

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.2565/98

New Delhi: this the 15th day of April, 1999.

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN (A).

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J).

1. Shri Balbir Singh,
S/o Shri Mand Singh Gusain,
R/o C-4/E/14, Janakpuri,
New Delhi.
2. Shri Dharam Singh,
S/o Shri Gobar Singh,
R/o Village Fatehpur Beri,
Harsaoop Colony,
New Delhi.
3. Shri Jagdish Singh Rana,
S/o Shri Lakh Ram,
R/o House No.204,
Village & P.O.Khera Kalan,
Delhi-082.
4. Shri Jagminder Singh,
S/o Shri Dalip Singh,
Vill. & P.O.Mazra Dabas,
Delhi-081.
5. Shri Ram Parvash Mishra,
S/o Shri Ramanand Mishra,
R/o A-624, Budh Vihar,
Delhi-041.
6. Shri Balbir Singh Rawat,
S/o Shri Rudar Singh Rawat,
R/o Vill. Fatehpur Beri,
Harsaoop Colony,
New Delhi.
7. Shri Shiv Charan,
S/o Late Shri Imarat Singh,
R/o 591/28-F, Ram Gali,
Vishwas Nagar, Shahdara,
Delhi-032

..... Applicants.

(By Advocate Shri Ashok Agarwal)

Versus

1. Govt. of National Capital Territory of Delhi,
through its Chief Secretary,
5, Shyam Nath Marg,
Delhi-054.
2. The Secretary (Environment & Forest),
Govt. of National Capital Territory of Delhi,

(3)

3rd. Floor, Vikas Bhawan,
I.P. Estate,
New Delhi.

..... Respondents.

& others

(By Advocate: Shri Rajinder Pandita for official
respondents.

Shri G. D. Gupta for private respondents.

ORDER

BY HON'BLE MR. S. R. ADIGE VICE CHAIRMAN (A).

Applicants impugn respondents' action dated 27.12.98 (Annexure- A) withdrawing their earlier order dated 7.12.98 (Annexure-H) promoting them on adhoc basis as Dy. Rangers.

2. With the consent of applicant's counsel Shri Ashok Agarwal and respondents' counsel S/ Shri G. D. Gupta and Rajinder Pandita, all of them were finally heard on the OA at admission stage.

3. It is well settled that when RRs exist, even adhoc promotions should conform to those RRs as much as possible. The RRs for the post of Dy. Ranger dated 20.9.65 as amended by Notification dated 17.1.95 (Annexure-F Only) make it clear the post of Dy. Ranger is to be filled by promotion by adopting non-selection method from amongst Forest Guards in the pay scale of Rs.725-1025 with 5 years' regular service in the grade and relevant training in the field. It is not denied that applicants as well as private respondents have the necessary 5 year service as Forest Guards, and private respondents were senior to applicants as

(A)

Forest Guards. Nothing has been shown by applicants to suggest that the essential qualification of 'relevant training in the field' has to be confined to institutional training alone, which as per applicants' claim they have undergone, but not respondents. The words 'relevant training in the field' make it clear that the training cannot be confined to institutional training alone and would include other types of training imparted in the field. In fact the words 'relevant training in the field' denotes the entire gamut of training imparted in the field. Even if for a moment it is assumed that the words 'relevant training in the field' denotes institutional training alone, then there was a legal obligation upon respondents to send the Forest Guards for institutional training strictly as per their seniority so that the senior Forest Guards received training before those junior to them such that the non-selection method for promotion, to the post of Dy. Ranger which emphasised seniority was adhered to as per the RRs. Respondents could not have followed a pick and choose policy dehors the seniority principle in sending Forest Guards for institutional training, and thereafter on that basis make promotions to the post of Dy. Rangers by ignoring the seniority principle. Official respondents have stated that it is the seniority principle which was ignored at the time of issuing order dated 7.12.98, which they themselves corrected soon after, by issue of impugned order dated 27.12.98.

2

(5)

4. In the facts and circumstances noticed above, we are satisfied that there is nothing illegal, irregular, improper or infirm in impugned order dated 27.12.98.

5. The OA is therefore dismissed. Interim orders are vacated. No costs.

Lakshmi Swaminathan

(MRS. LAKSHMI SWAMINATHAN)

MEMBER(J)

Andalige

(S. R. ADIGE)

VICE CHAIRMAN(A).

/ug/