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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.1727/97

New Delhi, this the 11th day of September, 2000.

Hon'ble Mr. Justice V. Rajagopala Reddy, VC (J)
Hon'ble Mr. S.A.T. Rizvi, M (A)

Dr. J.S. Negi, Dy. Director, Forest
Survey of India, Kaulagarh Road, Dehra
Dun (UP)

.....Applicant.

(By Advocate: None even on the second call).

VERSUS

1. Union of India, through the
Secretary, Ministry of Environment
& Forest, 'Paryavaran Bhawan'
(P.E. Section), C.G.O. Complex, Lodhi
Road, New Delhi-3.
2. Inspector General of Forest,
Ministry of Environment & Forest,
'Paryavaran Bhawan' (P.E. Section),
C.G.O. Complex, Lodhi Road, New
Delhi-3.
3. The Director, Forest Survey of
India, Kaulagarh Road, Dehra Dun
(UP).

.....Respondents.

(By Advocate: Sh. N.S. Mehta)

O R D E R (ORAL)

By Hon'ble Mr. Justice, V. Rajagopala Reddy, VC (J):

The applicant was appointed as Industries Officer in the Forest Survey of India in 1976. The post of Industries Officer has been re-designated as Dy. Director w.e.f. 29.4.81. The applicant submits that as he has been performing scientific research work related to his field, he was entitled for promotion as Jt. Director in the Forest Survey of India, as per the recruitment rules. It is his grievance that the IFS Officers are being preferred denying the applicant for promotion which he is entitled to under the law. The present OA is, therefore, filed for consideration of his promotion to the post of Jt. Director w.e.f. 1993.

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2. It is, however, the stand of the respondents that as per the Group 'A' posts in the Forest Survey of India (National Forest Data Management Centre), Recruitment Rules, 1993, the method of recruitment for appointment to the post of Jt. Director was by way of promotion/transfer on deputation. But the applicant, a Dy. Director (Industries) is not entitled for promotion, it was only Dy. Director (System Manager) with 10 years regular service in the grade, would be entitled for promotion. It is, therefore, contended by the learned counsel for the respondents that the applicant was rightly not considered for promotion to the post of Jt. Director.

3. None appeared for the applicant either in person or through counsel even on the second call. We have heard Sh. N.S. Mehta, learned counsel for the respondents.

4. The method of promotion to the post of Jt. Director as seen from the recruitment rules, is as under:-

"Promotion/Transfer on Deputation (including short term contact)

I.(a) Officers under the Central/State Govts./Universities/ Govt. Research Institutions/ Public undertakings/ Statutory or Autonomous Organisations.

(i) holding analogous posts on a regular basis; or

(ii) with five years regular service in posts in the scale of Rs.3700-5000 and

(b) possessing the educational qualifications and experience prescribed for direct recruits under col. eight.

II) The Departmental Deputy Director (System Manager) with Ten year's regular service in the grade will also be considered and in case he is

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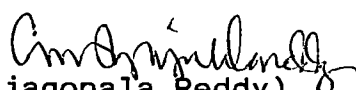
selected for appointment to the post, the same shall be deemed to have been promoted."

5. It is, therefore, clear that only Departmental Dy. Director (System Manager) is entitled for consideration if he has 10 years regular service. It is not in dispute that the applicant was Dy. Director (Industries). It is also made clear in the counter affidavit that in the year 1987, a new scheme entitled "Forest Survey of India-Application of Remote Sensing Techniques in Survey of Forests" was sanctioned by the Govt. of India and the under the new scheme, a new unit, namely, National Forest Data Management Centre (NFDMC) was created within the Forest Survey of India organisation. While the digital image processing and cartographic system and various other facilities to facilitate digital interpretation of satellite data for vegetation mapping and storage/analysis of forestry related data, the Dy. Director (System Manager) was one of the post created for the new scheme. Hence, it is clear that only the incumbents holding the post which has been so created, was entitled to be considered for the post of Jt. Director.

6. Considering the above facts, we do not find any merit in the OA. The OA, therefore, fails and is accordingly dismissed. No costs.

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(S.A.T. Rizvi)
Member (A)

/sunil/


(V. Rajagopala Reddy)
Vice-Chairman (J)