

U b

**CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH,  
CAMP AT NAGPUR.**

O.A.211/00152/2017

Dated this Friday the 15<sup>th</sup> day of November, 2019.

**Coram: Dr.Bhagwan Sahai, Member (Administrative).**

1. Krishna Pratap Singh,  
Deputy Ranger
2. Pradip Sadashiv Nagose,  
Deputy Ranger
3. Bhushan Shivlal Bhanarkar,  
Fieldman.

All working in office of  
Regional Director,  
Forest Survey of India,  
Central Zone, C.G.O. Complex,  
Seminary Hills,  
Nagpur - 440 006. .. Applicants.

( By Advocate Shri S.K. Verma ).

**Versus**

1. Union of India,  
Ministry of Environment and Forests,  
through its Secretary,  
C.G.O. Complex, Paryavaran Bhawan,  
Lodhi Road, New Delhi - 110 011.
2. The Director General,  
Forest Survey of India,  
Kaulagadh Road, Dehradun  
Uttarakhand.
3. The Regional Director,  
Forest Survey of India,  
Central Zone, C.G.O. Complex,  
Seminary Hills,  
Nagpur - 440 006. .. Respondents.

( By Advocate Ms.Sushma ).

Order reserved on : 04.11.2019  
Order delivered on : 15.11.2019.

O R D E R

Shri Krishna Pratap Singh, Shri Pradip Sadashiv Nagose and Shri Bhushan Shivlal Bhanarkar working as Deputy Rangers and Fieldman with the office of Regional Director, Forest Survey of India, Central Zone, C.G.O. Complex, Seminary Hills, Nagpur have filed this O.A. on 17.07.2017. They are seeking quashing and setting aside of order dated 25.12.2016 by declaring it violative of Articles 14 and 16 of the Constitution of India, direction to the respondents to abide by provisions of Para 2.5.4 of Manual of National Forest Inventory of India (NFI) by allowing them to perform duties in forest fields for 20 days and at headquarters at Nagpur for 10 days in a month, grant compensatory off against all 2<sup>nd</sup> Saturdays, Sundays and public holidays which fall in a month and pay cost of this O.A.

**2. Summarized facts:**

**2(a).** The applicants no.1 and 2 joined as Deputy Rangers from 26.03.2011 and 01.02.2013, respectively and applicant no.3 joined as Fieldman on 29.03.2011. It has been stated by the applicants that as per Para 2.5.4 of Chapter-II of the Manual of National Forest Inventory of India (NFI), Field work is to be carried out for 20 working days in a month (Annex-A-3 & A-4). In a meeting with Respondent No.3 on 04.08.2016, problems of field staff were discussed but in the

reply the respondent no.3 communicated that there is no such provision for granting compensatory off or extra allowance in lieu of work done on Sundays and holidays.

**2(b).** It is further claimed that as per the above mentioned provisions of the Manual, the applicants are entitled to be at headquarters for 10 working days per month. In this regard the applicants submitted representations to Respondent No.2 through Respondent No.3 but they have been rejected.

Therefore, this O.A.

**3. Contentions of the parties:**

The applicants in the O.A., rejoinder and during arguments on 04.11.2019 through their counsel contend that -

**3(a).** they are entitled for duty for 10 working days at headquarters, Nagpur after completing duty of 20 working days in the Forest. But rejection of their representations by the respondents is discriminatory in nature;

**3(b).** that the applicants are civilian Central Government employees and they are entitled to avail of all Saturdays, Sundays and public holidays and compensatory off from field duties those days in every month, which they are not allowed to;

**3(c).** the claim of the respondents is not correct that the stipulation of 20 working days in a month in

the field in the NFI Design Manual (Para 2.5.4) is the minimum requirement and it does not mean that crew members would spend remaining 10 days at headquarters;

**3(d).** keeping the applicants posted continuously in the field for nine months without allowing them to avail of holidays is violative of terms and conditions of their appointment orders and stipulations of Para 2.5.4 of the Manual;

**3(e).** the applicants do not want to claim Transport Allowance as per the current practice by visiting the headquarters on the last date of the month. Therefore, the O.A. should be allowed.

In their reply and sur-rejoinder and during arguments of their counsel on 04.11.2019, the respondents contend that-

**3(f).** the Manual of National Forest Inventory of India is a technical document directed at field data planners, collectors and trainers to understand detailed procedure of inventory. It contains guidelines and descriptions of methodology and procedures used in forest inventory; Trees Outside Forests Inventory and biomass study. It prescribes sampling design for survey, layout design of sample plot, formation of field crew, organization of field work, field forms to record different measurements and other instructions. The manual presumes

availability of minimum 20 days working in a month to ensure monthly output of 10 plots per crew. However, these limits are the lower limits of work considering terrain conditions, etc and efforts should be made to improve the output of work. The above mentioned stipulation does not mean that the crew members shall spend remaining 10 working days at headquarters without any work;

3(g). in the advertisement issued by the Staff Selection Commission for the posts of Deputy Rangers in Forest Survey of India, Nagpur dated 28.01.2008 and 26.09.2009 clearly provided that the candidates may have to remain on field duty continuously at places far away from headquarters. Thus the applicants were fully aware of the job requirement when they voluntarily applied for the posts and thereafter joined on the posts and have worked for many years (Annex-R-8(b), page 114);

3(h). the applicants have been recruited primarily for field work as non-ministerial staff with well informed job requirements of having to remain on field duty for long periods;

3(i). the averments of the applicants in Para 4.8 of the O.A. are baseless and misleading. As a humanitarian measure, they are allowed to visit headquarters during a month to claim Transport Allowance and, therefore, it is not prudent for the

respondents to allow the field employees to work only for 20 days in the field and for remaining 10 days at headquarters where there is no work for them;

3(j). the other demands of the applicants to avail of holidays, grant of compensatory leave while on tour, etc have been examined and not acceded to as per the rules of the Ministry of Environment, Forests & Climate Change because the applicants are granted TA/DA for the period of their field duties;

3(k). the Forest Survey Inventory of India is a national institute of international repute and it has national and international commitments to carry out extensive field surveys to collect scientific data of vital importance and monitor the forest and tree cover of the country;

3(l). the provisions in the NFI Field Manual are broad technical guidelines on sampling design, etc of field surveys, they do not deal with service conditions of field staff. Therefore, the claim of the applicants that they should be allowed to work for 10 days in a month at headquarters is totally baseless and misleading, therefore, the O.A. should be dismissed.

#### 4. Analysis and conclusions:

I have perused the OA memo, its annexes, rejoinder of the applicant, reply and sur-rejoinder filed by the respondents and the arguments of

counsels advanced before me on 04.11.2019. Based on careful consideration of all these, my conclusions are follows:

**4(a).** At the outset it is necessary to mention that the impugned order challenged by the applicants in the present O.A. is in fact not an order or decision of the respondents adversely affecting them. It only mentions about rejection of their certain demands during meeting with senior respondent authorities and inspite of that in view of indulgence of the applicants in repeated correspondence on the same issue, the letter of 25.12.2016 only seeks their explanation as to why disciplinary action under Rule 11 of CCS (CCA) Rules, 1965 should not be taken against them.

**4(b).** Since it is only a show cause notice seeking reply from the applicants, it does not contain any adverse, final decision of the respondent authorities against the applicants. Therefore, filing of this O.A. is not maintainable. In fact the O.A. deserved dismissal at the admission stage itself. However, it was admitted by the Tribunal on 21.07.2017 and, therefore, subsequent proceedings have taken place.

**4(c).** On merits of the case, as explained by the respondents it is clear that the National Forest Inventory (NFI) Design Manual is not a manual of service conditions of field staff of the Forest

Survey of India. Para 2.5.4 of the Manual only prescribes the monthly work output requirements of the crew for field survey by presuming availability of minimum 20 working days in a month. It is also clearly stated in that para that these limits are the lower limits of the work considering terrain conditions, etc. However, efforts should be made to improve the work. Therefore, the contention of the applicants that as per that presumptive norm for work output of field survey prescribed under Para 2.5.4 of the Manual, they should be allowed to work in the field only for 20 days in a month and for remaining 10 days at headquarters is based on misunderstanding of that stipulation. It is not correct.

**4(d).** Their claim is based on failure in properly understanding the above stipulations of the manual. As submitted by the respondents, in view of this norm of minimum work output of field survey work, the applicants certainly cannot have any claim for duty at the headquarters for 10 days per month when there is no work for them at the headquarters, Nagpur. They are field staff of the respondents, not office staff on tour.

**4(e).** Moreover as per provisions of Administrative Tribunals Act, Original Applications can be submitted to the Tribunal for adjudication of specific decisions of the concerned authorities in terms of

judicial review of the process of decision making. The Tribunal is not a forum for agitating for various kinds of demands or requests. These issues are exclusively in the domain of the concerned competent authorities.

4(f). Since the applicants have unnecessarily filed this O.A. without challenging any specific decision of the respondents which may be affecting their service conditions adversely, no justification has been brought out in their submissions for intervention of this Tribunal in the form of judicial review. In view of these facts, I conclude that the present O.A. is a totally wasteful exercise indulged in by the applicants, it is devoid of merit and not even maintainable, hence it deserves dismissal. However, I am restraining from imposing cost on the applicants for indulging in this wasteful litigation.

5. Decision:

The O.A. is dismissed. No costs.

(Dr. Bhagwan Sahai)  
Member (A).

H.

