondents

Mr.R.Hazarika, Addl.C.G.S.C.

Mr.K.Das, G.A., Assam.

O R D E R (O R A L)

Per Hon'ble S.N.Terdal, Member(J):

This O.A.is filed by the Applicant seeking the following reliefs:-

“8.1 That the Hon'ble Tribunal be pleased to direct the respondents to consider the appointment/promotion of the applicant to the cadre of IFS against the existing available vacancy for the year 2010 by holding a review selection/selection in terms of relevant provision laid down in Rule 8 of the Indian Forest Service (Recruitment) Rules 1966

read with sub-regulation (1) of regulation 9 of the Indian Forest Service (Appointment by promotion) Regulation, 1966 with a further direction to consider his allocation to Assam cadre of Indian Forest Service under sub-rule (1) of Rule 5 to the Indian Forest Service (Cadre) Rules, 1966."

2. Heard Mr.M.Chanda, learned counsel for the Applicant and Mr.R.Hazarika, learned Addl.C.G.S.C. for the Respondents. Perused the pleadings and all the documents produced by both sides.
3. The admitted facts of the case are that one Shri Arup Kumar Das was appointed to IFS Cadre of Assam in the Select List of 2010 vide Notification No.17013/09/2011-IFS-II dated 06.05.2013. But however, in view of the order dated 22.7.2013 passed in W.P.(C) No.4548/2012 by the Hon'ble High Court of Gauhati and in view of the order passed by the Hon'ble Supreme Court in the SLA(C) No.16019-16020/2014 (p-37) dated 8.10.2014 the said Arup Kr.Das was appointed to the IFS Cadre of Assam in the Select List of 2008 vide Notification No.17013/22/2008-IFS-II dated 23.11.2015. The Applicant was immediate junior to the said Arup Kumar Das. And he was promoted to the IFS of Assam Cadre against the Select List of 2012.

4. The Claim of the Applicant is that as he being immediate junior to the said Arup Kumar Das as the said Arup Kumar Das has been

promoted in the Select List of 2008 and consequently one vacancy fallen unfilled for the Select List of 2010, as such he should be considered for the Select List of 2010. The Government of Assam has already forwarded the representation of the Applicant in this regard to Respondent No.1, Government of India, Ministry of Environment Forest & Climate Change. In view of these fact the Applicant prays for a direction to the Respondents No.1, for holding Review Selection Meeting for his promotion in the Select List for 2010.

5. The only contention of the Respondent No.1, in their reply is that the vacancy determination, the Selection Committee Meetings and appointments against Select Lists for the years 2010 to 2015 have already been finalized and notified, as such the claim of the Applicant is not justified. But however, in our considered opinion, the claim of the Applicant is justified, as in the case of said Shri Arup Kumar Das, Applicant is entitled for a direction to the Respondent, particularly, Respondent No.1 for holding Review Selection Committee Meeting for the Select List of 2010.

6. In the result, O.A. is allowed. The Respondent No.1 is directed to hold Review Selection Committee Meeting for the Select List of 2010 and to consider the Applicant in that Review Select

Committee Meeting in accordance with the provisions of Rule 8 of the Indian Forest Service (Recruitment) Rules 1966 read with sub-regulation (1) of regulation 9 of the Indian Forest Service (Appointment by promotion) Regulation, 1966, and allocate him to Assam Cadre.

7. No order as to costs.

(S.N.TERDAL)
JUDICIAL MEMBER

(MOHD HALEEM KHAN)
ADMINISTRATIVE MEMBER

LM